

Section 3: Emergency Situations, University's Right to Suspend, and Emergency Suspension Hearings before the SRC.

The University of North Dakota is committed to providing services which create an optimal educational opportunity for all of its students.

When there is information that the continued presence of a student on the university campus poses a substantial threat to him/herself or others, to the stability and continuance of normal university functions, or to the property of the University or others, the VPSOS or designee, may engage options listed in this section.

A. Reporting

Any person who has information that the continued presence of a student on the university campus poses a substantial threat shall contact the Dean of Students or designee. The Dean of Students shall conduct such investigations as he/she deems appropriate to determine if a Behavior Evaluation Committee should be convened and/or emergency action implemented.

B. Behavioral Evaluation Committee

The Dean of Students shall convene a Behavioral Evaluation Committee and conduct such investigations as deemed appropriate.

1. A Behavior Evaluation Committee is comprised of as many of the following persons as are appropriate to serve: the Dean of Students or designee (Chair), a member of the Counseling Center professional staff, Dean or representative(s) of the student's academic college, a representative of the Housing Office (in cases involving a residential student), a representative from University Police Department, and any other persons whom the Dean of Students or designee believes can provide significant input regarding the student.
2. Each committee may follow such procedures it deems appropriate under the circumstances, including the need to employ summary procedures to protect the student, other persons, the educational process and/or property.
3. To the extent that the conditions of the situation warrant participation by the student, reasonable efforts may be used to provide notice to a student of any Meeting, its purpose, and his/her opportunity to participate in such Meeting. The student is allowed to bring an advisor but the Meeting will not be postponed to accommodate the advisor's schedule.
4. Circumstances may require prompt decisions. A Behavioral Evaluation Committee may convene and may cause proceedings to be prompt and informal

5. At the conclusion of its proceedings, the Behavior Evaluation Committee shall determine whether the student poses such a threat as set forth above. The Committee may:
 - a. find that no action is necessary;
 - b. require further evaluation of the student through appropriate experts including, but not limited to, the director of the Counseling Center and/or the director of the UND Student Health Service. In such a case, the Committee may postpone a final decision until after further evaluation results are received;
 - c. refer the matter to appropriate civil or criminal authorities for action;
 - d. establish conditions under which the student may continue at the University and/or within the residence halls and procedures for enforcement of those conditions;
 - e. recommend a voluntary withdrawal of the student from the University and/or campus residence, and/or
 - f. impose (as noted below) an involuntary removal of the student from the University, certain programs, courses or services, and/or from campus residence.
6. Decisions of the Committee shall be final, unless appealed.
7. In the event the Dean of Students or designee, the Vice President for Student and Outreach Services and/or a committee have acted without having afforded the student an opportunity for a hearing, an opportunity for a student judicial hearing shall be afforded.

C. Temporary, Immediate Removal

Option 1. Emergency Suspension, Pending a Hearing

Pending action on charges or in emergency situations, the VPSOS or designee may suspend the right of the student to be present on the campus; to attend classes (including on-campus or on-site instruction or practicum or on-line environments); and/or to otherwise alter the status of a student when behavior poses:

- a. A threat of danger and/or injury to self or others,
- b. A threat of disruption of the educational process for others,
or
- c. A threat of destruction of the property of the University or others.

Emergency Suspension shall be interpreted as having the intent of terminating, on a temporary basis, the relationship between a student and the University.

Option 2. Right to Assert Temporary Conditions on Students, Pending a Hearing

Pending action on charges, an SSCA or designee may assert temporary conditions on an accused student. The student will be provided notice according to Section 2, Article V (Student Conduct Code Procedures).

Potential temporary conditions imposed upon a student include instructions that a student may not attend class or other privileges itemized in Section 2, Article VI (University Disciplinary Sanctions), D. Under these restrictions, accused students are denied permission to be physically on campus and/or to use university facilities or services. A student may negotiate with his/her faculty member(s) for consideration in course timelines or methods of teaching or testing; faculty member(s) are under no obligation to agree to such considerations.

Option 3. Other actions.

The Dean of Students, or designee, may contact the named student for purposes of a conversation, referral to resources, and/or for further judicial action, without regard to the establishment of an emergency situation.

D. Jurisdiction

Responses to information received indicating the threat posed by a student may be addressed through the above procedures under the University's *Code*.

E. Review of Actions under Option(s) C-1 or C-2 by Student Relations Committee.

An emergency alteration, as noted in Item C-1 or C-2, in status or privileges or an emergency suspension is considered temporary in nature and subject to a Preliminary Hearing by the Student Relations Committee. The Hearing Panel size for such a Preliminary Hearing shall be determined by the VPSOS or designee. The Committee shall be convened within ten class days. The student has the option of scheduling an informal conference with the Dean of Students or designee before a Hearing takes place.

The purpose of a Preliminary Hearing is to hear information from the student who has been placed under Temporary, Immediate Removal and from the Dean of Students Office, for consideration in determining if the Temporary, Immediate Removal should remain in effect until the matter is resolved.

See Appendix VII for information regarding the SRC.