

What to Do If Your Institution Does Not Allow Counsel in the Judicial Process

If you go to a public school outside the states of Tennessee, Oregon, North

a licensed attorney or, if the complaining student prefers, a nonattorney advocate.

(2) 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 of higher education to use formal rules of evidence in disciplinary proceedings. The institution, however, shall make good faith efforts to include relevant evidence and exclude evidence that is neither relevant nor probative.

(3) Before the disciplinary proceeding is scheduled and at least two business days before a student may be questioned by an institution of higher education or by an agent of the institution of higher education about allegations of violations of the institution's disciplinary or conduct rules, where the charges are punishable by a suspension of 10 or more days or expulsion, the university must advise the student in writing of his or her rights under this Act.

(9) The institution shall ensure that all parties to the proceeding, including the accused student, the accused student organization, and if applicable, the accusing student, have access to all material evidence, including both inculpatory and exculpatory evidence, not later than one week prior to the start of any formal hearing or similar adjudicatory proceeding. Such evidence may include but is not limited to complainant statements, third-party witness s

the institution of higher education for the semester during which the violation of the Act occurred, plus monetary damages of not less than the amount of any scholarship funding lost as a result of the campus discipline, and any other relief in equity or law as deemed appropriate including, but not limited to, a de novo rehearing at the institution of higher education, in accordance with this section.

(15) A person or student organization must bring suit for violation of this Act not later than one year after the day the cause of action accrues. For purposes of calculating the one-year limitation period, the cause of action shall be deemed accrued on the date that the student or student organization receives final notice of discipline from the institution of higher education.

(16) This Act takes effect on [DATE] and applies to all disciplinary proceedings beginning on or after that date.