



## **Requirements and Guidelines to Follow for the Participation of a Licensed Attorney or Non-Attorney Advocate During Disciplinary Proceedings**

The information contained on this form for Winston-Salem State University's Office of the Dean of Students and/or the Office of Student Conduct (hereinafter, "The Office") is true to the best of my knowledge and belief. I understand that any misrepresentation or false statement made by me in connection with this form or any related documents which is deemed material by The Office shall constitute *Falsifying Information on University Documents*, under the *Student Code of Conduct*. I understand and agree that all information furnished on this document and all attachments may be verified by The Office or its authorized representative. I hereby authorize all individuals and organizations named or referred to on my form and any law enforcement organization to give The Office all information relative to such verification and hereby release such individuals, organizations and The Office from any and all liability for any claim or damage resulting therefrom.

In order for a licensed attorney or non-attorney advocate to represent a student(s) or student organization(s) in disciplinary proceedings, the student(s) or student organization(s) must provide The Office with the three (3) documents described below. These three (3) documents must be submitted to The Office **no later than two (2) days before the scheduled Winston-Salem State University Student Conduct Council Hearing**. Consistent with this interpretive guidance and the rules, policies, or guidelines governing Winston-Salem State University's disciplinary procedure, licensed attorneys or non-attorney advocates may fully participate in disciplinary procedures only to the extent afforded to the student or student organization they represent. Additionally, licensed attorneys and non-attorney advocates may not delay, disrupt, or otherwise interfere with a disciplinary procedure.

An attorney or other individual representing Winston-Salem State University may participate in disciplinary procedures in which a licensed attorney or non-attorney advocate represents a student or a student organization.

The following are requirements that must be completed before information may be disseminated to the student's advocate/advisor/attorney: **1) Notice of Representation, 2) FERPA Authorization, and 3) Certification by Licensed Attorney or Non-Attorney Advocate**

### **1. Notice of Representation**

Students or student organizations that plan to have a licensed attorney or non-attorney advocate represent them during a disciplinary procedure must notify the administration that administers the disciplinary procedure (ex. the Office of Student Conduct, Office of Dean of Students, etc.)



in writing of the attorney's or advocate's planned participation in a disciplinary procedure. This notice must specify:

- The identity of the licensed attorney or non-attorney advocate
- Whether the individual is a licensed attorney or a non-attorney advocate; and
- An address, telephone number, and email address where the licensed attorney or non- attorney advocate can be reached.

## **2. FERPA Authorization for Student(s) Involved in Disciplinary Process**

In order for a licensed attorney or a non-attorney advocate to represent a student or student organization during a disciplinary procedure or to speak with an official of Winston-Salem State University regarding the student or the members of a student organization, the student(s) involved in the disciplinary process must complete and submit a written authorization that meets the requirements of a valid consent as specified by the Family Educational Rights and Privacy Act (FERPA). Even if a student executes a valid FERPA consent authorizing the licensed attorney or non-attorney advocate to receive information or documents regarding the student, Winston-Salem State University may at all times correspond directly with the student or student organization. It is the student's or student organization's responsibility to communicate and share information with a licensed attorney or non-attorney advocate. The Winston-Salem State University office that administers the disciplinary procedure can supply students with an approved authorization form that meets the elements of a valid consent in accordance with FERPA. Please see attached forms.

## **3. Certification by Licensed Attorney or Non-Attorney Advocate**

Students or student organizations that plan to have a licensed attorney or non-attorney advocate represent them during a disciplinary procedure must submit a certification form signed by the licensed attorney or non-attorney advocate stating that the licensed attorney or non-attorney advocate has read in their entirety and understood the following documents:

- The applicable Disciplinary or Conduct Rules
- Any additional rules, policies, or guidelines that Winston-Salem State University has enacted for its Disciplinary Procedure consistent with this Interpretive Guidance
- Section 700.4.1. of the UNC Policy Manual.

If you have any comments, questions, or concerns, feel free to contact the Office of Student Conduct at 336-750-3356.