



# WINSTON-SALEM STATE UNIVERSITY

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

In order for a Licensed Attorney or Non-Attorney Advisor (Civility Advisor or Advisor) to advise a student(s) or student organization(s) in disciplinary proceedings, the student(s) or student organization(s) must complete and review the three (3) documents described below. Consistent with this interpretive guidance and the rules, policies, or guidelines governing Winston-Salem State University's disciplinary procedure, Licensed Attorneys or Non-Attorney Advisors 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 Advisors may not delay, disrupt, or otherwise interfere with a disciplinary procedure.

A Licensed Attorney or another individual representing Winston-Salem State University may participate in disciplinary procedures in which a Licensed Attorney or Non-Attorney Advisor advises a student or a student organization.

The following are requirements that must be completed before information may be disseminated to the student's Civility Advisor/Advisor/Licensed Attorney: **1) Notice of Representation, 2) FERPA Authorization, and 3) Interpretive Guidance for North Carolina General Statutes for Rule 700.4.1**

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

Students or student organizations that plan to have a Licensed Attorney or Non-Attorney Advisor represent them during a disciplinary procedure are required to notify the administration that administers the disciplinary procedure (ex. the Office of Community Standards & Civility, Office of Dean of Students, etc.) in writing of the Licensed Attorney's or Advisor's planned participation in a disciplinary procedure. The Notice of Representation Form identifies the following:

- The identity of the Licensed Attorney or Non-Attorney Advisor
- In what capacity is the person representing (i.e. as a Licensed Attorney, Civility Advisor, or Advisor);
- An address, telephone number, and email address where the Licensed Attorney or Non-Attorney Advisor can be reached; and
- Check list stating that the representative has received/reviewed all three items

## **2. FERPA Form**

In order for a Licensed Attorney or a Non-Attorney Advisor 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 Advisor 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 Advisor. 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.

## **3. Interpretive Guidance for North Carolina General Statutes for Rule 700.4.1**

This document explains the purpose of Rule 700.4.1, which allows for Licensed Attorneys or Advisors to participate in the conduct process. The document breaks down vocabulary/definitions, guidance of the conduct process at the UNC Constituent Institutions (pertaining to the release of background information, requirements to serve in the capacity, etc.), the specific types of conduct processes Licensed Attorneys and/or Advisors can fully participate in, and other documentation associated with the process.

If you have any comments, questions, or concerns, feel free to contact the Office of Community Standards & Civility at 336-750-3356.