

**Bill Summary**  
1<sup>st</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 633</b>
<b>Version:</b>	<b>INT</b>
<b>Request No.:</b>	<b>250</b>
<b>Author:</b>	<b>Sen. Daniels</b>
<b>Date:</b>	<b>01/21/2021</b>

**Bill Analysis**

SB 633 creates the Student and Administration Equality Act. The measure states that a student enrolled at an institution within The Oklahoma State System of Higher Education who is accused of a non-academic disciplinary or conduct violation that carries a potential penalty of 10 or more days of suspension or expulsion has the right to be represented by an attorney or nonattorney advocate. The measure grants the complaining student the right to an attorney or a nonattorney advocate if the proceeding involves a student complaint against another student and requires an institution to inform a student in writing of his or her rights under the act before any non-academic disciplinary proceeding is scheduled and prior to a student being questioned by an institution about charges punishable by suspension of 10 or more days or expulsion.

The measure states that students facing an allegation of academic dishonesty do not have the right to an attorney or nonattorney advocate and provides that a student organization that is accused of a violation of disciplinary or conduct rules has a right to an attorney or nonattorney advocate. The measure requires the institution to provide an accused student or student organization a live hearing to contest the allegations or an alternative procedure. It states that if an institution must choose between competing narratives to resolve a case, the accused student's advocate can cross-examine the accuser and witnesses in the presence of a neutral adjudicator and the accusing student's advocate can cross-examine witnesses. The bill states that if either student does not have an advocate, the institution is to provide an advocate without cost to the student to conduct cross-examination.

The measure directs the institution to ensure all parties to a proceeding have access to evidence no later than one week prior to the start of any formal hearing or similar proceeding. It directs institutions to ensure that proceedings are carried out free from conflicts of interest. The measure states that the proceedings do not prevent an institution from imposing interim disciplinary measures. It creates a cause of action for a student whose rights under the Student and Administration Equality Act have been violated. The bill states that if a court finds a violation of the act, it shall award compensatory damages, reasonable court costs and attorneys' fees to the aggrieved student or student organization. The measure requires a student to bring suit within one year. It also clarifies that the provisions of the act apply to any and all disciplinary proceedings beginning on and after the effective date of the act even if the complaint was filed or the charge was brought prior to the effective date of the act.

Prepared by: Kalen Taylor