

STUDENT RIGHT TO ACTIVE COUNSEL

Representative **Kim Coleman** proposes the following amendments:

1. Page 3, Lines 73 through 80:

- 73 (f) demonstrative evidence.
- 74 (6) ~~(a)~~ "Full participation" means the opportunity in a student or student organization
- 75 disciplinary proceeding to ~~{~~ :
- 76 ~~— (a) make opening and closing statements;~~
- 77 ~~— (b) examine and cross-examine a witness; and~~
- 78 ~~— (c) provide an accused student, an accused student organization, or an alleged victim~~
- 79 ~~support, guidance, or advice.}~~ participate to the full extent that the student or student organization
would otherwise be allowed to participate under an institution's policy or rule and provide an accused
student, accused student organization, or an alleged victim support, guidance, or advice.
- (b) "Full participation" includes the ability to make opening and closing statements or, in
accordance with Section 53B-26-207, present and question a witness.
- (c) "Full participation" does not include a procedural right other than a right described in
Subsection (6)(a) or (b).
- 80 (7) "Legal representation" means an attorney or, at a person's sole discretion, a

2. Page 6, Lines 167 through 175:

- 167 (b) an investigator;
- 168 (c) an ~~{institutional prosecutor}~~ administrator presenting arguments and evidence on
behalf of the institution ~~;~~ or
- 169 (d) an advisor to a person described in Subsection (1)(a), (b), or (c).
- 170 (2) If an individual employed by the institution or otherwise representing an institution
- 171 serves as an investigator and an ~~{institutional prosecutor}~~ administrator presenting arguments and
evidence on behalf of the institution for the alleged violation of a policy or
- 172 rule, the institution shall advise an accused student, accused student organization, or an alleged
- 173 victim prior to the investigation proceeding.
- 174 (3) An individual may not serve as an investigator or ~~{institutional prosecutor}~~ administrator
presenting arguments and evidence on behalf of the institution and an
- 175 advocate for an accused student, accused student organization, or an alleged victim.