



## **Use of Attorneys in Student Disciplinary Proceedings**

As outlined in CSU Executive Order 1098 Revised: Student Conduct Procedures

Executive Order 1098 Revised (Article II. General Provisions, Section C. Advisors) 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. Therefore, attorneys may participate only as advisors during student disciplinary proceedings and under the following circumstances:

### **Proceedings Involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking**

In cases involving discrimination, harassment and retaliation based on gender, including sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence and stalking, the Complainant may elect to have a Sexual Assault Victim's Advocate or an Attorney as an advisor. Likewise, in such matters, the Student Charged may elect to have an Attorney as an advisor.

### **Proceedings Not Involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking**

In cases not involving discrimination, harassment and retaliation, attorneys shall be excluded from acting as advisors in student disciplinary conferences and hearings. This decision applies to the Student Charged, Complainant, and the University. The parties, however, may consult attorneys outside of the actual proceedings.

Notwithstanding any campus directive, attorneys may attend hearings as advisors: (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.

### **Provisions for Using Attorneys as Advisors**

An advisor is limited to observing and consulting with, and providing support to the Complainant or Student Charged. An advisor may not speak on the behalf of the Complainant or Student Charged.

Any person who has a license (active or inactive) to practice law is considered an attorney for this purpose.

A Complainant or Student Charged who wishes to have an attorney present at the hearing as an advisor must notify the Office of Student Rights and Responsibilities in writing of the attorney's name, address and phone number at least five working days prior to the hearing.