

March 30, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2150

Page 1, line 3, after "education" insert "; to provide for the development of a uniform policy; and to provide for a report to the legislative management"

Page 1, line 12, replace "disciplinary" with "rules or"

Page 1, line 12, after the underscored period insert "This right applies to both the student who has been accused of the alleged violation and to the student who is the accuser or victim."

Page 1, line 15, after the underscored period insert "Before the disciplinary proceeding is scheduled, the institution shall inform the students in writing of the students' rights under this section."

Page 1, line 19, replace "procedure" with "proceeding"

Page 1, line 21, after the first "violation" insert "of the institution's rules or policies"

Page 1, line 23, after the first underscored period insert "This right applies to both the student organization that has been accused of the alleged violation and to the accuser or victim."

Page 2, line 2, remove "disciplinary or conduct"

Page 2, line 3, after "rules" insert "or policies"

Page 2, line 4, remove "disciplinary or conduct"

Page 2, line 4, after "rules" insert "or policies"

Page 2, line 4, replace "may" with "must be afforded an opportunity to"

Page 2, line 5, after "institution's" insert "initial"

Page 2, line 5, remove "the same institutional body that conducted the original"

Page 2, line 6, replace "proceeding" with "an institutional administrator or body that did not make the initial decision for a period of one year after receiving final notice of the institution's decision. The right to appeal the result of the institution's disciplinary proceeding also applies to the student who is the accuser or victim"

Page 2, line 7, remove "The student or a student organization must file the appeal no later than one year"

Page 2, remove line 8

Page 2, line 9, remove "discipline from the institution."

Page 2, line 20, replace "In any successful appeal brought under subsection 3," with "If the appeal results in the reversal of the decision or a lessening of the sanction,"

Page 2, after line 22, insert:

5. For purposes of this section, "fully participate" includes the opportunity to make opening and closing statements, to examine and cross-examine

witnesses, and to provide the accuser or accused with support, guidance, and advice. This section does not require an institution to use formal rules of evidence in institutional disciplinary proceedings. The institution, however, shall make good faith efforts to include relevant evidence and exclude evidence which is neither relevant or probative.

6. This section does not affect the obligation of an institution to provide equivalent rights to a student who is the accuser or victim in the disciplinary proceeding under this section, including equivalent opportunities to have others present during any institutional disciplinary proceeding, to not limit the choice of attorney or nonattorney advocate in any meeting or institutional disciplinary proceeding, and to provide simultaneous notification of the institution's procedures for the accused and the accuser or victim to appeal the result of the institutional disciplinary proceeding.

SECTION 2. STATE BOARD OF HIGHER EDUCATION TO DEVELOP POLICY - REPORT TO LEGISLATIVE MANAGEMENT. The state board of higher education shall develop and implement a procedure for student and student organization disciplinary proceedings which is applied uniformly to all institutions under the control of the state board of higher education. Before July 1, 2016, the state board of higher education shall report to the legislative management on the status of the implementation of the uniform procedure."

Renumber accordingly