**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3453**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Forrester, Allison, Hicks and Tallon

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Introduced in the House on January 28, 2015

Currently residing in the House Committee on **Education and Public Works**

Summary: Higher education

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/28/2015 House Introduced and read first time ([House Journal‑page 17](file:///h:\HJ%20Archive\2015\01-28-15.docx))

1/28/2015 House Referred to Committee on **Education and Public Works** ([House Journal‑page 17](file:///h:\HJ%20Archive\2015\01-28-15.docx))

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**VERSIONS OF THIS BILL**

[1/28/2015](file:///p:\pprever\2015-16\3453_20150128.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑101‑295 SO AS TO PROVIDE THAT A STUDENT ENROLLED AT A PUBLIC INSTITUTION OF HIGHER LEARNING AND A STUDENT ORGANIZATION OFFICIALLY RECOGNIZED BY A PUBLIC INSTITUTION OF HIGHER LEARNING MAY BE REPRESENTED BY AN ATTORNEY OR A NONATTORNEY ADVOCATE AT A DISCIPLINARY HEARING BEFORE THE INSTITUTION, TO PROVIDE AN EXCEPTION FOR STUDENTS FACING ALLEGATIONS PERTAINING TO ACADEMIC DISHONESTY AS DEFINED BY THE INSTITUTION, TO PROVIDE THAT THE STUDENT OR STUDENT ORGANIZATION SHALL BEAR THE EXPENSE OF USING AN ATTORNEY OR NONATTORNEY ADVOCATE, TO PROVIDE THAT AN ATTORNEY OR NONATTORNEY ADVOCATE MAY PARTICIPATE FULLY DURING THE DISCIPLINARY HEARING; TO PROVIDE AN APPEALS PROCESS, AND TO PROVIDE REMEDIES AND COMPENSATION FOR CERTAIN RELATED EXPENSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑295. (A) A student enrolled at a public institution of higher learning may be represented, at his expense, by an attorney or a nonattorney advocate at a disciplinary proceeding or during any other procedure before the institution to address an alleged conduct violation by the student at that institution, except that the student does not have the right to be represented by an attorney or nonattorney advocate if the allegations against him pertain to academic dishonesty, as defined by the institution. The attorney or nonattorney advocate may fully participate in the disciplinary hearing on behalf of the student, who shall bear the cost of the attorney or nonattorney advocate.

(B) A student organization officially recognized by a public institution of higher learning may be represented, at the student organization’s expense, by an attorney or nonattorney advocate at a disciplinary procedure at that institution or during any other procedure adopted and used by the institution to address an alleged conduct violation. The attorney or nonattorney advocate may participate fully in the disciplinary process on behalf of the student organization, which shall bear the cost of the attorney or nonattorney advocate.

(C)(1) A student who is expelled or a student or student organization that is suspended for more than ten days from an institution under the control of the Commission on Higher Education for a violation of the disciplinary or conduct rules of that institution and a student organization that is found to be in violation of the disciplinary or conduct rules of that institution may appeal the decision of the institution to the court of common pleas for the jurisdiction in which the institution is located.

(2) A student must file an appeal brought pursuant to item (1) no later than one year after the date on which the cause of action accrued. For purposes of calculating the one‑year limitation, the cause of action is considered to have accrued on the date that the student or the student organization receives final notice of discipline from the institution.

(3) The circuit court shall affirm a decision of the circuit court if the decision is supported by any probative evidence.

(D) The court shall award the student or student organization who prevails in an appeal brought pursuant to subsection (C) compensatory damages, reasonable court costs, reasonable attorney’s fees, reasonable expert witness fees, and any other relief in equity or law that the court considers appropriate, including:

(1) remanding to the institution for a de novo rehearing pursuant to this section; and

(2) monetary damages in an amount not less than the cost of tuition and fees paid by the student or on the student’s behalf, to the institution for the semester during which the alleged violation occurred or during which the underlying suspension or expulsion was imposed, plus monetary damages in an amount not less than the amount of any scholarship funding lost as a result of the discipline imposed on the student.”

SECTION 2. This act takes effect upon approval by the Governor.

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