SECTION 2: CONDUCT REGULATIONS AND PROCEDURES

2-2 DEFINITIONS

For purposes of Sections 2, 3, and 4 and Appendix VII of the Code of Student Life (“Code”),

1. The term “University” means the University of North Dakota.

2. The “North Dakota University System” (NDUS) refers to the 11 public colleges and universities, in whole or in part, governed by SBHE. SBHE is the policy-setting body for NDUS.

3. The term “student” includes all persons taking courses at and/or receiving instruction through the University, whether credit hours are earned, whether full-time or part-time, or whether pursuing undergraduate, graduate, non-degree, or professional studies.

Under this Section, persons who withdraw after allegedly violating the Code, who are not enrolled for a particular term but have a continuing relationship with the University, who have been notified of their acceptance for admission, or who are living in University residence facilities whether they are enrolled are considered “students.”

4. All references within Section 2, Section 3, and Appendix VII of the Code to “student”(s) include both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted herein.

5. The term “complaint” is a statement by a student or other university member indicating they have witnessed or have knowledge of a violation of the Code performed by a Student or Student Organization. Additionally, involved parties may choose to provide the information to law enforcement for pursuit in the court system.

6. The term “complainant” means any person alleging that a student violated this Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Code as are provided to the Complainant, even if another member of the University community submitted the charge itself.

7. The term “charge” is an official accusation of a violation of the Code, by a Student Conduct Administrator against a student or student organization.

8. The term “accused student” means any student accused of violating the Code.

9. The term “faculty member” means any teacher, grader, researcher, or other person considered by the University to be a member of its faculty. (See SBHE Policy 605.1 at #4).

10. The term “member of the university community” includes any person who is a student, faculty member, University official, or any other person employed by the University. A person’s status in a particular situation shall be determined by a Senior Student Conduct Administrator.

11. The term “University premises” means all land, buildings, facilities, and other property in possession of, or owned, used or controlled by the University (including adjacent streets and sidewalks).
12. The term “student organization” means any number of persons who have complied with the formal requirements for University recognition/registration.

13. The term “student organization advisor” means a person registered in the Student Involvement Office to act in an advisory role for a student organization.

14. The term “student conduct administrator” (“SCA”) means any person authorized by a senior student conduct administrator to determine at an informal conference whether a student or student organization has violated the Code and to recommend imposition of sanctions.

15. The term “senior student conduct administrator” (“SSCA”) refers to the Dean of Students and the Director of Residence Services, or others, to whom the Vice President for Student Affairs delegates the role(s) of administering the policies, procedural rules, and program for student discipline hearings, and/or for the appointment of individuals and groups to act as Student Conduct Administrators.

16. The Vice President for Student Affairs (“VPSA”) is that person designated by the University President to be responsible for the administration of the Code.

17. The term “student judicial body” means any person or group of persons authorized by the VPSA or designee to determine at a hearing whether a student has violated the Code and to recommend imposition of sanctions. Judicial Bodies are and include SCAs in the Dean of Students Office and in Residence Services, and others, and the Student Relations Committee.

18. The “Student Relations Committee” (“SRC”) is a committee authorized by the VPSA to determine whether a student has violated the Code and to apply sanctions that may be imposed when a rules violation has been committed.

19. The term “judicial officer” means any person authorized by the VPSA to represent the University or other complainant at an SRC hearing.

20. The term “personal advisor” means any person chosen by a student complainant or an accused student who may assist the student throughout the disciplinary process but who shall not advocate or speak on behalf of the student therein.

21. The term “personal advocate” means any person chosen by a student complainant or an accused student who may assist the student throughout the SRC proceedings; this includes acting on behalf of the student, making opening and closing statements, calling and questioning witnesses, and providing general guidance, support and advice to the student.

22. The term “policy” means any written regulation, standard, and/or student conduct expectation, either disseminated by SBHE or adopted by the University and found in the Code, the University Apartments Handbook, the Residence Halls Planner & Handbook, a NDUS or University website, or other document or announcement of the University.

23. The term judicial-, discipline-, conduct-, and/or fact-finding “meeting” means a private, informal opportunity for an accused student to discuss allegation(s) in the Code or other policy with an SCA.

24. The term judicial, discipline, or conduct “hearing” means a setting in which the accused student(s) presents arguments to an SCA.
25. The term “decision” means a determination after consideration of the facts. A “decision” (as noted in Section 2-V-B) is the result of a hearing and is reflected by the student being found “responsible” or “not responsible” of charge(s) of violating the Code.

26. The term “preponderance” refers to the standard of proof used by an SCA/Judicial Body at the University of North Dakota. Under preponderance of information, an SCA/Judicial Body uses available facts to determine whether it is more likely than not a violation of the Code occurred. Preponderance also may be described as an SCA reaching 51% certainty a violation was committed.

27. “Mediation” is an alternative method of resolving disputes and conflicts outside of the formal judicial process. It is a voluntary process requiring the participation of a mediator who operates from an impartial basis and whose primary role is to facilitate an agreement. When mediation is suggested, the Dean of Students or designee will determine if that process is appropriate and will coordinate necessary arrangements for the mediation. If a satisfactory agreement is not reached through mediation, the complainant may still refer the complaint for adjudication. No information learned from the mediation will be used in any further process; however, a violation of a mediation agreement will be treated as a sanction violation.

28. Appellate Body means any person or persons authorized by the VPSA or designee to consider an appeal of a judicial body’s determination that a student has violated the Code or an appeal of the sanctions imposed by the SCA. See Section 2-7-A or Appendix VII-4-I.

29. The term “shall” is used in the imperative sense.

30. The term “may” is used in the permissive sense.

31. Any attempted violation of the Code will be treated as a completed act.

REVISION RECORD:
August 17, 2015- Published