

## Session 121 - (2015-2016)

**H 5262 General Bill, By Loftis, Burns, Kennedy, J.E. Smith, Finlay, Chumley, Clemons, Delleney, Hixon, Pope, G.R. Smith and Stringer**

**Similar (S 1281)**

**Summary:** Disciplinary Procedure Due Process Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 101, TITLE 59 SO AS TO ENACT THE "DISCIPLINARY PROCEDURE DUE PROCESS ACT"; TO DEFINE NECESSARY TERMS; TO ESTABLISH THE REQUIREMENTS OF A PROCEEDING, TO ENUMERATE THE RIGHTS OF A STUDENT WHO IS SUBJECT TO A PROCEEDING, TO ESTABLISH STANDARDS FOR THE DISCLOSURE OF EVIDENCE RELATING TO THE PROCEEDING, TO REQUIRE WRITTEN STATEMENTS ENTERED AS EVIDENCE TO BE NOTARIZED, TO PROHIBIT CERTAIN DOCUMENTS FROM BEING USED AS EVIDENCE WITHOUT THE CONSENT OF BOTH PARTIES, TO ALLOW FOR THE INFORMAL DISPOSITION OF A PROCEEDING IN CERTAIN CIRCUMSTANCES, TO PROHIBIT IRRELEVANT, IMMATERIAL, OR UNDULY REPETITIVE EVIDENCE FROM BEING ADMITTED, TO APPLY THE STANDARDS FOR PRIVILEGE OF THE STATE TO A PARTY IN A PROCEEDING, TO ALLOW THE SUBMISSION OF EVIDENCE IN WRITTEN FORM IN CERTAIN CIRCUMSTANCES, TO REQUIRE A RECORD OF THE PROCEEDING BE MADE AND TO ENUMERATE THE REQUIRED CONTENTS OF THE RECORD, TO ALLOW A PARTY TO REQUEST A RECORDING OF THE PROCEEDING FOR TRANSCRIPTION, TO REQUIRE THE PRESIDING PERSON TO BE IMPARTIAL, TO ESTABLISH STANDARDS FOR THE PRESIDING PERSON TO MAKE A DECISION, TO REQUIRE AN INSTITUTION TO PROVIDE A STUDENT THE INTERNAL APPEALS PROCEDURE IF THE DECISION OF THE INSTITUTION IS ADVERSE TO THE STUDENT, TO ALLOW THE STUDENT OR INSTITUTION TO APPEAL TO THE CIRCUIT COURT OR ADMINISTRATIVE LAW COURT, TO ESTABLISH A PRESUMPTION OF NONVIOLATION FOR THE STUDENT AND THE BURDEN OF PROOF FOR THE INSTITUTION, TO REQUIRE ANY PUNISHMENT TO BE REASONABLE AND PROPORTIONATE TO THE VIOLATION, TO ALLOW THE CIRCUIT COURT OR ADMINISTRATIVE LAW COURT TO ISSUE AN INJUNCTION AND ALLOW FOR THE AWARD OF ATTORNEYS FEES AND COSTS; AND TO ALLOW AN INSTITUTION TO IMMEDIATELY SUSPEND A STUDENT FOR ALLEGED MISCONDUCT IN CERTAIN CIRCUMSTANCES.

04/26/16 House Introduced and read first time (House Journal-page 3)

04/26/16 House Referred to Committee on Education and Public Works (House Journal-page 3)