HEARING BOARD GUIDELINES FOR ATTORNEYS
(or Law Trained Advisors to accused students in cases
where there are likely to be pending criminal charges)

Should an accused student want his/her attorney present in a hearing, prior arrangements and agreement with these guidelines must be established with the Director of The Office of Community Standards & Student Responsibility. The Director of The Office of Community Standards & Student Responsibility may request the presence of a University Attorney to advise the hearing board in such cases.

Your presence at a Student Code of Conduct Hearing in only to protect your client’s rights in anticipation of pending criminal trial, see Gabrilowitz V. Newman, 582 F. Sd 100, at 106. It is not for the purpose of gathering information for use before or during a criminal trial.

You may be present with your client in the hearing room.

The student will speak and act on his/her own behalf. The accused student will limit questions and testimony to elements directly related to the violations of the Code of Conduct. Your role is solely to advise the student to refrain from answering questions, which, in your opinion, will effect the outcome of a criminal trial, and you shall not conduct questioning, direct-examination, or cross-examination of any witness or provide questions to your client during the course of the hearing. If you wish to object to the proceedings, or any constitutional or other legal issue, you may raise a continuing objection ONCE that will be noted by the chairperson, and your objections will thereafter be preserved for any internal University appeal. The student may at any time request a short recess(es) from the chairperson in order to gain advice from counsel regarding questions, direct presentation or cross-examination; this recess(es) will be limited, but will be granted.

The presiding officer, who will normally be the chairperson of the hearing board, will assure an orderly hearing process so that fairness and due process are observed. Legal counsel are subject to the chairperson’s authority. The presiding officer reserves the right to exclude persons from the hearing if they are disruptive, and/or to postpone the hearing because of disruptive behavior of participants and/or observers. In the event that legal counsel is disruptive, the student upon his/her request shall be granted a recess or postponement of the hearing until such time as he is able to secure the advice of legal counsel willing to abide by these guidelines or wishes to proceed without benefit of legal counsel. Hearings will be closed to the public unless specifically requested to be open by the accused student.

In all other judicial proceedings where criminal charges are not pending or likely to be, the accused student has the right to be assisted by an advisor of his/her choice, who must be a member of the University community (administrative official, faculty member, or student).