



CAL MARITIME

MEMORANDUM

SUBJ: Change 4 to the Student Handbook

1. The following changes and additions to Section 1: Standards of Conduct for Students is effective commencing January 11, 2008:

Section 6. Use of Attorneys: Student Conduct proceedings are administrative in nature rather than part of any local, state, or federal civil/criminal trial procedure. Such disciplinary hearings have an education component and the presence of attorneys often changes the nature of the proceedings to the degree that such instruction is difficult to achieve. Accordingly, consistent with campus practice and policy, the presence of attorneys in such hearings is prohibited (any person licensed to practice law is considered an attorney for this purpose).

The practice and policy of denying the presence of attorneys in these hearings is supported by case law which established that attorneys are not required to ensure fairness or student due process [ex. *Osteen v. Henly*, 13 F.3d 221 (7th Circuit 1993) and *Goldberg v. Regents of the University of California* (1967) 248 Cal. App. 2d 867, 881]. This policy applies to both the student charged and the campus administration. Both the student and the campus may consult attorneys outside of the actual proceedings, but neither may have attorneys participating in the actual hearing process.

All other provisions remain in effect.