



Official

**GUIDE
BOOK**

Why Start A Student Defenders Group?

Due process and the right to a fair hearing is threatened on college campuses across America. Currently, many students have no choice but to face campus judicial proceedings on their own. This can be daunting, as many schools' conduct policies and procedures are needlessly complex and some may even be unconstitutional. Campus judiciaries are often unchecked, leaving administrators to make life-altering decisions with no source of scrutiny.

Founding a Student Defenders group on campus will help ensure that you and your fellow students have the support and resources needed to navigate student conduct processes. Student Defenders will help educate fellow students on their rights and options, advocate for fair and clear policies and procedures, and represent and counsel students in the university judicial process. By accompanying students through the university judicial system, Student Defenders will act as watchdogs for due process violations and provide accountability for university administrators.

As a Student Defender, you are a pioneer for justice on campus. We at FIRE are counting on you to stand up for student rights and serve as a leader on campus. The goal of Student Defenders is to provide each student with a comprehensive overview of their rights and options and the campus judicial process. It is not your job to find out if students are guilty or innocent—rather, it is to help them navigate the system and advocate for fair and just procedures.

Student Defenders help all students find justice and ensure fairness in campus disciplinary proceedings. In order to do this, you will serve as an ally to students—providing explanations of each step of the process, answering questions, and oftentimes just being there to listen. By offering this assistance to all students, you will make your university community a better, fairer place.

"AS A STUDENT DEFENDER, YOU ARE A PIONEER FOR JUSTICE ON CAMPUS."

FIRE asks that you:

1. Do it right.

- a. Examine your school's policies and procedures.
- b. Carefully read this guide.
- c. Set up a thorough training process for prospective representatives.
- d. Explain students' rights and options to each person who seeks your assistance.

2. Keep in touch with FIRE.

- a. We want to hear about your successes on campus!
- b. Don't hesitate to reach out with questions, concerns, or possible FIRE cases.



“PROTECT THE UNPROTECTED”

About the Foundation for Individual Rights in Education (FIRE)

The Foundation for Individual Rights in Education (FIRE) is a non-partisan civil liberties organization dedicated to defending student and faculty rights at our nation's institutions of higher education. FIRE defends constitutional liberties including freedom of speech, legal equality, due process, religious liberty, and sanctity of conscience on behalf of students and faculty nationwide. FIRE's core mission is to protect the unprotected and to educate the public and communities of concerned Americans about the threats to these rights on our campuses and about the means to preserve them.

FIRE effectively and decisively defends the fundamental rights of tens of thousands of students and faculty members on our nation's campuses while simultaneously reaching millions on and off campus through education and outreach. In case after case, FIRE brings about favorable resolutions not only for those individuals facing rights violations, but also for the millions of other students affected by the culture of censorship within our institutions of higher education. In addition to our defense of specific individuals and groups, FIRE works across the nation and in all forms of media to empower campus activists, reform restrictive policies, and inform the public about the state of rights on college campuses.

The State of Due Process on Campus

The right to due process refers to the idea that judiciaries must provide fair and impartial procedures when determining a person's guilt or innocence. The same principle applies to judicial hearings on college campuses. If colleges and universities care about justice and the accuracy of their findings, they must provide fair and consistent procedures for both the accuser and the accused.

History has taught us that the rights of all Americans can be secured only through the establishment of fair procedures and the recognition that all are equal in the eyes of the law. Yet on many campuses, the accused face “kangaroo courts” that lack fair procedures, in which the viewpoint or institutional interests of the “judges” greatly affect the outcomes of trials. The accused are often charged with no specific offense, denied the right to face their accusers, and sentenced with no regard for fairness or consistency. As a result, a generation of students is being taught the wrong lessons about justice—and facing ruinous consequences for their personal, academic, and professional lives. Students must come to know that justice means more than merely the enforcement of the will of the powerful and the suppression of the powerless.





Teaching Students About the Importance of Due Process and Free Speech

The judicial process provides a great opportunity to teach students about why their rights are important. Without due process rights, there is no guarantee that students will be notified of charges, have ample time to prepare their defense, have the opportunity to present their case to an impartial hearing officer or panel in a timely fashion, hear the evidence against them, obtain access to records of their disciplinary case, or be able to hire a lawyer. (Your school may not allow lawyers to accompany students to hearings. If this is the case, see the Appendix for strategies to change this policy.)

It is important to explain these procedural safeguards to each student with whom you meet. This is a crucial learning moment and they should have a strong understanding of why these safeguards are essential.

Similarly, you should explain students' free speech rights and underline why they are important. Free speech is essential in advocating for fair procedures and student rights. Please check out [FIRE's Guide to Free Speech on Campus](#) for more information.

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"HAVE A VOICE ON CAMPUS"

Establishing a Permanent On-Campus Presence

Official School Recognition

Becoming an official student organization should be your first priority when starting your Students Defenders group. On nearly all campuses, you will need official recognition in order to obtain an on-campus office and mailbox, receive funding, and table on campus.

Most universities have a standard set of procedures and paperwork that you will have to complete in order to become a recognized organization. Usually, you can find this information online or at your school's student life center. If you have trouble with this process or your recognition is being held up for reasons that don't sound right or aren't being applied to other groups, please contact FIRE. We can help.

Recognition Through Student Government

Another option for gaining recognition is to become a division, subsidiary, or office of your student government. By doing so, you can ensure that your group and the students you represent will have a voice on campus. Other benefits may include sharing your student government's faculty advisor or gaining financial and advertising resources.

Tips for approaching your student government:

- 1. Learn about your student government structure and procedures. What steps need to occur in order for your group to be created? Is there a constitutional review period? If so, that may be the best time to propose your group.**
- 2. Prepare a presentation that explains why Student Defenders is a vital resource and service for students.**

Consider including metrics—like the number of students who face judicial charges each year—to strengthen your case.
- 3. Include a written outline or proposal.**
- 4. Explain the resources (e.g., funding, office space) you need to start and maintain the group. Be sure to include an organized budget and be prepared to provide a rationale for each budget item.**

Consider budgeting for:

- A printer
- Legal pads
- Pens
- Advertising materials (like magnets)
- Business cards
- Folders
- Website



Creating a Constitution

Writing a constitution is essential to preserving organizational structure. It is often required to gain school recognition. Below you will find explanations and examples for the most common constitution requirements:

Organization Name

Your group's name should make it easy for students to understand what you do. Aim for a clear cut, self-explanatory name. For example:

- *Student Defenders*
- *Students Defending Students*
- *Student Advocates*
- *Student Judicial Advisors*
- *Students Helping Students*

Mission Statement

Your mission statement should provide a clear description of your organization, what you do, what your goals are, and what members should expect when joining. Here's an example of a mission statement from one group, which happens to be a division of the student government (here, called a "subsidy"). You may want to modify this or come up with your own. FIRE can also help with this process, if you wish.

Students Defending Students, as a subsidy of Ohio University Student Senate, is an organization dedicated to serving the student community by representing and counseling students through the university judicial process. SDS strives to provide students with protection from the violation of their rights in the university, the judiciary, and the community. SDS is a non-profit organization and is run entirely by student volunteers who have been specifically educated in student rights at Ohio University.

Membership Requirements

This section should address the following questions:

1. What are the requirements and qualifications for membership? Are there any restrictions?
2. How can students become members? (Include details about the application, coming to meetings, and representing a minimum number of students.) How long does membership last?
3. What is the process for removal?

Note:

Your school may also require that a standard non-discrimination policy be included in this section. Beyond outlining membership requirements in your constitution, you should also consider having members sign an expectations form. Please see the Appendix for an example.



Organization Leadership

Consider creating a transition period so newly elected officials have a chance to shadow the former executives. This section should outline the leadership structure of your organization and answer the following questions:



Who is eligible to run for a leadership position?



How long do leaders serve?



Are there procedures to remove leaders?



Are there provisions for replacements?



What is the election process for leaders?



Who is eligible to vote for leaders?



What format will the voting process follow?



What do leadership transitions look like?



Organization Leadership (Continued)

A small organization may need only a director and assistant director. A larger group may want to add additional positions to handle things like advertising, group finances, or community outreach. **Below is an example of a group's leadership structure:**

DIRECTOR

The Director is responsible for setting goals and maintaining progress, for relaying information and concerns to appropriate parties, and for ensuring that members are continually recognized and respected within the university community. The Director is responsible for ensuring Student Defenders takes a proactive approach to protecting students' rights.

ASSOCIATE DIRECTOR

The Associate Director is responsible for overseeing the day-to-day operations of the organization. These responsibilities include ensuring all Assistant Directors and representatives fulfill their obligations as well as ensuring that all students requiring assistance are given a representative. The Associate Director is responsible for creating an office hour schedule and an updated contact list.

ASSISTANT DIRECTOR OF ADMINISTRATION

The Assistant Director of Administration is responsible for maintaining an operable office area. This includes overseeing supplies and ensuring properly functioning equipment, maintaining the filing system and precedent log, and managing the calendar. The Assistant Director of Administration is responsible for ensuring there are Student Defender business cards in the appropriate offices.

ASSISTANT DIRECTOR OF RECRUITMENT AND TRAINING

The Assistant Director of Recruitment and Training is responsible for recruiting potential representatives and ensuring that trainees are receiving training and guidance. This includes monitoring a trainee's progress in compliance with the training guidelines. The Assistant Director of Recruitment and Training is responsible for overseeing monthly training for all representatives. The Assistant Director of Recruitment and Training is responsible for maintaining and updating Student Defender social media accounts.

ADVISOR

If your school requires an advisor it may be helpful to consider:

- A faculty member with whom you have an existing relationship;
- A faculty member in the political science, philosophy, or law department;
- A professor who teaches a constitutional law course; or
- Someone who has experience with campus judiciaries.

See the Appendix for a sample constitution.

Inter-Group Communications

Communication within the group is vital to a well-run organization. Whether you use Facebook, Slack, Orgsync, Google Drive, GroupMe, or something else, make sure you have an outlet where people can communicate or ask questions while maintaining confidentiality. It is also important to have weekly meetings with the entire group. All open cases should be discussed to allow others to chime in with information about any relevant past cases. Weekly meetings should also focus on brainstorming any possible advertising opportunities on campus. Meeting basics include the following:

An Agenda

An agenda should be prepared and agreed upon by group leaders prior to each meeting. A good agenda will help you run meetings efficiently, guaranteeing that all items are discussed and decided. You may also consider sending an agenda draft to members a few days prior to the meeting. This allows members to prepare or develop questions for robust and productive meetings.

Meeting Minutes

Select someone to record decisions, action items, discussion topics, and points of contention. This should not be a transcript of the entire meeting, but rather an outline of major discussions and group decisions. Minutes should be distributed after the meeting to remind members of what was discussed and to update anyone who may have missed the meeting.

Group leadership should decide on the culture they would like to cultivate within the organization. For a more relaxed office culture, encourage members to hang out outside of group events or create a space within the office for homework. Regardless of your unique office culture, remember to maintain professionalism with the students you are serving.

“COMMUNICATION WITHIN THE GROUP IS VITAL TO A WELL-RUN ORGANIZATION.”

Raising Money to Fund Student Defenders

At most universities, students can apply for money allocated by student governments. The money allocated through student government often comes from student activity fees that all students pay at the beginning of the year—so don't be shy when applying for funds. This is your money.

Typically, funds will be granted for a specific event or project and will involve an application or presentation where members of the organization explain what they plan to do with the money. When filling out these applications, be sure that you have a clearly outlined budget and straightforward explanations for why your work benefits the campus community. Please see the Appendix for a sample funding proposal.

In addition to campus-wide student governments, some schools also have college-based student governments (e.g., a student governing body for a law school or graduate program) that also have funds for which you can apply. At some schools, residence halls may have additional funding available for events that impact students living in that hall. Student organizations often overlook these opportunities, leaving unused funds at the end of the year.

The first step to successfully raising funds is developing a plan. The point person for these efforts will often be the treasurer, although it might also be helpful to designate a member as development or fundraising chair. Having an internal structure that designates responsibility for fundraising and submitting funding requests will ensure that raising money is never neglected.

Obtaining funding is critical to the success of any organization. This may seem daunting, but university communities typically have a wealth of resources available to student organizations. Beyond campus-based fundraising, students often find support from local businesses and direct donations from supporters.

Other ideas for raising money include:

- Asking alumni to donate;
- Soliciting online donations;
- Grants from outside organizations (like FIRE);
- Partnering with similar student organizations;
- Fundraising at local establishments (for example, five percent of one night's proceeds at a local restaurant);
- Campus bake sales; and
- Silent auctions.

A word of warning: Do not take money or donations from the students you are defending or their families—even if they want to donate. This could raise legal and ethical concerns. If they insist, suggest they donate to the group after the student has graduated.

**"THE FIRST
STEP TO
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Advertising

Advertising is an essential function for your group, as you will be trying to attract students in need of assistance. It is important to keep your audience in mind while advertising! Consider giving away materials like magnets, T-shirts, and stickers with your logo, email address, and phone number.

Flyering

Flyering is a great way to get the word out on campus. Hang flyers in campus buildings, restrooms, dining halls, and other high-traffic areas. Check your school's posting policy and, if necessary, gain approval before distributing and hanging flyers. Your flyers should:

- Be concise and to the point;
- Use graphics;
- Include your logo, phone number, and email address;
- Look professional.

See the Appendix for a flyer template.

Some professors may be willing to have flyers distributed after class, following a brief announcement by a member of your group. Your school may also have student group mailboxes. Consult your student involvement center to see if you are able to place flyers in student group mailboxes.



Reaching Out To Campus Leaders

Make connections with campus leaders to spread the word about your services. Reach out to Greek life, residence hall staff, intramural teams, academic societies, political activism groups, student government members, and other clubs to let them know about your group. Ask if you can give a short presentation at the start or end of their meetings. Remember to bring small handouts or business cards to pass out. Also consider sending a press release to your school's student newspaper to let them know about your organization.

Reaching Out To Conduct Administrators

Conduct administrators have the potential to be one of your biggest sources of referrals. Schedule regular meetings with administrators and keep an open channel of communication. Consider asking conduct administrations to include your group contact information on the bottom of official emails and notices of conduct charges. Additionally, ask the conduct office if your group can leave business cards at their front desk.

Advertising (Continued)

Tabling

Tabling is an effective way to educate and engage your campus community and spread awareness of your group.

Effective tabling typically requires several volunteers, and it's a good rule of thumb to try to recruit more volunteers than you think you will need. Besides, it's helpful to have company while tabling so you can stay excited and motivated! Together, a team can distribute literature, answer questions, and engage with those passing by. If you plan on tabling for more than a few hours, schedule volunteers in shifts to ensure everyone stays enthusiastic and energetic. To coordinate shifts and keep track of volunteers, maintain a list of time slots and volunteer contact information so everyone knows who is working when. Think about what will attract people to your table and what visitors are likely to pick up once you have their attention. In addition to handouts, stickers, and other literature, bring a tablecloth and make a poster in advance to clearly show the purpose of your tabling event. Be sure to wear your Student Defenders T-shirt.

While your table will likely attract those already walking by, advertising in advance will help to draw additional visitors and supporters. Putting up flyers, personally inviting your friends and classmates, and setting up a Facebook event page are cost-effective advertising methods.

Resident Halls

Residence hall staff are great allies with whom you should strive to build solid relationships and residence halls are a perfect place to get the word out about your group. Residence hall staff may be able to help spread the word and even refer students to your organization. Email resident hall directors and resident assistants to schedule an informational meeting. There, explain the resources you offer students and propose ways you can collaborate, such as hosting a "Know Your Rights" event, or an informational event with incoming first-year students. Additionally, you could also ask to design a bulletin board with information on the school's code of conduct and Student Defenders.

**"...ADVERTISING
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Advertising (Continued)

Hosting an Event

Consider hosting an event on student rights to attract students. “Know Your Rights” events before Halloween, campus festivals, or sports games are sure to interest students. Consider inviting a campus police officer, a member of the residence hall staff, and an administrator from campus judiciaries to sit in on your “Know Your Rights” event.

Ask other organizations on campus to co-sponsor the event. By doing so, you can save money, boost attendance, and gain critically important campus allies. Tell allied faculty about your event and ask if they would be willing to promote it to students or even offer extra credit to those who attend. Also, let residence hall staff know about your event, as they can typically help advertise.

Ensure that your event is listed on the campus calendar. Also, try getting the college—or a department within the college—to co-sponsor or promote the event on the college website.

Create a Facebook or Eventbrite event page. Invite all students and anyone who might be interested. Encourage your friends to do the same! Advertising on social media allows news about an event to spread quickly and easily, even to those outside your network or circle of friends. Your school may also have specific advertising forums, such as email listservs, which can be useful in getting the word out.

Be sure to do direct outreach on campus. Flyering, tabling, press releases, media advisories, op-eds, and word of mouth are all great ways to draw attention to your event! It’s a good strategy to have those helping to plan the event send out personal messages to their network of friends the night before or the morning of an event to remind people and confirm that they are attending. It means a lot more to receive a personal note from someone you know than a general Facebook invite reminder.

“ASK OTHER ORGANIZATIONS ON CAMPUS TO CO-SPONSOR THE EVENT. BY DOING SO, YOU CAN SAVE MONEY, BOOST ATTENDANCE, AND GAIN CRITICALLY IMPORTANT CAMPUS ALLIES.”



Growing Your Group

Once you are fully operating, you will need to recruit new members to make sure your group grows into a real force for student rights on campus. **Check out these tips:**

1. Start recruiting at the beginning of each semester. Students are more likely to be looking for extracurricular opportunities at the start of the semester, and starting early gives you plenty of time to receive and review applications and conduct interviews with potential members.
2. Perfect your interview process. An effective interview process is crucial to selecting the right members for your organization. Being a Student Defender takes the right type of student—someone who can handle private information, act professionally, and offer support to students—so a rigorous interview process is required.
 - Students should submit an application (see the Appendix), a résumé, and a cover letter.
 - Select three current officers or senior members to be on the interview panel.
 - Try to have the same individuals serve on all of the interviews. Prepare questions in advance with your unique group culture in mind. The panel should ask each applicant the same questions so you have a consistent set of answers to review in making your decision. See the Appendix for sample questions.
 - Dress for the interview should be business formal, which is a good way to ensure that the applicant can conduct themselves in a professional manner.
 - Send candidates a formal offer letter via email. It is important to send unsuccessful candidates a letter as well, so no one is uncertain about their status.



“AN EFFECTIVE INTERVIEW PROCESS IS CRUCIAL TO SELECTING THE RIGHT MEMBERS FOR YOUR ORGANIZATION.”

Growing Your Group (Continued)

3. Have a thorough training process. Having a structured and thorough training process is one of the most important elements within this guide. The training process is essential for ensuring that when members are initiated into the organization, they are fully ready to help students. Creating a syllabus for your training program can help ensure a reliable and effective process. The syllabus should include weekly classes, readings, and tests. Lessons should include the following:
 - Organizational mission and history
 - An in-depth look at your school's policies
 - How the disciplinary process works
 - How to help students effectively present arguments
 - How to be supportive towards students
 - Working with administrators
 - Professionalism
 - Ethics and the Family Educational Rights and Privacy Act (FERPA)
 - Student resources
 - Office logistics
4. Encourage younger members to apply for leadership positions.
5. Group leaders should create or add to protocols detailing important group information each year. This is essential to preserving group success during leadership transitions.

Please see the sample syllabus in the Appendix.

- Don't be afraid to remove trainees who may not be a good fit for the organization. It is better to hurt feelings now, if you must, than to have your group get a bad reputation later.
- Be sure to include a social element to your training process. This can be a good way to introduce new members to the group culture, or to create one.
- The training process should include several opportunities to shadow representatives.
- The training process should conclude with a comprehensive final exam.



Professionalism

Professionalism is imperative. Without it, you risk losing credibility. Although your group is working with peers, **you can achieve professionalism in a few easy steps:**

1. Always wear proper attire. Dressing professionally is a great way to assure both clients and administrators that you take your position seriously.

- Members should dress in business casual attire for office hours. Though it may be tempting to go to your office hours in a hoodie and sweatpants, you want to inspire confidence in students seeking help. Additionally, a student may come in during your office hours looking for someone to accompany them to a hearing or procedural meeting. It's best to be prepared!
- Representatives should dress in business formal attire for hearings.

2. Conduct yourself in an appropriate manner.

- When meeting with students and administrators, always act in a professional manner. This includes being on time, dressing properly, and being polite and friendly.



3. Maintain appropriate communications with students and colleagues.

- It's important to make students feel comfortable in the office, or wherever they are meeting you. You may be the first and only person they talk to about their proceedings, so work to create a judgment-free zone. To build trust and encourage candor, tell students you will help them to the fullest extent of your abilities regardless of their guilt or innocence. Your job is to inform students of their rights and options and guide them through the judicial process.
- Telling students about your crazy weekend is inappropriate. Inform representatives on where the line is drawn and be sure to keep "work" and your personal life separate. If you see a student (or former student) while "out," do not initiate contact.
- If they say hello, let them lead the conversation or introduce you to their friends. Do not bring up their case under any circumstances. Do not remind them of any upcoming meetings. It is their decision to talk about their case with friends or family. Maintaining privacy is paramount to your group's success!
- Cases are to be discussed in the office or in a private location. Do not discuss current or past cases at the coffee shop, bar, restaurant, or anywhere that someone could overhear you. Merely switching names is not enough to maintain a student's confidentiality. Keep public case discussions to an absolute minimum.
- Don't discuss old cases (even with identifying factors removed) any more than absolutely necessary. It may make students nervous that you will talk to other people about their case.

Professionalism (Continued)

4. Always remember that your job is to ensure that the process is fair and that a student knows about and has the chance to take advantage of his or her rights. You are there to support individuals going through the judicial process and to advocate for due process.

5. Keep the office clean (if you have one).

- First impressions are everything! When a student comes in, make sure they always see a clean and organized office. Make sure records are organized in a locking file cabinet and notes are included in the appropriate file after every meeting. Do not leave notes with any personal information lying around the office. Keeping the office well-organized helps operations run smoothly and makes representatives want to spend more time in the office. If you have an office computer, make sure it is password-protected.

6. Have professional materials.

- All handouts should include branding material with the group's contact information.
- Consider purchasing custom group materials such as pens, padfolios, lapel pins, or notepads.
- Encourage members to carry business cards.

7. Maintain a nonpartisan environment.

- Political debate on campus is inevitable. Debates may even focus on issues that have implications for due process, such as sexual assault on campus. It is crucial that your group maintains a politically neutral stance throughout these debates. You do not want to dissuade any student or group from seeking your services. While members may certainly have opinions, the organization should not be portrayed as partisan in nature or allow its members to portray it that way.
- The group should not take sides or endorse candidates in student government elections.
- Do not allow bias to permeate your group. Remember, the mission of your group is not to defend the particular action of this or that individual, but rather to ensure that each student's due process rights are honored. The goal of Student Defenders is to provide each student with a comprehensive overview of their rights and options and the campus judicial process. It is not your job to find out if they are guilty or innocent, or go on a fishing expedition on their behalf.



“STUDENT RECORDS SHOULD BE EASILY ACCESSIBLE.”

Organizing Records

Though we live in a digital world, keeping centralized paper records is important to maintaining accurate and organized case records. Student records should be easily accessible.

1. Each student who comes in should first fill out and sign a release form. Do not begin the process or look at any of their case materials until they have signed and turned in the release form. See the Appendix for a sample release form.
2. Your office may also want to utilize an intake form that summarizes the reason for the student’s visit. See the Appendix for a sample intake form.
 - Make a file folder for the student’s current case with the date and judicial charges.
 - Each student should then get a hanging file folder with their name (last, first).
 - These should be arranged alphabetically by last name. Alternatively, your group may find it more effective to group files together by member, giving each representative a spot in the file cabinet to keep cases.
 - Keep all forms and notes in their respective folders!
 - Records should be kept in a locked file cabinet.
3. Record metrics on how many cases your group works on and even consider asking students to write anonymous testimonials or reviews on your service.

If you do not have an office, records should be kept and organized on a secure web platform (such as Blackboard or Google Drive).

Learning Your School’s Policies

Become an expert on your school’s code of conduct.

1. Require all members to have a thorough and in-depth understanding of the conduct code. Without this knowledge, your organization cannot function properly.
2. Hang up a “cheat sheet” with a code breakdown in a visible location within the office.
3. Conduct tests on the code twice a year to keep representatives sharp.
4. Consult [*FIRE’s Guide to Due Process and Campus Justice*](#).
5. Meet with your school’s judicial administrators to discuss policies and common sanctions.
6. Advocate for greater due process protections.

Learn other school-sponsored statements.

1. Know what your university says in other various statements—for example, in a mission statement, or in policies beyond the code of conduct. These statements can help you glean a more comprehensive understanding of why your school has its policies. Knowing policies beyond the code of conduct will aid in your ability to better assist students.

Know the rules pertinent to each case.

1. If your client got in trouble in a dorm, for example, make sure you know the residence hall rules.

What to Do When a Student Asks for Help



- 1. Have them fill out confidentiality paperwork.**
 - When a student walks in, greet them, immediately give them the necessary paperwork, and explain exactly what they are signing.
- 2. Your first priority is to get a copy of their referral form (or whatever written notice your school uses to let students know about the charges against them) so you know which charges they are facing.**
- 3. Ask the student to tell his or her side of the story in detail.**
 - Take copious notes! Remember to take notes during every meeting and keep notes in student's file.
 - Wait to ask questions until the client is done sharing his or her side of the story; instead, write down any questions you may have to review later.
- 4. Ask the student if they were with anyone and if that person would be able serve as a witness.**
- 5. Ask the student if they have any evidence to support their claims, such as videos, pictures, or texts.**
- 6. Get a copy of all documentation the student may have. Keep documentation in the student's file.**
- 7. Explain the charges they are facing and common sanctions.**
- 8. Walk them through the steps of the judicial process.**
- 9. Stress the importance of writing everything down throughout the process.**
 - Even if the student asks a quick question to an administrator, it's better to write it down and email it.
- 10. Ask the student about their desired outcome.**
 - Will they admit or deny the charges?
 - If they are planning to deny the charges, explain the different hearing options they can choose and the pros and cons associated with each option.
 - If they are planning to admit to the charges, they will most likely be able to provide "character" materials, which may affect their sanction.
 - Ask if they have any professors, friends, supervisors, or resident assistants who may be willing to write a short letter attesting to their character.
 - Administrators may also take extracurricular or volunteer work into account while sanctioning.
- 11. Find out the dates of the student's upcoming meetings. Consult your schedule to make sure you can attend. If you cannot, work to find a substitute representative.**
- 12. It is imperative that you create a judgment-free zone throughout the meeting. Students should feel safe disclosing their version of events and their planned responses to you. If you feel that you are biased against a student or feel uncomfortable representing someone, find another Student Defender who can help.**





What to Do When a Student Asks for Help (Continued)

Dealing with Difficult Students

Going through the campus judicial system can be an emotionally overwhelming process. Students may neglect classwork, friends, and extracurricular activities, finding themselves isolated and falling behind in class. It is important to treat each student with respect and kindness. Listen to students and let them know that you are there to help. But be careful to abide by following guidelines:

1. Do not minimize their feelings or say "everything will be better soon."
2. Do not take responsibility for them.
3. Do not overwhelm them with information or ideas to "fix" their problems.
4. Do not convey judgment or criticism of their choices, or make allowances for their irresponsible behavior.

Let struggling students know about on-campus counseling resources. Consider keeping materials from your school's psychological services in your office to give to interested students. Even if a student appears to be doing okay, letting them know that counseling is available if needed is never a bad idea!

If a student does or says something strange, or something that makes you uncomfortable, don't overlook it. Refer safety concerns to the Dean of Students' Office, or to your advisor.

"IT IS IMPORTANT TO TREAT EACH STUDENT WITH RESPECT AND KINDNESS."

"DO NOT CONVEY JUDGMENT OR CRITICISM OF THEIR CHOICES, OR MAKE ALLOWANCES FOR THEIR IRRESPONSIBLE BEHAVIOR."

Tips for Helping Students Present Their Arguments

If a student does not feel that they have violated the code of conduct, you can help them prepare for their hearing. It is important to keep in mind that you are there to support the student, not to help them “beat the system” or avoid accountability. Additionally, you do not work for the student—the student must be the one to initiate contact and must follow through with tasks.

Preparing a case is a daunting task. Many students that you help will feel overwhelmed and may let emotion cloud their judgment. Because of this, it is important to be supportive and thorough when preparing students for the judicial process. Clearly communicating school policies, logistics, and common sanctions are important and necessary first steps. Once the student has a solid understanding of policies and procedures, you should help them prepare for the judicial proceedings.



1. Evidence is key.

- If the student was in class, at the gym, and then at Chipotle during the time of the alleged incident, they need to collect evidence to support these claims. For example, you might recommend they bring a class schedule, swipe card record, and receipt to the hearing. This will improve a student’s credibility.

2. Witnesses can add credibility.

- Anyone who can speak to a student’s story should be brought in or asked to write a signed statement. Details that may seem small may end up being an important element in the hearing.
- If the student feels that a witness is biased against them, simply stating that in the hearing is not enough. They must provide evidence to support their claims.
- It is the student’s job to prepare questions for prospective witnesses. For example, if the incident occurred in the residence halls, a resident assistant or director might serve as a witness. Help your student brainstorm possible questions.

3. Review questions that may be asked.

- The hearing officer or panel will most likely have questions for the student you are assisting. Help the student prepare by running through questions they will probably be asked.
- You should also advise the student to write down questions they want to ask during the proceedings. If they can help it, students should not rely on memory during any part of the process.



Tips for Helping Students Present Their Arguments (Continued)

4. Help students prepare opening and closing statements.

- Students may be allowed to deliver opening and closing statements during the hearing. They should prepare the bulk of their statements beforehand, with room to add in new information during the proceedings. The opening should go over the information they are about to present. The closing should cover final thoughts and anything that further strengthens their case.

5. Work with the student to address inconsistencies in their story.

6. Even if a student intends to accept responsibility, they still need to prepare!

- What do they feel the appropriate sanction would be? Encourage them to consider how they feel they should be held accountable.
- Students should be prepared to explain what they have learned from the process thus far. Did they realize they needed to focus on school more? Associate with different people? Seek counseling? These factors will help the administrator or hearing panel decide on the appropriate sanction.

“ENCOURAGE THEM TO CONSIDER HOW THEY FEEL THEY SHOULD BE HELD ACCOUNTABLE.”

“EVEN IF A STUDENT INTENDS TO ACCEPT RESPONSIBILITY, THEY STILL NEED TO PREPARE!”

Case Presentation

It is essential that you thoroughly prepare students for each step of the judicial process. While you may have helped with countless meetings, this may be the student's first exposure to the process, which can be overwhelming and intimidating. Explain the role of conduct proceedings and the steps within the process. Do not characterize the conduct administrator as "the enemy" or insinuate that the school is "out to get" the student. Rather, focus on ensuring that the student's rights are respected and that fair procedures are followed.

There is a lot of necessary legwork needed to give students the best chance in a hearing or meeting.

- Review all codes and rules relevant to the charges before each step in the conduct proceedings.
- Go over possible questions the student with whom you are working may be asked.
- Brainstorm questions the student may want to pose to witnesses.
- Review the language that will be used to articulate their side of the story.
- Ensure that the student has clear evidence and an understandable chain of events in their account.
- Print out multiple copies of materials they want to share.
- Explain (and even act out) each step. **Below is a rubric of a possible meeting or hearing:**

OPENING

This is a brief statement that either the student or (if permitted) the advisor can make. It should sound something like this:

"I do not believe I violated the _____ charge because _____.

"Molly did not violate Rule A3 because she was not drinking the night of the alleged incident."

"IT IS ESSENTIAL THAT YOU THOROUGHLY PREPARE STUDENTS FOR EACH STEP OF THE JUDICIAL PROCESS."

"... FOCUS ON ENSURING THAT THE STUDENT'S RIGHTS ARE RESPECTED AND THAT FAIR PROCEDURES ARE FOLLOWED."

Case Presentation (Continued)

COMPLAINANT'S SIDE OF THE STORY

- Make sure the student remains calm during this part of the hearing, as it is usually the most frustrating time for them. Remind them that they will have the chance to present their side of the story.
- Both you and the student may have a chance to ask questions. Decide in advance who will be asking questions.
- Make sure the student doesn't make accusations or comments while the complainant is being questioned, like "You didn't ask me if I wanted to take a Breathalyzer" or "That's not true!" Remind the student that there will be time for them to present their side of the story.
- Advise the student to write down any inconsistencies or frustrating elements. This is important to do in order to establish facts, and a great tool for students who may be tempted to argue with witnesses or the complainant.

ACCUSED'S SIDE OF THE STORY

- First, let the student tell their side of the story in detail. Make sure they establish a firm timeline of events.
- Reference notes taken during meetings and add details the student left out or prompt them to do so.
- Present any evidence.
- It is usually best to bring in witnesses last, as they will echo the student's side of the story, therefore adding credibility. This is ultimately up to the student, though.

CLOSING

This is a summary statement that either the student or (if permitted) their advisor can make.

- Be sure to counter any points the complainant made, citing evidence to strengthen your points.
- Consider having the advisor start the closing statement and then have the student summarize their position afterwards.

DELIBERATION

This can take anywhere from 20 minutes to two hours, or more. Be supportive throughout this time, as it can be the most stressful for students.

FINDING

If the student is found to be in violation of the code of conduct, do not let your feelings show. Reassure the student that there are still two important stages of the process—sanctioning and appeals. You may consider asking for a moment alone with the student if they are emotional.

APPEALS

If the student is unhappy with the decision or sanction, if there was a defect in the process, or if the student has evidence of bias, an appeal may be possible. Consult your school's policies for information on grounds for appeals, the appeal procedure, and deadlines.

What to Do if Your School Doesn't Allow Representatives to Speak During Proceedings

Your school may have a policy restricting your ability to speak during a hearing. If this is the case, consider working with your student government to pass a resolution allowing advisors to speak on behalf of the student.

Some states, such as North Carolina, have state laws that guarantee the right of accused students to have their advisors speak in some or all circumstances. Find out from FIRE if your state is one of them.

The right to have representatives speak is paramount for justice on campus. A hearing can be an overwhelming experience for students, causing even the most prepared student to forget to mention important elements that can help fact-finders arrive at the truth. An active advisor allows the experience to be fairer and less stressful. The right to have representatives for both the complainant and accused speak ensures an equal balance in the process.

Please see the Appendix for a sample resolution.

There are many other ways to work toward changing your school's policy on advisors.

- Write an op-ed.
- Circulate a petition.
- Meet with the university's administration.
- Start a letter writing campaign.



Due Process Red Flags to Watch For

Students at public schools are entitled to protections when facing suspension or expulsion for disciplinary reasons—as opposed to academic reasons. At the very least, these protections include:

- The right to have your case heard under regular (non-arbitrary) procedures used for all similar cases;
- The right to receive notice of the charges against you; and the right to present your side of the story to an
- Impartial arbiter or panel.
- Consult [*FIRE's Guide to Due Process and Campus Justice*](#) for more information on student due process rights. Hold your school accountable if students are not afforded their rights. If the school oversteps its boundaries, contact FIRE.

“WORK TO CULTIVATE AMICABLE AND PROFESSIONAL RELATIONSHIPS.”

Talking to Administrators

You will likely work closely with administrators through your role as a Student Defender. Work to cultivate amicable and professional relationships. Maintain these relationships by meeting weekly, if possible. These weekly meetings should cover the following:

- Any issues you or any representatives have encountered.
- Feedback the administrator(s) may have about you or any of your representatives.
- Questions about school policies or sanctions, including whether sanctioning guidelines exist for certain infractions.
- Questions about any institutional changes.

You should not disclose specifics about any of the cases you are working on, nor should you discuss anything a student has said to you. It is important to be respectful even when airing concerns you may have. Take careful notes of conversations and follow up with an email that restates everything you talked about, then ask the administrator(s) to confirm that your notes are accurate. Keep copies of any written correspondence with administrators, faculty members, or student leaders.

Consider asking conduct administrators to include your group’s contact information on the bottom of referral emails and correspondence with students.

University Committees

Your school likely has committees that evaluate and change campus policies. Meet with administrators to find out what committees exist at your institution. If there is a committee that deals with the code of conduct, make sure you are at the meetings. If possible, email the administrator who handles committees and ask to be formally added to the meetings.

If someone from your Student Defender group is invited to attend, they need to be punctual and prepared. Take careful notes and report the group discussion to other members of Student Defenders. University committees are great places to lobby for change on campus!



FERPA

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- 1. Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.**
- 2. Parents or eligible students have the right to request that a school correct records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.**
- 3. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 C.F.R. § 99.31):**
 - School officials with a legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific state law.

A student's rights under FERPA are much clearer than their constitutional due process rights, which come from judicial precedent rather than statute and vary widely by both specific case and jurisdiction. FERPA applies equally to all institutions, public or private, that receive any U.S. Department of Education funding. (That's almost all of them.)

FERPA (Continued)

Students have the right to see not only material that has been placed in their official file, but all documents about their case created by the university, no matter who created them or how they are stored. Students do not have the right to see some notes, however, such as the handwritten notes at meetings that individual administrators or professors made for their personal use.

Accessing Records

If a student wants to inspect the records of their disciplinary case, their college or university is required to gather them and give the student access within 45 days. A school is not required to let a student photocopy their records, although the vast majority of schools will allow students to make copies or at least take pictures. At state institutions, state law allows students to copy records to which they have legal access, which includes FERPA records.¹

At the conclusion of a student's case, if the university has decided to permanently retain documents, a student can ask the university to discard them. If administrators refuse to do so, the student has the right to a hearing before an impartial official of the university to ask that the materials be removed. In the hearing, the student must demonstrate that the information in the file is misleading or otherwise in violation of their privacy rights in order for the university to correct the records. It is, however, unlikely that students will succeed in having records expunged. FERPA does require that students be allowed to place a statement in their file explaining any problems they see with any aspects of their educational records.

The university may not share disciplinary records, even orally, with anyone other than the student and specific university officials and staff, unless the student waives their rights to such confidentiality. This means that the school may require students to sign a record release in order for Student Defenders to participate in disciplinary proceedings. See the Appendix for an example of a record release form.

Parental Notification

Many students will be concerned about whether their parents will find out that they got in trouble. Whether your college may tell students' parents about disciplinary cases depends on:

- The nature of the accusation;
- Whether a student's parents claim them as a dependent on their tax return;
 - If a student's parents claim them as a dependent on their tax return, the college may show them all educational records, including disciplinary files.
- For some types of accusations, age.
 - If a student is found responsible for an offense involving drugs or alcohol and they are under 21 years old at the time of disclosure, the university may tell their parents.

Under no circumstances is a college or university required to tell a student's parents of the student's record.

¹Every state has open records laws that generally allow individuals to copy government documents (like records from state schools) they have legal access to. See <http://rcfp.org/open-government-guide> for a list of these laws by state.

FERPA (Continued)

FERPA and Student Defenders

FERPA applies to schools themselves, and no court has ever found that student groups are covered by FERPA. To be safe, however, the Student Defenders group should get a FERPA waiver from the student being helped. Please see the Appendix for an example.

Students should be aware that their school is not required under FERPA to maintain education records—only to protect the privacy of the records it does maintain. Also, unless there is an outstanding request by an eligible student to inspect and review education records, FERPA allows schools to destroy such records without notice to students.² However, in the case of public schools, many states have record retention requirements that would apply to education records. Also, if the subject matter of the hearing is something that, if true, would be a crime covered by the annual reporting requirements of the federal Clery Act (for example, a crime of violence or nonforcible sex offense), the Clery Act requires schools to retain those records for seven years.³

Consult [FIRE's Guide to Due Process and Campus Justice](#) for more information on FERPA.

**"FIRE IS HERE
TO PROVIDE
GUIDANCE AND
RESOURCES."**



FIRE

Foundation for Individual
Rights in Education

How FIRE Can Help

We are counting on you to be pioneers for justice on campus! FIRE is here to provide guidance and resources. We have a team of experts at your disposal who can help decode and demystify your school's policies, help you talk to administrators, and offer advice on tricky due process questions. Additionally, we can send guides, literature, speakers, and swag.

You can also encourage students to submit cases to FIRE.

Please do not hesitate to contact us with questions. We are here to help!

² See 34 C.F.R. § 99.35(b)(2).

³ See <https://www2.ed.gov/admins/lead/safety/handbook.pdf>, page 9-11.

APPENDIX A

FIRE Created Resources

Sample Student Government Resolution— Right to Active Counsel

Whereas, millions of Americans rely on higher education as a path to career advancement;

Whereas, on average, workers with a baccalaureate degree earn 84% more over their lifetime than those who do not;

Whereas, despite serious, life-altering consequences, postsecondary educational institutions routinely suspend and expel students as a result of verdicts reached in campus hearings that fall woefully short of providing meaningful due process protections;

Whereas [INSTITUTION] does not allow the counsel of students accused of non-academic charges to speak during a disciplinary hearing when expulsion or suspension is at stake, casting a significant shadow over the reliability and basic fairness of these crucially important proceedings;

Whereas, meaningful due process protections must be provided to ensure that students are suspended or expelled from [INSTITUTION] only when it is truly warranted and only after a fair and reliable hearing procedure;

Whereas, allowing accused students the right to active counsel when such serious penalties are at stake will help secure the fundamental fairness of those proceedings and ensure that no student's academic career and career prospects are unfairly cut short;

Be it resolved that, until such a time when the law requires colleges and universities to allow students accused of non-academic violations [NAME OF UNIVERSITY STUDENT GOVERNMENT BODY] most strongly urges the [RELEVANT FACULTY/ADMINISTRATIVE OFFICES] to adopt a policy that explicitly grants students subject to on-campus discipline in the form of suspensions or expulsion for non-academic offences the right to active counsel to represent the accused student in the disciplinary hearing.

Sample Interview Questions

1. How did you hear about Student Defenders, and why are you interested in becoming a representative?
2. Why do you care about campus due process rights?
3. Sometimes you may have a case where a student did or said something that you may disagree with or even find incredibly offensive. How would you handle a situation where you had to defend the due process rights of someone you didn't agree with?
4. How might you go about spreading awareness of Student Defenders on campus?
5. What systems and strategies do you use to keep track of multiple deadlines, projects, and tasks? How have you exhibited the ability to produce thorough, error-free, high quality work, yet still meet high-pressure deadlines?
6. What are your strengths in terms of personality and work that you would bring to our group?
7. What is one area you need to work on to become more effective on a day to day basis? How do you plan on improving upon this?
8. Have you ever had a situation where you had to implement or accept direction you didn't necessarily agree with? How did you handle it?
9. Describe a difficult issue you have faced in your previous work or academic experiences and tell me how you handled it.
10. What do you want to accomplish during your time as a Student Defenders representative?

Student Government Funding Proposal

At most universities, students can apply for money allocated by student governments. This money often comes from student activity fees that all students pay at the beginning of the year—so don't be shy when applying for funds. This is your money.

Typically, funds will be granted for a specific event or project and will involve an application or presentation where members of the organization explain what they plan to do with the money. When filling out funding proposal applications, be sure that you have a clearly outlined budget and straightforward explanations for why your group's work benefits the campus community.

You'll also need to describe the program and project in great detail. This section is important because you have the opportunity to lay a good foundation and explanation for why a Student Defenders chapter, or more funding, is essential for the operations of your group.

Here is an example of some of the information you may be asked to include in a funding proposal and sample answers.

Brief description of project/ program:

Students Defenders (SD) is a student-run organization dedicated to serving the student community by representing and counseling students through the university judicial process. SD strives to provide students with protection from the violation of their rights in the university, the judiciary, and the community. SDS is run entirely by student volunteers who have been specifically educated in student rights at ____ University.

Total amount of funds requested:

In this section you'll want to be as explicit as possible about the funds you'll need and how you will use them. For example, if you will need office supplies and promotional items to advertise the services that your group offers, you may want to include it in the funding proposal as follows:

Office startup cost: \$1,500

Promotional Materials: \$532.00

Office Supplies: \$209.96

Accounting for first year startup costs will be important, as you will need to make sure your office is suitable for files to be protected and maintained yearly. The specific items you may want to include in your first year budget are files, desks, chairs, staplers, and bulletin boards, among others.

Feel free to be more detailed when outlining what types of promotional materials and office supplies you'll need. Generally, when you are more transparent with costs, you can offer better arguments about why you need funding for specific items or why a funding cut will be detrimental to your organization. A blanket, non-specific number being requested (especially a large one) may be outright rejected by those approving funds.

How will this project benefit the students and administration of _____ and provide opportunities for learning, growth and change?

Student Defenders is beneficial to the campus community for many reasons: it offers essential services to students going through campus judicial proceedings. It gives current students practical experience when advocating for fair proceedings. It assists the administration by prepping students on their rights and how the process works, allowing the university to hear more cases in a timely and more efficient manner.

The right to due process refers to the idea that judiciaries must provide fair and impartial procedures when determining a person’s guilt or innocence. The same principle applies to judicial hearings on college campuses. If colleges and universities care about justice and the accuracy of their findings, they must provide fair and consistent procedures for both the accuser and the accused.

Student Defenders has the opportunity to teach students valuable lessons about justice—that it is more than merely the enforcement of the will of the powerful and the suppression of the powerless.

What other sources of funding have you received beyond funding from SGA/_____?

Be sure to disclose if you receive funding from other sources and how much it amounts to. You do not want to be put in a position where you have to explain to a funding board that you receive funding from other sources and are asking for a considerable sum from them as well.

What other alternatives did you consider, in addition to this request? (I.e. fundraising, sponsorship, etc.)

In addition to this request, we have looked into receiving funding from alumni and organizations that have a history of funding programs like this. While we hope to receive additional funding from these sources, they are not as reliable or consistent as we need to sustain a Student Defender group. To maintain sustainability, we are looking for consistent funding from the university and outside funding to boost marketing and outreach.

Sample Annual Budgets

Office Supplies

Item	Price	Quantity	Total
Pens (36-count)	\$5.99	3	\$17.97
Legal Pads (12 pack)	\$8.79	8	\$70.32
Legal Folders (100 pack)	\$10.41	3	\$31.23
Highlighter	\$7.00	1	\$7.00
Tape refills (12 pack)	\$16.23	2	\$32.46
Staples (5,000 count)	\$5.49	2	\$10.98
Business Cards (50 per rep)	\$40.00	1	40.00
		Total	\$209.96

Promotional Material

Item	Price	Quantity	Total
T-shirts	\$1.97	100	\$197.00
Flyers	\$0.05	500	\$25.00
Brochures	\$0.15	500	\$75.00
Water Bottles	\$2.10	100	\$210.00
Stickers (500 pack)	\$25.00	1	\$25.00
		Total	\$532.00

What to Do If Your Institution Does Not Allow Counsel in the Judicial Process

If you go to a public school outside the states of Tennessee, Oregon, North Carolina, North Dakota, or Arkansas your administration may not allow students the right to counsel in their judicial process. Tennessee and Oregon allow full due process rights, including counsel, North Carolina and North Dakota allow counsel if expulsion or at least a 9 day suspension is on the table, and Arkansas allows counsel on an appeal of expulsion or a suspension of ten days or more. If your school does not allow counsel within their judicial system we encourage you to reach out to your legislators, student government, and us at FIRE to assist and support you in getting the Students & Administration Equality Act passed in your state. Please feel free to review our model draft below to assist you in doing so.

If you have any questions, comments, or concerns do not hesitate to reach out to us at fire@thefire.org or give us a call at (215) 717-3473.

SENATE BILL No. XX

December xx, 2015, Introduced by Senator _____ and referred to the committee on education.

A bill to amend _____, entitled "the student and administration equality act," by adding section xx.

THE PEOPLE OF THE STATE OF [NAME OF STATE] ENACT:

Sec. xx. As used in this section, unless the context otherwise requires, the term "institutions of higher education" or "institution" means those institutions defined in [Citation to state statute].

(1) A student enrolled at an institution of higher education who is accused of a violation of the disciplinary or conduct rules that carries a potential penalty of a suspension of 10 or more days or expulsion shall have the right to be represented at the student's expense by a licensed attorney or, if the student prefers, a nonattorney advocate, who in either case may fully participate during the disciplinary procedure or other procedure adopted and used by the state-supported institution of higher education except as provided under subdivision 1. (2) of this section. When disciplinary proceedings subject to this section arise from a complaint by a student against another student, the complaining student shall also have the right to be represented at his or her own expense by a licensed attorney or, if the complaining student prefers, a nonattorney advocate.

(2) For purposes of this section, "fully participate" includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the accuser or accused with support, guidance, and advice. This section does not require an institution of higher education to use formal rules of evidence in disciplinary proceedings. The institution, however, shall make good faith efforts to include relevant evidence and exclude evidence that is neither relevant nor probative.

(3) Before the disciplinary proceeding is scheduled and at least two business days before a student may be questioned by an institution of higher education or by an agent of the institution of

higher education about allegations of violations of the institution's disciplinary or conduct rules, where the charges are punishable by a suspension of 10 or more days or expulsion, the university must advise the student in writing of his or her rights under this Act.

(4) A student shall not have the right under this section to be represented by a licensed attorney or nonattorney advocate for any allegation of academic dishonesty as defined by the state-supported institution of higher education.

(5) A student organization that is officially recognized by an institution of higher education and that is accused of a violation of disciplinary or conduct rules shall have the right to be represented, at the student organization's expense, by a licensed attorney or, if the student organization prefers, a nonattorney advocate, who in either case may fully participate during the disciplinary procedure or other procedure adopted and used by the institution of higher education.

(6) For purposes of this section, "disciplinary proceeding" includes an investigatory interview or hearing or any other procedure conducted by the institution of higher education relating to the alleged violation that the student or student organization reasonably believes may result in disciplinary action against the student or organization.

(7) The right of the student or the student organization under subsection 1 or 5 to be represented, at the student's or the student organization's expense, by the student's or the student organization's choice of either an attorney or a nonattorney advocate, also applies until the conclusion of any campus appellate process.

(8) This section does not create a right of a student or student organization to be represented at public expense.

(9) The institution shall ensure that all parties to the proceeding, including the accused student, the accused student organization, and if applicable, the accusing student, have access to all material evidence, including both inculpatory and exculpatory evidence, not later than one week prior to the start of any formal hearing or similar adjudicatory proceeding. Such evidence may include but is not limited to complainant statements, third-party witness statements, electronically stored information, written communications, social media posts, and demonstrative evidence.

(10) The institution shall ensure that the proceeding is carried out free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. For purposes of this paragraph, an institution shall be considered to commingle such roles if any individual carries out more than one of the following roles with respect to the proceeding:

(a) Victim counselor and victim advocate

(b) Investigator

(c) Institutional prosecutor

(d) Adjudicator

(e) Appellate adjudicator

(11) This section does not affect the obligation of an institution to provide equivalent rights to a student who is the accuser or victim in the disciplinary proceeding under this section, including equivalent opportunities to have others present and fully participating during any institutional disciplinary proceeding, to not limit the choice of attorney or nonattorney advocate in any meeting or institutional disciplinary proceeding, and to provide simultaneous notification of the institution's procedures for the accused and the accuser or victim to appeal the result of the institutional disciplinary proceeding.

(12) Nothing in this Act shall be deemed to prevent the temporary suspension of a student pending an investigation.

(13) Any student or student organization whose rights under this Act have been violated may bring an action in any State Court of competent jurisdiction.

(14) In an action brought under this Section, if the State Court finds a violation of this Act, the Court shall award the aggrieved person or student organization compensatory damages, reasonable court costs, and attorneys' fees, including expert fees, monetary damages of not less than the cost of tuition paid by the student or on the student's behalf to the institution of higher education for the semester during which the violation of the Act occurred, plus monetary damages of not less than the amount of any scholarship funding lost as a result of the campus discipline, and any other relief in equity or law as deemed appropriate including, but not limited to, a de novo rehearing at the institution of higher education, in accordance with this section.

(15) A person or student organization must bring suit for violation of this Act not later than one year after the day the cause of action accrues. For purposes of calculating the one-year limitation period, the cause of action shall be deemed accrued on the date that the student or student organization receives final notice of discipline from the institution of higher education.

(16) This Act takes effect on [DATE] and applies to all disciplinary proceedings beginning on or after that date.

Sample Constitution

Article I. - Name of the Organization:

- A. The official name of this organization shall be the _____ University Student Defenders.
- B. This organization will use the name or its acronym, _USD, in all publicity materials and correspondence.

Article II. - Mission Statement:

- A. _____ University Student Defenders (_USD) is a student group dedicated to serving the student community by representing and counseling students through the university judicial process. _USD strives to provide students with protection from the violation of their rights in the university, the judiciary, and the community. SD is a non-profit organization and is run entirely by student volunteers who have been specifically educated in student rights at _____ University.

Article III. - Membership:

- A. Only students enrolled at _____ University can seek membership. Membership will be determined by the executive members of _USD, who will review applications and interview applicants. All initiated members will have the ability to vote, work in the office, and represent clients
- B. All applicants must complete the training process assigned by the Assistant Director of Recruitment and training before being considered an official member.

Article IV. - Executive Positions:

- A. _USD will have four official executive positions, Director, Associate Director, Assistant Director of Recruitment and Training, and Assistant Director of Administration.
- B. Their duties will be as follows:

Director: The Director is responsible for setting goals and maintaining progress, for relaying information and concerns to appropriate parties, and for ensuring that members are continually recognized and respected within the university community. The Director is responsible for ensuring Student Defenders takes a proactive approach to protecting students' rights.

Associate Director: The Associate Director is responsible for overseeing the day-to-day operations of the organization. These responsibilities include ensuring all Assistant Directors and representatives fulfill their obligations as well as ensuring that all students requiring assistance are given a representative. The Associate Director is responsible for creating an office hour schedule and an updated contact list.

Assistant Director of Administration: The Assistant Director of Administration is responsible for maintaining an operable office area. this includes overseeing supplies and ensuring properly functioning equipment, maintaining the filing system and precedent log, and managing the calendar. The Assistant Director of Administration is responsible for ensuring there are Student Defender business cards in the appropriate offices.

Assistant Director of Recruitment and Training: The Director of Assistant Recruitment and Training is responsible for recruiting potential representatives and ensuring that trainees are receiving training and guidance. This includes monitoring a trainee's progress in compliance with the

training guidelines. The Assistant Director of Recruitment and Training is responsible for overseeing monthly training for all representatives. The Assistant Director of Recruitment and Training is responsible for maintaining and updating Student Defender social media accounts.

- C. In order to run for an executive position one must have been an official member of the organization for at least one full semester.
- D. Elections will be held with five weeks left in the spring semester and executives will be elected by a majority vote. In the final five weeks of the semester the previous executive will remain in office and the newly elected executive will serve as a shadow. This ensures a smooth transition.
- E. Every executive will serve a term of one academic year.

Article V. - Meetings:

- A. Regular meetings of Student Defenders shall be held once a week.
- B. The Director has the authority to plan what day the meetings will be held and call any additional meetings as is necessary.
- C. The Associate Director shall notify members of the meeting, via e-mail, no later than two business days in advance of the meeting.
- D. Quorum shall consist of seventy five percent of voting members.

Article VI. - Advisors:

- A. There shall be at least one full time University faculty or staff advisor who shall serve as an advisor to the club or organization.

APPENDIX B

Student Created Resources

RECORDS RELEASE AUTHORIZATION FORM

The University of California, Berkeley has a responsibility to protect students' and student organizations' information, including information pertaining to conduct files as defined by the Family Educational Rights and Privacy Act (FERPA). This information is strictly confidential and can only be released upon the written consent of the student or student organization's current leadership.

The Center for Student Conduct is the office of record for all conduct files pertaining to the Berkeley Campus Code of Student Conduct. The Center for Student Conduct will provide a scanned electronic copy of the requested file(s) to the authorized e-mail address provided below upon request. Please allow three business days to process this request as all documents must be redacted for identifiable information pertaining to other students.

I waive my right to confidentiality and grant officials administrating the conduct process at the University of California, Berkeley permission to share information pertaining to my conduct record to the following party and authorized e-mail address:

Recipient's Name: _____ Relationship to you: Self Other: _____

Authorized E-Mail: _____ Phone: (_____) _____ - _____

Content of Release:

- Complete conduct record
- Case # _____
- Audio recording(s) associated with the above case(s)
- Hearing information and content

Method of Release (please check one):

- Verbal communication
- Scanned electronic copy
- Both verbal communication **and** scanned electronic copy

- I understand and confirm that I have authorized and requested to send information by electronic mail to the authorized e-mail address provided in connection with the request of the above conduct record(s).
- I acknowledge that the information requested is confidential information under the Family Educational Rights and Privacy Act (FERPA) and will be redacted in accordance with the University of California Berkeley Disclosure of Information from Student Records Policy (rev. July 17, 2008).
- I understand that the transmission of information by e-mail may not be secure and e-mail has been known to be lost, to arrive incompletely, to arrive belatedly, to arrive with errors and/or be corrupted, or to contain viruses; and that the information will not be encrypted when it is sent.
- I understand that I am primarily responsible for keeping the above person updated on information regarding my conduct case after the date signed below, and that I or the above person will contact the Center for Student Conduct regarding future information as necessary.
- I understand that my consent to receipt of this information by e-mail will remain in effect until revoked by me, and that I can revoke my consent to this receipt at any time by contacting the Center for Student Conduct at the University of California, Berkeley.
- I understand that I may authorize communication about my conduct record and case between university officials and those authorized by me by filling out the Records Release Authorization Form and signing my name below.

Fill in this box only if you are requesting a record for a student organization:

Printed Name of Student Organization _____ Leadership Position _____

 Name of Authorizer (Student's Printed Name)

 SID

 Signature of Authorizer

_____/_____/_____
 Date

CHAP

CONDUCT AND HONOR ADVISOR PROGRAM

WHO WE ARE

The Conduct Honor Advisor Program (CHAP) provides student advisors for students facing alleged Honor and Conduct violations.

CHAPs advise students throughout the entire process—from the initial meeting with the Office of Student Conduct or Honor Council through the appeal, if needed.

CHAPs 2016 - 2017: Michael Salvidio (Chair), Hayden Cohen (Vice-Chair), Ellen Longman (Secretary), Marvi Ali, Elliott Theuerkauf, Jessica Starkey, Lauren Dickerson, Morgan Tyler, Rahul Truter, Rob Sherman, Sami Tewolde, and Leah Zweig.

WHAT WE DO

CHAPs educate students about the relevant process depending on their alleged violation by:

- helping prepare students on how to conduct themselves in meetings with administrators in the Office of Student Conduct and members of the Honor / Conduct Councils.
- assisting students in writing their testimonies for the judgment and sanctions hearings.
- helping students identify critical material evidence and select effective character witnesses.

WHY IT MATTERS

All students are provided the right to the assistance of student advising in the Honor and Conduct systems.

While students may seek the assistance of any currently-enrolled William & Mary student within the same academic unit, the Conduct and Honor Advisor Program provides students with the option of assistance from trained members of the student body who can relate to students and offer sound guidance.

Trained CHAPs advise diligently in a professional manner while maintaining confidentiality.

HOW IT WORKS

To request an advisor, please promptly email the CHAP Program: (**chap@wm.edu**)

Include your name, email address, and cell phone number, and an advisor will return your contact, usually within 12 hours.

We strongly recommend that you not wait to contact an advisor. The failure to obtain an advisor will not be deemed sufficient grounds to delay any pending honor or conduct proceedings.

Students Defending Students

— est. 1976 —

RELEASE FORM

I, _____, (student name) do fully comprehend that Students Defending Students (herein referred to as SDS) is a non-professional, non-profit organization composed of students at Ohio University. I understand that in the course of their assistance in my matters related to the Ohio University Office of Community Standards and Student Responsibility, information pertaining to my case may be shared among SDS Student Advisors and will be maintained by SDS for precedent and training purposes. I authorize this action, on the condition that any information shared is kept confidential among SDS Student Advisors, unless local, state, or federal authorities request the information. I further understand that this information is not privileged under Ohio Evidentiary Rules and is therefore subject to a prosecutor's subpoena or a court order.

Additionally, I understand that as a student volunteer organization, SDS is not qualified to give, nor will they provide, any type of legal advice. I fully understand that the services and advice provided by SDS Student Advisors are limited to aiding students in matters concerning the Ohio University Office of Community Standards and Student Responsibility, and that any representation and advice provided by SDS is not in the capacity of a licensed attorney. (Should any questions arise concerning legal matters, SDS urges the student to contact a licensed attorney.) This understood, I do hereby release SDS and its representatives from subsequent legal action which may arise during, or as a result of, their assistance in an advisory capacity concerning my matters related to the Ohio University Office of Community Standards and Student Responsibility.

Finally, so that they may better assist me in preparation for my matters related to the Ohio University Office of Community Standards and Student Responsibility, I do hereby authorize SDS Student Advisors to access to, and permission to obtain, full and complete copies of any Ohio University Office of Community Standards and Student Responsibilities files bearing my name, concerning both past and present matters, which will be kept in accordance with the SDS student files record keeping policy.

SDS REPRESENTATIVE:

Signature: _____

Printed Name: _____

Date: ___/___/___

P-ID: _____

STUDENT:

Signature: _____

Printed Name: _____

Date: ___/___/___

P-ID: _____

Students Defending Students

— est. 1976 —

Dear Applicant,

Thank you so much for your interest in becoming a volunteer Student Advisor and member of Students Defending Students. We're proud of our nearly 40-year heritage of helping students through the Community Standards process at Ohio University, and we're honored that you are interested in joining our team.

Please fill out all parts of this application, and turn in completed materials to the Students Defending Students office, located at 302 Baker University Center.

We look forward to receiving and reviewing your application!

Best regards,

Sam Flannery
Director
sf299412@ohio.edu

Allison Barnard
Associate Director
ab231312@ohio.edu

Complete all parts of the application. Incomplete applications will not be considered.

Full Name
LAST NAME FIRST NAME M.I.

Address
ADDRESS LINE 1

ADDRESS LINE 2

CITY STATE ZIP/POSTAL CODE

APT. # SUITE

OHIO ID @ohio.edu PID P GPA

I will be available for: Fall Semester Winter Break Spring Semester Summer Sessions

Please also attach: 1-page Cover Letter Résumé/Curriculum Vitae
 Class/Work Schedule

By signing above, I certify that the information I have provided is correct to the best of my knowledge, and I authorize Students Defending Students to view my judicial record.
Updated: 6/23/2016

/ /
Today's Date



Office of Student Conduct and Conflict Resolution (OSCCR)
 Loyola University Chicago
 Damen Student Center, Suite 300
 6511 N. Sheridan Road. | Chicago, Illinois 60626
 p (773) 508-8890 | f (773) 508-3895
 OSCCR@luc.edu
 www.luc.edu/osccr

Student Consent to Disclose Education Records
 (To be completed by the student)

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records created or maintained by a school that receives Federal funds. Students who attend Loyola University Chicago retain the right of privacy of their education records. Loyola may provide access to a student's education records to a third party if the student provides written consent using this form or according to FERPA or University policy.

I, _____ am/was a student at Loyola University Chicago. I hereby give my voluntary consent for Loyola officials to disclose the following education records maintained under my name:
(Specifically describe the records to be disclosed, e.g. "complete disciplinary history", "all information on case number [blank]", "outcome and sanctions only of case [blank] only", etc.)

The disclosure of the records listed above may be made to _____ (list parties)
 for the purpose of _____.

Student's Name During Enrollment: _____ Loyola ID #: _____

Student's Signature: _____ Date: _____

NOTARIZATION REQUIRED
 (If the student does not personally appear)

State of _____

County of _____

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of this instrument and, being duly sworn by me, made oath that the statements in the foregoing instrument are true. Witness my hand and official seal, this _____ day of _____, 20____.

OFFICIAL SEAL

 Signature of Notary Public

My Commission Expires: _____

LUC VERIFICATION OF STUDENT IDENTIFICATION REQUIRED
 (If the student personally appears)

The above-named student personally appeared before me and I verified the student's picture identification.

Employee Signature: _____ Date: _____

Students Defending Students

— est. 1976 —

Student:

Name (Last, First): _____

Year: FR - SO - JR - SR - GRAD

Gender: M - F - O

College: _____

Fraternity / Sorority: Yes - No

Student Athlete: Yes - No

Race/Ethnicity: Caucasian - American Indian -
African American - Hispanic - Middle Eastern -
Multiple Races - Other

Email: _____

Phone: _____

Intake:

Date of Incident: ___ / ___ / ___

Time: _____

Reported by:

RA - Campus Police - Other: _____

Charges: _____

Witnesses:

Name: _____

Contact: _____

Name: _____

Contact: _____

Name: _____

Contact: _____

Previous Charges:

Charge: _____

Charge: _____

Charge: _____

Community Standards Conference:

Date: ___ / ___ / ___

Time: _____

Hearing Officer: _____

Location: CSSR - Housing: _____

Resolution:

Admitted: _____

Denied: _____

Admitted: _____

Denied: _____

Admitted: _____

Denied: _____

Administrative Hearing / University Hearing Board:

Hearing Date: ___ / ___ / ___

Time: _____

Location: CSSR - Housing: _____

Officers: _____, _____,

Sanctions: _____, _____,

Dates: ___ / ___ / ___ to ___ / ___ / ___

Fine: \$ _____ Fee: \$ _____

Program: _____

Other: _____

Student Counsel Expectations

To be reviewed with the student and signed by both counsel and student. Signed copy is returned to Dean of Students Office.

What you can expect from me:

1. I will assist you diligently, including reviewing the evidence in your case and discussing your approach to address this matter with the panel/administrator who will hear your case.
2. I will assist you in identifying witnesses or other evidence that will help you in addressing the conduct or honor matter at issue.
3. I will assist you in presenting your case before the panel/administrator to the extent that you wish me to be involved.
4. I will be on time for planned meetings with you or any other relevant parties.
5. I will maintain confidentiality. I will meet with you in locations that are discreet and provide us with the appropriate degree of privacy. I will retain any records securely and will destroy records within two weeks of the resolution of your case.
6. I will act professionally at all times. If we encounter one another in a setting outside of the honor or conduct process I will not engage you in discussing your conduct matter or acknowledging that we have worked together in a conduct/honor case.

What I expect from you:

1. In order to effectively assist you, you must promptly return any contacts by me (phone calls, emails, etc.). In general, we agree to return contacts no later than 12 hours after receiving them.
2. You will follow through on my requests to produce information, documents, or witnesses that may assist me in thoroughly understanding and representing your perspective in this matter.
3. You will refrain from attempting to discuss your conduct/honor matter in an inappropriate setting (ex: a social setting in front of others). Even if you wish to discuss your situation in front of others, my duty to retain confidentiality applies.
4. If you are not satisfied with my services, you will let me know, and I will graciously withdraw my services.

My Ethical Guidelines:

1. I must be candid with the panel/administrator handling your case. This means that I may not knowingly provide false or misleading information, and I must recuse myself if I feel I cannot effectively assist you while also upholding my obligation of candor.
2. I cannot badger or harass witnesses or other parties. If an important party is unavailable, I may contact the Dean of Students Office to assist me in obtaining their cooperation.
3. If I have a known conflict of interest, I will inform you of the potential conflict so that you may make an informed decision regarding whether you wish to retain me as your

counsel. If you decide not to retain me, you may request another trained counsel or any other William and Mary undergraduate student to assist you.

4. I cannot put words in your mouth. I am available to help you tell your story. I will suggest strategies for you to employ to help you in telling your version of events, but it must be *your* version of events.

I have read and discussed the expectations above and wish to have _____ assist me with my conduct/honor case. I understand that I may request that this student remove him/herself as my counsel at any time and that I may request another advisor be assigned if reasonable notice is provided to the Conduct and Honor Advisor program.

Signature of Student: _____ Date: _____

Signature of Counsel: _____ Date: _____

Signature of Shadow (if applicable): _____

The Student Conduct Process vs. the Criminal Process

The student conduct system is different from the criminal court system. Generally, the student conduct process involves a much more informal setting than the criminal court system where hearings are supportive and non-adversarial. While students may have a University support person during a hearing, another major difference between these two processes are that in the student conduct process, the student is expected to speak for themselves rather than have a representative speak on their behalf. However, while there are differences between these processes, they are not considered entirely mutually exclusive. In other words, a student may be arrested for criminal charges and also have charges brought against them for violating the Student Conduct Code.

The primary purpose of the student conduct process is to educate students while correcting behavior which does not meet the standards of the Furman University community. This does not mean that there will not be punitive sanctions from time to time. However, the ultimate goal of this system is to help students learn from their mistakes while helping them to understand the consequences of their actions as well as how their actions may have negatively impacted the campus community and its members. As a result, the terminology you will use will be somewhat different from the criminal process.

Criminal Process Terminology

Judicial
Law
Crime
Trial
Guilty/Not Guilty
Penalties

Student Conduct Process Terminology

Student Conduct
Student Conduct Code
Violation
Hearing
Responsible/Not Responsible
Sanctions

Due Process in the Student Conduct Process

The policies and procedures of the Student Conduct Board and Discipline Committee are designed to enable the panel to effectively identify the truth concerning student conduct cases brought before it and at the same time provide for the accused a guarantee of due process through a fair and impartial hearing. All panel members agree to adhere to the belief that minimal procedural constraints should be placed upon the actual hearing. As a result, panel members must agree to adhere to the statement found in the publication entitled *The College Student and the Courts*, relevant parts of which are presented below.

"... 'due process' unlike some legal rules is not a technical conception with a fixed content unrelated to time, place and circumstances. Three minimal requirements apply in cases of severe discipline, growing out of fundamental conception of fairness implicit in procedural due process. First, the student should be given adequate notice in writing of the specific ground or grounds and the nature of the evidence on which the disciplinary

proceedings are based. Second, the student should be given an opportunity for a hearing in which the disciplinary authority provides a fair opportunity for hearing of the student's position, explanations and evidence. The Third [sic] requirement is that no disciplinary action be taken on grounds which are not supported by any substantial evidence..."

At Furman University, the following due process is guaranteed to all students involved in the student conduct process:

- A student must receive a written notice of the alleged charges.
- A student must have time to examine the evidence (in this case the incident report of the alleged violation) and provide a response.
- A student must have an opportunity to provide his or her perspective on the events described in an incident report before an impartial decision maker/panel (i.e. Student Conduct Officer, Student Conduct Board, University Discipline Committee).
- A student must have the opportunity for a route of appeal.

NOTES









