

# HOUSE BILL 1014

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By: **Delegates Jalisi, Carter, Conaway, Hornberger, Moon, and Tarlau**

Introduced and read first time: February 13, 2015

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Sexual Assault Disciplinary Proceedings – Presence of**  
3 **Attorney or Nonattorney Advocate**

4 FOR the purpose of requiring certain institutions of higher education to allow certain  
5 students and certain student organizations to be represented by certain licensed  
6 attorneys or certain nonattorney advocates in certain disciplinary proceedings  
7 relating to sexual assault under certain circumstances; establishing the  
8 responsibility of the student or student organization for certain costs of  
9 representation; authorizing the Maryland Higher Education Commission to adopt  
10 certain regulations; providing for the application of certain provisions of this Act;  
11 and generally relating to sexual assault disciplinary proceedings at institutions of  
12 higher education in the State.

13 BY adding to

14 Article – Education

15 Section 11–602

16 Annotated Code of Maryland

17 (2014 Replacement Volume and 2014 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Article – Education**

21 **11–602.**

22 **(A) AN INSTITUTION OF HIGHER EDUCATION SHALL ALLOW THE**  
23 **FOLLOWING INDIVIDUALS OR ORGANIZATIONS TO BE REPRESENTED BY A LICENSED**  
24 **ATTORNEY OR A NONATTORNEY ADVOCATE DURING A CAMPUS DISCIPLINARY**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PROCEEDING RELATING TO AN ALLEGED VIOLATION OF DISCIPLINARY OR CONDUCT  
2 RULES REGARDING SEXUAL ASSAULT:

3 (1) A STUDENT WHO IS ENROLLED IN THE INSTITUTION; OR

4 (2) A STUDENT ORGANIZATION THAT IS RECOGNIZED BY THE  
5 INSTITUTION AS AN OFFICIAL CAMPUS ORGANIZATION.

6 (B) IF A STUDENT OR STUDENT ORGANIZATION CHOOSES TO BE  
7 REPRESENTED BY A LICENSED ATTORNEY OR A NONATTORNEY ADVOCATE DURING  
8 A DISCIPLINARY PROCEEDING, THE STUDENT OR THE STUDENT ORGANIZATION IS  
9 RESPONSIBLE FOR THE FULL FINANCIAL COST OF THE REPRESENTATION.

10 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE A RIGHT  
11 TO BE REPRESENTED AT A DISCIPLINARY PROCEEDING AT THE EXPENSE OF THE  
12 INSTITUTION OF HIGHER EDUCATION OR OF THE COMMISSION.

13 (D) THE COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THE  
14 REQUIREMENTS OF THIS SECTION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2015.