

**1st Sub. H.B. 337**  
**STUDENT RIGHT TO ACTIVE COUNSEL**

Senator **Stephen H. Urquhart** proposes the following amendments:

1. *Page 3, Line 81 through Page 4, Line 88*

*House Committee Amendments*

3-8-2016:

81 nonattorney advocate.

82 (8) "Policy or rule" means a policy or rule of an institution that, if violated ~~{, may result}~~ :

(a) for a student ~~{,}~~ :

**(i) may result** in suspension of 10 calendar days or more or expulsion from the

84 institution; ~~{or}~~ **and**

**(ii) involves behavior or actions that, if prosecuted, could result in felony criminal charges; or**

85 (b) for a student organization ~~{,}~~ :

**(i) may result** in the suspension or the removal of institutional

86 recognition of the student organization ~~{,}~~ **; and**

**(ii) involves behavior or actions that, if prosecuted, could result in felony criminal charges.**

87 (9) "Proceeding" means an adjudicatory meeting, whether formal or informal,

88 including an appeal that is:

2. *Page 6, Line 176 through Page 7, Line 186*

*House Committee Amendments*

3-8-2016:

176 Section 8. Section **53B-26-207** is enacted to read:

177 53B-26-207. Application -- Institution policies **-- Report** .

178 (1) Nothing in this part may be interpreted to prohibit an institution from temporarily

179 suspending an accused student or accused student organization pending the completion of a

180 student or student organization disciplinary proceeding. (2) (a) An institution shall enact policies to

govern proceedings in which a student has

182 a right to active counsel in accordance with this part.

183 (b) An institution may adopt a policy requiring an accused student's, accused student

184 organization's, or an alleged victim's attorney or advocate to submit questions for an opposing

185 party first to a hearing officer.

**(3) Each institution shall, no later than January 31, 2017, submit a written report to the Higher Education Appropriations Subcommittee on the polices and rules that each institution has adopted or proposes to adopt to ensure that the institution has provided an accused student, an accused student**

organization, and an alleged victim due process rights in a student or student organization disciplinary proceeding.

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H→ [Section 9. Section ~~53B-26-208~~ is enacted to read: