
STUDENT DISCIPLINARY PROCEDURAL LANGUAGE REGARDING ADVISORS FOR STUDENTS APPEALING DISCIPLINARY ACTION

The following paragraphs, which are taken from the Student Disciplinary Procedures of the Coast Community College District (developed with the advice of legal counsel in the late 1990s), allow the College Disciplinary Administrator to differentiate between those students who may be accompanied by an attorney and those who may not at a disciplinary appeal.

The following two sentences should be included in the definitions section of the student disciplinary procedure.

"Attorney" means any person who is admitted to practice law in the State of California.

"Campus Appeal Advisor" means a current student or employee of the Coast Community College District who at the student's request accompanies the student and advises him at a hearing before the Student Discipline Appeal Committee.

Include these paragraphs in the section on conduct of the appeal hearing.

A Campus Appeal Advisor may accompany the student to the hearing. A Campus Appeal Advisor may only advise the student. The Campus Appeal Advisor may not address the Student Discipline Appeal Committee, examine or cross-examine witnesses or in any other way participate in the hearing.

An attorney licensed to practice in California may accompany the student to the hearing only if the student is charged with criminal charges arising from the same incident at issue before the Student Discipline Appeal Committee. An attorney accompanying a student at a hearing before the Student Disciplinary Appeal Committee shall only advise the student. The attorney may not make any statements or presentations to the hearing panel, examine or cross-examine any witnesses, present evidence or any written material to the panel. An attorney accompanying the student to a hearing before the Student Disciplinary Appeal Committee may not in any way disrupt or interfere with the hearing process. Any violation of this section shall result in the removal of the attorney. An attorney shall provide the College Disciplinary Administrator with a Retention Letter confirming that he/she has been retained by the student at least five (5) days before the hearing. The attorney's Retention Letter shall include the attorney's State Bar number.

The procedure should include information about the written notice to students when a property right is at risk. The following material extends beyond the issue of advisors to include all the elements necessary in the letter.

Content of Written Notice. The written notice required under this section shall include:

- a. A statement of the charges against the student that provide the basis for the sanction sought to be imposed, including a factual description stated with reasonable particularity of the conduct upon which the charges are based.
- b. Notification to the student of his/her right to file an appeal as outlined in [the box] below.
- c. Notification to the student that he/she may be accompanied at the appeal hearing by:
 - (i) a campus appeal advisor of his/her choice;
 - (ii) an attorney, if criminal charges are pending that stem from the student disciplinary incident in question;
 - (iii) the student's parent or legal guardian if the student is a minor.
- d. Notification to the student of his/her right to provide an interpreter.
- e. If a decision to immediately suspend has been reached, the terms of such suspension.
- f. A copy of this policy.

The student should be told what to include in his or her letter of appeal. Here is procedural language used to insure that all students are treated consistently.

Content of Request For Appeal. A student's request for appeal of either expulsion, long term suspension, or denial of financial aid shall be in writing and shall contain the following:

- a. If the student wishes to have a campus appeal advisor accompany him/her to the hearing, the name of the individual he/she has chosen to act as his/her campus appeal advisor;
- b. If the student is eligible to have an attorney accompany him/her to the hearing, the name, address and telephone number of the student's attorney. No later than five (5) days prior to the hearing, the student must have his/her attorney deliver a Retention Letter, including his/her State Bar number, to the College Disciplinary Administrator.

Other elements of the letter of appeal do not relate to the discussion here.

Note

Mr. Dimsdale is not an attorney. The material in this article and the accompanying files should not be construed as legal advice.