

59 (2) "Accused student" means an individual enrolled in an institution who has allegedly
 60 violated a policy or rule.

61 (3) "Accused student organization" means a student organization that has allegedly
 62 violated a policy or rule.

63 (4) "Alleged victim" means an individual whose rights are allegedly infringed or who
 64 is otherwise allegedly harmed by an accused student's or student organization's violation of a
 65 policy or rule.

66 (5) "Evidence" means information that is inculpatory or exculpatory as it relates to an
 67 accusation against an accused student or accused student organization, including:

68 (a) a complainant statement;

69 (b) a third-party witness statement;

70 (c) electronically stored information;

71 (d) a written communication;

72 (e) a post to social media; or

73 (f) demonstrative evidence.

74 (6) "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 support, guidance, or advice to an accused student, accused student
 79 organization, or alleged victim.

80 (7) "Legal representation" means an attorney or, at a person's sole discretion, a
 81 nonattorney advocate.

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

83 (a) for a student, in suspension of 10 calendar days or more or expulsion from the
 84 institution; or

85 (b) for a student organization, in the suspension or the removal of institutional
 86 recognition of the student organization.

87 (9) ~~Ĥ~~→ (a) ←~~Ĥ~~ "Proceeding" means an adjudicatory meeting, whether formal or informal,
 88 including an appeal that is:

89 ~~Ĥ~~→ [(a)] (i) ←~~Ĥ~~ required by a policy or rule; or

90 ~~Ĥ→~~ [(b)] (ii) ~~←Ĥ~~ held to determine whether a policy or rule has been violated.

90a ~~Ĥ→~~ (b) "Proceeding" does not include an adjudicatory meeting, formal or informal,
90b before a court. ~~←Ĥ~~

91 (10) (a) "Student disciplinary proceeding" means a proceeding initiated by an
92 institution to determine whether an accused student has violated a policy or rule.

93 (b) "Student disciplinary proceeding" does not include a proceeding that solely
94 involves a student's academic dishonesty.

95 (11) "Student organization" means a club or other organization:

96 (a) that meets during noninstructional time;

97 (b) that is recognized by the institution at which the organization meets; and

98 (c) the majority of whose members are current students at the institution.

99 (12) (a) "Student organization disciplinary proceeding" means a proceeding initiated by
100 an institution to determine whether an accused student organization has violated a rule or
101 policy.

102 (b) "Student organization disciplinary proceeding" does not include a proceeding that
103 solely involves a student's academic dishonesty.

104 Section 4. Section **53B-27-203** is enacted to read:

105 **53B-27-203. Student disciplinary proceedings -- Legal representation.**

106 (1) An institution may not prohibit:

107 (a) an accused student from being represented, at the accused student's expense, by
108 legal representation at a student disciplinary proceeding that pertains to the accused student; or

109 (b) an accused student's legal representation from full participation in a student
110 disciplinary proceeding that pertains to the accused student.

111 (2) An institution may not prohibit:

112 (a) an alleged victim from being represented, at the alleged victim's expense, by legal
113 representation at a student disciplinary proceeding that pertains to the alleged victim; or

114 (b) the alleged victim's legal representation from full participation in a student
115 disciplinary proceeding that pertains to the alleged victim.

116 (3) (a) An institution shall provide an accused student described in Subsection (1) or an
117 alleged victim described in Subsection (2) written notice of the accused student's or alleged
118 victim's rights under this section.

119 (b) Unless there are exigent circumstances that reasonably justify proceeding without
120 providing notice under Subsection (3)(a), an institution shall establish policies and procedures