Use of Attorneys in Student Disciplinary Proceedings as outlined in Executive Order 1098 (CSU Student Conduct Procedures)

Executive Order 1098, Student Conduct Procedures, Article III. General Provisions, Section D. Attorneys, specifies that each campus president determines whether attorneys are permitted to be present in all or some student conduct proceedings.

Executive Order 1098 specifies that student conduct proceedings are not meant to be formal courtroom-like trials. Although university related sanctions may be imposed, the process is intended to provide an opportunity for learning.

In consideration of Executive Order 1098, at CSU Bakersfield the use of attorneys for student disciplinary proceedings will not be permitted. This decision applies to the student charged; complainant; any witnesses who are alleged to be victims of discrimination, harassment or retaliation (including sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking); and the campus, but not to the hearing officer, who may be an attorney in any case. Any part may consult attorneys outside of the actual proceedings irrespective of the president’s determination. Any person who has a license (active or inactive) to practice law is considered an attorney for this purpose.

Notwithstanding any campus directive, attorneys may attend hearings: (a) where there are pending criminal (felony) charges arising out of the same facts that are the subject of the disciplinary proceeding; or (b) where the recommended sanction is expulsion. Under these specific circumstances, attorneys may participate only as advisors, and may not speak on behalf of their client. Any person who wishes to have an attorney present at the hearing must notify the Office of Student Rights and Responsibilities in writing of the attorney’s name, address and phone number at least five (5) working days prior to the hearing.

Approved by: Horace Mitchell, President

Date: 12/19/14