

HB1391_L.014

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB18-1391 be amended as follows:

1 Amend reengrossed bill, page 3, line 27, strike "PROCEDURES" and
2 substitute "EXCEPT AS PROVIDED IN SUBSECTION (3)(e) OF THIS SECTION,
3 PROCEDURES".

4 Page 5, after line 1 insert:

5 "(e) IF THE POTENTIAL PUNISHMENT FOR A VIOLATION OF THE
6 POLICY INCLUDES EXPULSION OR SUSPENSION OF ONE SEMESTER OR
7 LONGER, THAT THE FOLLOWING PROCEDURES APPLY INSTEAD OF
8 SUBSECTIONS (3)(d)(II) TO (3)(d)(IV) OF THIS SECTION:

9 (I) CLEAR AND CONVINCING EVIDENCE AS THE EVIDENTIARY
10 STANDARD IF THE FACT FINDING IS PERFORMED BY A SINGLE PERSON OR
11 PREPONDERANCE OF THE EVIDENCE AS THE EVIDENTIARY STANDARD IF
12 THE FACT FINDER IS A PANEL;

13 (II) OUTLINING THE PROCEDURES TO BE FOLLOWED IN THE
14 INVESTIGATION, ADJUDICATORY HEARING, AND APPELLATE PROCESSES
15 INCLUDING:

16 (A) SEPARATING INDIVIDUALS OR PANELS FOR THE INVESTIGATION,
17 ADJUDICATORY HEARING, AND APPELLATE PROCESSES WHO SHALL NOT BE
18 INVESTED IN THE OUTCOME OF A PREVIOUS STAGE OF THE PROCESS;

19 (B) PROVIDING THE COMPLAINANT AND THE RESPONDING PARTY
20 WITH THE SAME OPPORTUNITIES TO HAVE AN ADVISOR OR OTHER PERSON,
21 INCLUDING AN ATTORNEY, PRESENT DURING ANY PART OF THE
22 INVESTIGATION WHO MAY PARTICIPATE AT ALL STAGES OF THE
23 INVESTIGATION, ADJUDICATORY HEARING, AND APPELLATE PROCESSES;
24 AND

25 (C) DURING THE ADJUDICATORY HEARING, THE ISSUANCE OF ANY
26 NECESSARY AND APPROPRIATE PROTECTIVE ORDERS FOR THE BENEFIT OF
27 THE COMPLAINANT OR ANY WITNESS, WHICH MAY INCLUDE, BUT ARE NOT
28 LIMITED TO, PROVISIONS FOR THE QUESTIONING OF THE COMPLAINANT
29 OUTSIDE THE PRESENCE OF THE RESPONDENT; AND

30 (D) IF AN ADJUDICATORY HEARING PANEL IS USED, THE
31 AVAILABILITY OF A LEGAL ADVISOR WHO IS A LICENSED ATTORNEY TO
32 ADVISE THE PANEL."

33 Reletter succeeding paragraphs accordingly.

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