

SENATE BILL 499

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 8 and Title 49, Chapter 9, relative to disciplinary proceedings at institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 8, Part 1, is amended by adding the following language as a new section:

(a) Any student enrolled at an institution pursuant to this chapter who is accused of a violation of the disciplinary or conduct rules of the institution shall have the right to be represented, at the student's expense, by a licensed attorney or non-attorney advocate who may fully participate during any disciplinary procedure or other procedure adopted and used by the institution regarding the alleged violation. However, a student shall not have the right to be represented by a licensed attorney or non-attorney advocate in either of the following circumstances:

(1) If the institution has implemented a student honor court or similar proceedings for students found to be in a violation of student discipline and conduct which is staffed fully by students to address such violations; or

(2) For any allegation of academic dishonesty as defined by the institution.

(b) Any student organization officially recognized by an institution that is accused of a violation of the disciplinary or conduct rules of the institution shall have the right to be represented, at the organization's expense, by a licensed attorney or non-attorney advocate who may fully participate during any disciplinary procedure or other procedure adopted and used by the institution regarding the alleged violation. However, a student

organization shall not have the right to be represented by a licensed attorney or non-attorney advocate if the institution has implemented a student honor court or similar proceedings for students found to be in a violation of student discipline and conduct which is staffed fully by students to address such violations.

(c) Nothing in this section shall be construed to create a right to be represented at a disciplinary proceeding at public expense.

(d) Beginning July 1, 2017, and annually thereafter, each institution shall track the number and type of disciplinary proceedings impacted by this section, as well as the number of cases in which a student or student organization is represented by an attorney or non-attorney advocate. Each institution shall report their findings to the appropriate governing body of the institution, the education committee of the senate, and the education administration and planning committee of the house of representatives.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 9, Part 1, is amended by adding the following language as a new section:

(a) Any student enrolled at the University of Tennessee who is accused of a violation of the disciplinary or conduct rules of the University of Tennessee shall have the right to be represented, at the student's expense, by a licensed attorney or non-attorney advocate who may fully participate during any disciplinary procedure or other procedure adopted and used by the University of Tennessee regarding the alleged violation. However, a student shall not have the right to be represented by a licensed attorney or non-attorney advocate in either of the following circumstances:

(1) If the University of Tennessee has implemented a student honor court or similar proceedings for students found to be in a violation of student discipline and conduct which is staffed fully by students to address such violations; or

(2) For any allegation of academic dishonesty as defined by the University of Tennessee.

(b) Any student organization officially recognized by the University of Tennessee that is accused of a violation of the disciplinary or conduct rules of the university shall

have the right to be represented, at the organization's expense, by a licensed attorney or non-attorney advocate who may fully participate during any disciplinary procedure or other procedure adopted and used by the University of Tennessee regarding the alleged violation. However, a student organization shall not have the right to be represented by a licensed attorney or non-attorney advocate if the University of Tennessee has implemented a student honor court or similar proceedings for students found to be in a violation of student discipline and conduct which is staffed fully by students to address such violations.

(c) Nothing in this section shall be construed to create a right to be represented at a disciplinary proceeding at public expense.

(d) Beginning July 1, 2017, and annually thereafter, the University of Tennessee shall track the number and type of disciplinary proceedings impacted by this section, as well as the number of cases in which a student or student organization is represented by an attorney or non-attorney advocate. The University of Tennessee shall report their findings to the appropriate governing body of the institution, the education committee of the senate, and the education administration and planning committee of the house of representatives.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it and shall apply to any disciplinary or conduct rules violations that occur on or after the effective date of this act.