

**STUDENT DISCIPLINARY PROCEDURES FOR THE  
CALIFORNIA STATE UNIVERSITY AND COLLEGES  
FAM 826**

March 8, 1972

TO: State College Presidents

FROM: Glenn S. Dumke, Chancellor

SUBJECT: Student Disciplinary Procedures of the California State University and Colleges, as revised by Executive Order No. 148

I am pleased to attach five copies of Executive Order No. 148 relating to the revision of the Student Disciplinary Procedures of the California and Colleges, along with the following documents:

1. Student Disciplinary Procedures of the California State University and Colleges , as revised by this Executive Order (Attachment A);
2. Memorandum of the General Counsel (Attachment B). This memorandum discusses each change made by this Executive Order. For the most part, the changes do not involve any major substantive modification, and will become effective on March 20, 1972.

In cases where a hearing officer from the office of Administrative Hearings (the new designation for the Office of Administrative Procedure) is desired, arrangements should be made pursuant to the procedure set out in my cover memorandum to Executive Order No. 116.

Please arrange appropriate distribution of the Executive Order and procedures to the various areas concerned.

GSD/ph

Copies to: Chancellor's Staff

## Attachment A

*Ed. Pol. -Item 6*

*March 21-22, 1972*

### **1. Purpose and Scope.**

- a. It is the purpose of this document to provide procedures, which are fair and just, to both the students charged and to the institution, by which it can be determined, whether violations of conduct and conduct-related regulations have occurred.
- b. These Procedures are established pursuant to Section 41304, Title 5, California Administrative Code.\* They govern determinations under Article 1, Subchapter 3, Chapter 1, Part V of that Code, and other state and federal laws which require institution hearings.

**\* Specific code sections referred to in these Procedures are set out in Appendix.**

### **2. Authority of the President.**

- a. The President shall exercise his authority in disciplinary actions pursuant to Article 1, Subchapter 3, Chapter 1, Part V of Title 5, California Administrative Code, these Procedures, and other laws and regulations as applicable.
- b. All determinations and findings made at the institution level by anyone other than the President, including determinations and findings of the Hearing Officer (see Section 9), are in the nature of recommendations to the President (except as otherwise provided in Section 2-c of these Procedures), who shall have final campus authority. Decisions of the President are subject to review by the Chancellor or his designee, and by the Board of Trustees. The designation of Hearing Officers (see Section 9-a) and decisions on challenges of any Hearing Officer for cause (see Section 9-f) shall be made by the Chancellor or his designee.

- c. The functions of the President as described in the following sections of these Procedures, may be delegated by him to individual designees who are members of the staff of the institution, and who shall exercise those functions in his name. All references in these Procedures to the President include such designees. The President shall be responsible for any action taken under his authority. The President may request another institution officer or employee to perform the functions of the President under these Procedures where in his judgement the particular circumstances merit such action, such as when the President is a percipient witness in a disciplinary proceeding. Such requests should be made through the President of the other institution.

### **3. Coordinator.**

- a. The President shall assign a member of the institution staff to be in charge of administration of these Procedures; to perform the duties described in these Procedures; and to perform such other as the President may determine. The person so assigned shall serve in this assignment at the pleasure of the President.
- b. The person so assigned may use such local, administrative title as the President may determine. For convenience, he is referred to herein as "Coordinator."
- c. All references in these Procedures to the Coordinator shall include any other persons who are authorized by the President to assist the Coordinator and act in his name.
- d. The Coordinator shall investigate all alleged violations of Article 1, Subchapter 3, Chapter 1, Part V of Title 5, California Administrative Code, Section 22505 of the Education Code and related matters concerning withdrawal of consent to remain on campus and of eligibility for and termination of financial aid.
- e. As a result of his investigation, the Coordinator shall make a recommendation to the President as to whether the matter should proceed, and of the kind of hearing authorized in Section 7, which should be held.
- f. The Coordinator shall send such notices as are appropriate, and

institute hearings pursuant to these Procedures.

- g. The Coordinator shall make physical and scheduling arrangements for the hearing of cases.
- h. Except where other provision is made with respect to hearings by an administrative officer (Section 7-a (1)) and to residence hall matters (Section 7-a (3)), the Coordinator shall attend the hearings and shall marshal and present the evidence against the student charged, subject to the provisions of Section 9-l (2) of these Procedures.

#### **4. Notices.**

- a. The Coordinator shall prepare and mail notices as appropriate to the student charged. Notices addressed to him at the last address posted on the records of the Registrar of the institution, and deposited in the United States Mail, postage prepaid, shall be presumed to have been received and read by the student charged.
- b. The Coordinator shall initiate hearing procedures against a student charged, by mailing or delivering a notice letter to him, by registered or certified mail, return receipt requested, which notice:
  - (1) Contains a statement of the charges against him, in terms of Sections 41301 and 41302 of Title 5, California Administrative Code Section 22505 of the Education Code if that Section is applicable, and applicable financial aid eligibility termination provisions, if any, a factual description stated with reasonable particularity, of the conduct upon which the charges are based, and the office at the institution where additional information regarding the evidence against him may be obtained.
  - (2) Notifies him of the time and place of hearing.
  - (3) Encloses a copy of these Procedures or notifies the student of the office at the institution where he may obtain a copy without charge. If consent to remain on campus has been withdrawn from the student at the time this notice is sent, a copy of these Procedures shall be enclosed with the notice.

- (4) Notifies him that he may be accompanied at the hearing by an advisor of his choice, who may act on his behalf, and who may be an attorney, and of the time within which he must inform the Coordinator of the name and address of his adviser if he is an attorney.
  - (5) Includes such information as an immediate suspension and withdrawal of consent to remain on campus where such action has been decided upon; a request for the student's preference as to the kind of hearing to be conducted (Section 7), and any determination reached pursuant to Section 6-d with respect to possible sanctions and financial aid eligibility termination pursuant to Section 11-c, whether or not the student is receiving financial aid at the time, and such other information as the Coordinator may wish to include.
- c. The notice letter may be amended at any time with respect to the information described in Section 4-b of these Procedures. Such amendments include deletions, additions, or other changes in the prior notice letter. In the event the amendments would require the student to prepare a defense which is substantially different from that required by the prior notice letter, the hearing may be postponed for a reasonable time which should not exceed ten (10) working days. In the event the notice letter is amended after the hearing has commenced, the Hearing Officer or Administrative Officer may, in his discretion, continue the hearing for a reasonable time, not to exceed ten (10) working days.

## **5. Immediate Suspension.**

- a. The President may order the immediate suspension of any student for the interim period pending a hearing whenever he determines such action to be required in order to protect lives or property and to ensure the maintenance of order. The student so suspended shall be afforded an opportunity for a hearing with respect to the immediate suspension. The hearing on the immediate suspension will normally be afforded within two working days\*\* of the suspension. The hearing shall be held pursuant to the provisions of the Section 8-a of these Procedures. The issues shall be whether his continued suspension pending such disciplinary hearing is required in order to protect lives or property and to ensure the maintenance of order, and on any issues presented by a request for hearing pursuant to Penal Code Section 626.4(c).

**\*\* "Working day" is defined in Section 12-e.**

- b. Immediate suspension will be coupled with a withdrawal of consent to

remain on campus, pursuant to Penal Code Section 626.4, whenever it is determined, pursuant to that section, that there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or institution facility, and that his presence will constitute a substantial and material threat to such orderly operation.

- c. The Coordinator shall be responsible for presenting evidence that a temporary suspension, withdrawal of consent to remain on campus, or both, should be continued.

## **6. When Hearings are to be Held; Waivers.**

- a. Action under these Procedures shall go forward regardless of possible or pending other administrative, civil or criminal proceedings arising out of the same or other events.
- b. The President shall cause campus action to be initiated on the basis of the criminal conviction of a student whenever applicable statutes or regulations require it.
- c. Hearings shall be held whenever the President accepts the Coordinator's recommendation to that effect, or does not accept a contrary recommendation from him, and whenever required by statute, action by the Board of Trustees, or the Chancellor. The President shall decide the kind of hearing to be held, as authorized in Section 7.
- d. In any case in which a student is entitled to a hearing, the student may instead waive a hearing and accept a sanction with respect to discipline and decision with respect to eligibility for or termination of financial aid, as recommended by the Coordinator. The student may accept the sanction and financial aid decision without admitting that he engaged in the conduct charged. Should the student not accept the sanction and financial aid decision, the matter shall proceed to hearing, and no cognizance shall be taken of the recommendation made pursuant to Section 6-d.

## **7. Alternative Kinds of Hearings.**

- a. Based on recommendations of the Coordinator (see Section 3) and such other considerations as may be pertinent, the President shall decide whether

a disciplinary matter should be conducted:

- (1) By an administrative officer of the institution, as provided in Section 8.
  - (2) By the Hearing Officer, as otherwise provided in these Procedures.
  - (3) By a residence hall committee, in the case of charges of conduct violations in residence hall facilities where the infraction charged, as determined by the Coordinator, does not involve a possible sanction of suspension or expulsion.
- b. In making his determination, the President may consider the expressed wishes of the student charged, the degree of apparent complexity of the facts or issues, the seriousness of the offense, and whether the student will be represented by an attorney. Ordinarily, the desire of the student charged for a hearing by an administrative officer, the apparent absence of complicated facts or issues, the relative lack of seriousness of the offense, and the student's not being represented by an attorney, are factors in favor of a hearing by an administrative officer.

#### **8. Office Hearings by an Administrative Officer; Hearings Under Section 7-a(3).**

- a. Office hearings by an administrative officer shall be informal and subject to such procedure as the President may determine; provided that a student whose case is considered in this way shall: receive notice of misconduct charged in terms of a general description of the conduct and the provisions he is charged with having violated; be informed of any evidence to be considered against him and have an opportunity to challenge and rebut it, and to present evidence on his own behalf; be informed of the decision of the President and of the administrative officer's recommendation to the President. Such hearings shall be closed to all persons other than the students and the Coordinator, a single adviser for each of them, and witnesses while they are presenting evidence.
- b. Hearings under Section 7-a(3) shall be subject to such procedures as the President shall determine, but shall afford the student charged with at least the provisions enumerated in Section 8-a.

#### **9. General Provisions Relating to Hearings by Hearing Officers.**

- a. Hearing Officer.

(1) The Chancellor shall designate one or more Hearing Officers, who shall serve terms as determined by the Chancellor.

(a) Hearing Officers shall be attorneys, admitted to practice law in California who are qualified by professional experience in presiding at judicial or quasi-judicial adversary proceedings, or who have been members of the California State Bar for at least five years. They will not hold any employment, or other contracts (other than as a hearing officer) with any State College during the period of their service.

b. Evidence.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded. No evidence other than that received at the hearing shall be considered by the Hearing Officer.

c. Both the student charged or his adviser and the Coordinator or his adviser shall be entitled to present relevant evidence and to question witnesses presented by the other. The President shall request students and employees of the institution to present evidence at a hearing when requested on behalf of the student or the Coordinator.

d. The student will not be required to give self-incriminating evidence, and no inference of his guilt shall be drawn by reason of his not giving evidence on this ground. In the event the student chooses to testify, he shall no longer have this privilege.

e. The Hear Officer shall:

(1) Make all rulings on matters relating to the conduct of the hearing, including matters regarding admission of evidence.



- (2) Maintain an orderly hearing and permit no person to be subjected to abusive treatment. He may eject or exclude anyone who refuses to be orderly.
  - (3) Recognize the student charged or his adviser, and the Coordinator or his adviser, for the purpose of questioning witnesses or presenting argument, evidence or requests to the Hearing Officer. The Hearing Officer may also question witnesses.
- f. A student charged may challenge the Hearing Officer for cause by submitting a written statement setting forth facts which establish that:
- (1) The Hearing Officer was a participant in the event out of which the action arose except events connected with the conduct of a hearing; or
  - (2) The Hearing Officer is related to or has had past association with the student charged or his adviser, the Coordinator or his adviser, or another person who has been adversely affected by the events giving rise to the action, which past association is of a kind which would prejudice his judgment to the degree that it appears that a fair hearing could not be had. "Past association" does not include an association acquired in connection with a previous hearing.

Challenges must be presented at the earliest reasonable opportunity, which normally shall be in advance of the hearing. Challenges shall be submitted to the Coordinator, who shall immediately forward them to the Chancellor for determination, and to the Hearing Officer; except that challenges presented at a hearing shall be presented to the Hearing Officer, who shall cause them to be referred to the Chancellor. In the event a challenge is not presented in sufficient time before a hearing to permit a decision by the Chancellor, the hearing may proceed, subject to being vacated should the challenge be sustained. The Chancellor or his designee shall determine whether the facts present grounds for disqualification and his decision shall be final. The Hearing Officer may disqualify himself on his own motion. No peremptory challenges may be made.

- g. Following presentation of evidence, the Hearing Officer shall privately consider the evidence with all other persons excluded and shall prepare a written report to the President. The report, which shall ordinarily be submitted to the President within two working days of the termination of the

Hearing, shall contain as to each student charged.

- (1) A summary of the facts as found by the Hearing Officer, and a determination that the student did or did not commit the acts charged.
  - (2) A finding that the act did or did not constitute one of the causes for discipline listed in Article 1, Subchapter 3, Chapter 1, Part V of Title 5 of the California Administrative Code.
  - (3) Findings on evidence, relevant to the issues of the case, in mitigation or aggravation with respect to any disciplinary sanction.
  - (4) Findings as appropriate with respect to eligibility for and termination of financial aid, pursuant to Section 11-c of these Procedures.
  - (5) A recommendation of discipline, if any.
  - (6) Such further report, as the Hearing Officer may consider appropriate.
- h. The student charged shall be regarded as innocent of the charges against him until the contrary is established by a preponderance of the evidence. The Hearing Officer shall find a student to have committed the acts as to which he is charged if the Hearing Officer is persuaded by a preponderance of the evidence that the student committed said acts.
- i. Advisers; Attorneys.
- (1) The Student charged may be accompanied by one adviser of his choice, who may act on his behalf. If he desires that his adviser be an attorney, the student charged must give written notice of the name and office address of the attorney to the Coordinator at least three working days before the time set for commencement of the hearing; if there are less than four working days between that time and the date of the notice of hearing, then the notice that his adviser will be an attorney must be given at the earliest reasonable time. The Hearing Officer may, in his discretion, continue the hearing in cases where the student has failed to give the notice required by this Section or convene the hearing without counsel present either for the student charged or the Coordinator. Even if notice is not given by the student as required by this Section, the hearing shall be conducted with

counsel if the Coordinator and counsel from the Office of General Counsel consent.

- (2) Should a student charged advise that he will be accompanied by an attorney, the Coordinator shall immediately advise the Office of General Counsel, so that an attorney may be present with the Coordinator to present the case.

j. Times Within Which Hearings are to Proceed.

- (1) Matters preliminary to hearings shall be decided, hearings conducted, and cases determined under these Procedures as quickly as possible, consistent with reasonable notice.
- (2) Normally, matters preliminary to hearings shall be decided and notices of hearings given, within five working days of the time the Coordinator is informed that a probable conduct violation or other basis for a hearing has occurred, and of the identity of the person or persons apparently responsible.
- (3) Hearings will normally be held within ten working days of the date notice is sent to the student charged.

k. Hearings shall be closed to everyone other than the persons conducting the hearing, the student charged and the Coordinator, a single adviser for each of them, the person designated to record the hearing pursuant to Section 9-m, and witnesses while they are presenting evidence.

l. It is the policy of the California State University and Colleges that evidence, proceedings, findings and recommendations (but not the final decision of the President) are confidential and shall not be made public by the institution or by any participant in a hearing, including the student charged. In the event these matters should become public, however, the institution may authorize such public statements as are appropriate and which do not violate any legal prohibition against such statements.

m. A tape recording but not a transcription shall be kept of the hearing. The student charged, on request, and at his own expense, subsequently may have or, under supervision, make a copy of such recording provided that use of such a copy shall be limited to subsequent administrative and judicial

proceedings held in connection with matter. No tape recording by the student charged or by other persons at the hearing shall be permitted, but the student charged, at his own expense, may furnish a certified court reporter provided that the institution shall be permitted to make copies of the transcript at its own expense, and that the student's use of such transcript shall be limited to this or subsequent administrative and judicial proceedings held in connection with the matter. This policy of confidentiality shall not preclude the institution from taking any action following appropriate procedures against any person or entity on the basis of evidence developed at the hearing.

n. Consolidated Hearings.

- (1) Where more than one student is charged with conduct arising out of a single occurrence or out of connected multiple occurrences, a single hearing may be held for all of the students so charged. Such students may request that their case be consolidated with others, or separated from others. The Coordinator shall make determinations regarding consolidation. All such determinations shall be subject to revision by the Hearing Officer. In the event of such revision, all cases affected shall be rescheduled for hearing.
- (2) The separation of one or more cases from a group of cases previously set for a consolidated hearing shall not be considered to affect the remaining cases in the group.

o. Absence of the Student Charged.

If the student charged does not appear, (personally or through his adviser) without satisfactory explanation for his absence having been made at his earliest opportunity, or should he leave the hearing before its conclusions, or adjournment, the hearing shall proceed without him, and the Hearing Officer shall render a decision based on the available evidence and make his report just as though the student charged had been present throughout the hearing. The fact that an administrative hearing or a civil or criminal trial for the student is pending shall not be considered a satisfactory explanation unless the actual hearing or trial date conflicts with the institution hearing date, or unless it is physically impossible for the student charged to attend the institution hearing.

**10. Presidential Action.**

- a. The President may establish a procedure whereby a committee of students,

or students together with faculty or students together with faculty and administrative personnel, shall, in such cases as the President may determine, review the recommendations of the Hearing Officer with respect to the discipline to be imposed, if any, and advise the President. Such committees, if established, shall be composed in such manner as the institution may determine. It shall not receive new evidence or argument, or conduct hearing, and its members shall be bound by the policy of confidentiality as stated in Section 9-l. If such a committee is established, the President shall forward a copy of the report of the Hearing Officer to the committee as soon as it is received, and the committee shall present its recommendations, if any, to the President within two working days of its receipt of the report.

- b. The President shall review the report of the Hearing Officer, and recommendations if any, of any committee established pursuant to Section 10a. He may take the action recommended by the Hearing Officer; he may adopt a lesser sanction; he may, if necessary, refer the matter back to the Hearing Officer for further findings on specified issues; or, after a review of the record, he may adopt a more severe sanction. In cases where a committee has not been established pursuant to Section 10-a, the President normally shall render his decision within three working days of receipt of the recommendations of the Hearing Officer. In cases where such a committee has been established, the President normally shall render his decision within three working days of receipt of the recommendations of the Committee, and no later than six working days after initial receipt of the report of the Hearing Officer.
- c. The President shall cause notification of his action to be sent to the student charged. If the action taken is suspension or expulsion with denial of access to the campus and institution facilities, notification shall be by certified or registered mail. The report of the Hearing Officer, and the recommendations of any committee established pursuant to Section 10-a, shall be made available to the student.
- d. if the action taken is suspension or expulsion, and the student charged is a minor, his parent or guardian shall be notified of the action by certified or registered mail, return receipt requested, sent to the parent or guardian's last address posted on the records of the Registrar.

## **11. Discipline Which May Be Imposed; Eligibility for and Termination of Financial Aid.**

- a. Students may be expelled, suspended, placed on probation, or given a lesser sanction, as provided in Section 41301 of title 5, California Administrative Code.
- b. Students who are expelled or suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of an institution, may be denied access to all or any part of the campus or other facility:
  - (1) In the case of expulsion, for up to one year.
  - (2) In the case of suspension, for a period up to the period of the suspension.
- c. Determination on Eligibility for and Termination of Financial Aid.

Concurrently with actions under these Procedure, the person conducting the hearing shall also determine whether the particular conduct found to have occurred is a basis for ineligibility for or termination of financial aid under applicable provisions of State or Federal Law, and of the Board of Trustees, whether or not the student is receiving financial aid at the time.

Financial aid shall be terminated or eligibility denied by the President whenever required by any of these provisions.

- (1) Hearings by a hearing board on questions of financial aid termination shall be held where required by Education Code Section 31292.

## **12. Other Provisions.**

- a. A student enrolled at an institution who is accused of conduct subject to disciplinary action at another institution, shall be subject to disciplinary action at the campus with respect to which the violation is alleged to have occurred, and all references to the President, the Coordinator, and the Hearing Officer shall refer to those persons at that campus; provided that the President of the institution at which the student is enrolled shall make the final decision with respect to discipline.
- b. Hearings on qualifications for admission or denial of admission pursuant to Section 41303 of Title 5, California Administrative Code, shall be conducted pursuant to Sections 8 or 9 of these Procedures, as the

President shall determine.

- c. The President may combine the duties of Coordinator with those of any other officer or employee, but may not combine such duties with those of the administrative officer assigned to conduct to conduct an office hearing pursuant to Section 8 of these Procedures, or with those of the Hearing Officer.
- d. Arguments by the student charged or his adviser concerning the legal (as distinguished from factual) applicability, or legal validity of any provision on the basis of which the student is charged, or of these Procedures shall not be addressed to the person hearing the case, but to the President, as soon as the hearing has concluded. The President shall seek advice on the matter from the Office of General Counsel. Such advice shall be considered by him before a final decision is rendered.
- e. As used in these Procedures, "working day" shall mean any day during the college year, summer session, and summer term other than a Saturday, Sunday, academic holiday of the institution as that term is used in 5 California Administrative Code Section 42800, or holiday as defined in Government Code Section 18025.
- f. As used in these Procedures, "attorney" shall mean any person who is admitted to practice before any state or federal court.
- g. Technical departures from these Procedures and errors in their application shall not be grounds to withhold disciplinary action or a determination of ineligibility for or termination of financial aid unless, in the opinion of the President, the technical departures or errors were such as to have prevented a fair and just determination of the issues.
- h. As used in these Procedures, "institution" shall mean a California State University or College.

March 21-22, 1972

## Attachment B

### MEMORANDUM OF THE GENERAL COUNSEL

On August 19, 1970, Executive Order 109 was issued, providing a system-wide set of procedures for handling student disciplinary matters. The Board of Trustees confirmed the Administrative regulation authorizing the Chancellor to issue and revise these Procedures. On October 30, 1970, Executive Order No. 116 was issued, revising the Student Disciplinary Procedures. As was stated in my memorandum attached to Executive Order No. 116, the Procedures would continue to be tested in practice and carefully scrutinized to determine whether, based upon experience, they should be further revised.

After consultation with the interested parties, a revised Student Disciplinary Procedure is issued by Executive Order No. 148. Those consulted on these revised procedures were the Chancellor's Council of State College Presidents, the California State College Student Presidents Association, the Academic Senate, the Deans of Students and others concerned with the administration of the Procedures.

For the most part, the changes in the Procedures do not involve any major substantive modification. The nature of the changes as well as the small number of changes which were made, are a comment upon the overall effectiveness of Executive Order No. 116. For ease of review, each change in the Procedures made by this Executive Order is identified and discussed in the paragraphs which follow:

The Procedures have been physically reorganized and renumbered to provide greater clarity. This was a suggestion of California State College Student Presidents Association.

Changes have been made throughout the Procedures to reflect the name change enacted by the Legislature.

- 1-b Modifies references to particular Title 5 provisions to refer to appropriate Article in Title 5, rather than referring to specific sections. Any new sections within that Article will then be automatically included in the reference.
- 2-c Provides for the circumstances when it would be inappropriate for a particular president to perform the functions otherwise requires by the Procedures.



- 3-h Clarifies that when a student is represented by an attorney; an attorney from the office of General Counsel will present the institution's case.
- 4- Provides that the notice letter include a statement concerning the office  
b (1) where the student may obtain additional information regarding evidence against him.
- 4- Clarifies that certain financial aid eligibility determinations be made  
b (5) whether or not the student is receiving financial aid.
- 4-c This new section provides for amendment of the notice letter.
- 5-a Clarifies that hearings on immediate suspensions will be held not later than ten "calendar day" of the "commencement of the suspension."
- 7-b Includes the fact of representation by an attorney, as one for the criteria determining which type of hearing will be held.
- 9-b Provides that the privilege against self-incrimination is lost in the event the student chooses to testify. While no 9-d change has been made in this section of the Procedures, the student representatives requested a brief explanation of the phrase in Section 9-b; "rules of privilege shall be effective to the extent that they are otherwise required by statute." Since maintenance of the confidentiality of certain relationships is considered of greater value than the disclosure of evidence of which is acquired within those relationships, the Legislature has adopted rules of privilege through which such confidential information may be excluded in any proceeding in which testimony can be compelled by law to be given. This section makes these rules of privilege applicable to student disciplinary proceedings. Examples of such communications include most statements made in confidence in the course of lawyer-client, physician-patient, psychotherapist-patient, clergyman-penitent, and husband-wife relationships. Such communications may be excluded from evidence if an appropriate objection to their receipt is made. The privilege may be waived by a person entitled to waive it. Thus, the patient, but not the physician, may be waive the privilege against admission of statements made within the physician-patient relationship; and the client, but not the attorney, may waive the similar privilege with respect to communications within the lawyer-client relationship.

- 9- Provides that findings on evidence of mitigation or aggravation is limited g(3) to relevant issues of the case.
- 9- Increases from three to five days the time in which matters preliminary to j(2) hearings should be accomplished and notice letters given. (Those who administer such matters felt that the previous time limit was too short.)
- 9-m Deletes requirement that a student provide the institution with a free copy of any court reporter's transcript. The new provision permits the institution to make copies at its own expense.
- 10-a Clarifies that the president may utilize the review committee in such cases as he may determine.
- 12-e Redefines "working day" to exclude academic holidays.
- 12-f Defines "attorney."