

This is a suggested procedure to be followed in conducting the hearing:

A. INTRODUCTORY STATEMENT

"This is a hearing concerning the alleged violation of a rule or standard of conduct of _____ by _____, being held at the request of said student and after notice to all parties concerned. The purpose of this hearing is simply to present to _____ the facts, circumstances and reasons for the proposed disciplinary action referred to in the notice, and to give _____ the opportunity to be heard, to present his/her side of the story and to suggest any other factors that might appropriately be considered prior to final disposition of this matter. I want this hearing to be kept informal, but at the same time I would like to emphasize that when a person is talking and someone disagrees with what the person is saying, I don't want any interruptions. Give the persons speaking a chance to finish and you will be given an opportunity to cross-examine, to ask that person questions when he/she has completed his/her basic testimony. Any person who causes a substantial disruption of this hearing will be ordered to leave."

"We will follow the general outline of the conduct of this hearing which is shown on the sheet of paper which I have handed to you. (See EACS Form 5). After I read aloud the notice which was sent out regarding today's hearing, I will ask the representative of the school _____ to make a brief statement concerning the school's position and what he/she intends to show or prove at this hearing."

"Next, I will ask _____ or his/her representative to make a brief statement concerning his/her position and what he/she intends to show or prove at this hearing. He/she need not make such a statement if he/she wishes not to do so. Next, the school will present its position and its evidence.

_____ will follow in presenting his/her position and his/her evidence if he/she desires to do so. Then both the school and _____ will be given the opportunity to present whatever additional evidence or material that they wish to have considered. After the conclusion of this hearing, and depending upon the evidence presented, I will make a finding of the facts, and based upon these findings, make a report to the Superintendent of my findings and of my recommendation. A copy of this report to the Superintendent will be sent to the student and his/her parents. If you do not understand something or would like something repeated please feel free to ask for clarification. When your time comes to present your evidence, you may do so in any manner you consider proper. Are there any questions?"

B. Next you should read aloud the complete notice that was sent to the pupil and his/her parents. Then you should ask the pupil and his/her representative whether they understand the nature of the matter or matters with which the pupil is being charged and the possible consequences to the pupil if the evidence establishes the facts upon which the proposed disciplinary action is based. You should also ask the pupil himself/herself whether he/she has read the form of notice and whether he/she understands it.

C. After the foregoing has been done, you should ask the representative of the school if he/she would like to state the school's position and what he/she hopes to establish as a result of the hearing. You should next ask the pupil whether he/she or his/her representative would like to make any introductory remarks to summarize or explain his/her position and what he/she hopes to establish as a result of the hearing. You should emphasize that the pupil need not speak if he/she wishes not to do so and that he/she will be given the opportunity to present any evidence he/she wishes on his/her behalf later in the hearing. It should be made clear, and understood, that the pupil's refusal to testify should in no way be used against him/her.

D. You should then proceed to ask the representative of the school to present the school's witnesses and evidence. As the hearing examiner, you are authorized by law to administer an oath to any person who will testify at the hearing. You should ask the witness to raise his/her right hand and then ask him/her the following: "Do you promise to tell the truth, the whole truth, and nothing but the truth in this matter?"

You may allow any format that you consider to be a proper means of eliciting the facts from the witness. The witness may be asked a series of short questions demanding simple answers or the witness may simply be asked to relate something in detail and proceed to do so. When one witness has finished his/her presentation, the pupil or his/her representative should be asked whether he/she cares to ask the witness any questions. This is his/her opportunity to "cross-examine" the witness for the purpose of disclosing inaccuracies, bias or the like. You should keep a record of all witnesses and documentary evidence presented and note whether the opposing party cross-examined that witness or questioned the documentary evidence in any way. You are free to take whatever notes you deem helpful in deciding this case. You are also free to ask questions of the witnesses at any time that you wish a matter clarified.

E. After the school has concluded with the presentation of its evidence, you should indicate to the pupil or his/her representative that it is now his/her turn to present his/her case and any evidence he/she may want to present in his/her own behalf. You should again emphasize that he/she is not required to present any evidence if he/she should choose not to do so and that the fact he/she may not want to present any evidence will not be taken as admission of his/her guilt. If the pupil or his/her representative does present evidence, the same procedure and format should be followed as in the presentation of the school's case. The school, of course, has the same right to question the pupil's witnesses as the pupil has to question the school's.

F. Next you should determine whether there is any other evidence with the school or pupil wishes to present by way of rebuttal or otherwise or if they have any additional information they feel should be brought out at this time.

G. After both the pupil and the school have had a chance to submit any additional evidence or information that they wish, you may ask any questions of any of the witnesses or of any of the parties involved. If you have no questions, you should then complete the hearing by indicating that a written report will be prepared containing your findings of fact and the disciplinary action, if any, that you recommend. It should again be emphasized that the pupil and his/her parents will receive a copy of this report.

THIS SHOULD CONCLUDE THE HEARING, AND THE PEOPLE MAY BE DISMISSED.