

SUGGESTED PROCEDURE FOR CONDUCTING AN EXPULSION HEARING

Recognizing that each situation may call for a slightly different method of presentation, the following guidelines are offered keeping in mind that the hearing itself should be kept informal so that the truth may be obtained and a fair and just result reached.

- a. Advise the parties of the procedures to be followed.

Advise that the hearing is being recorded (if it is) and either side may request the witnesses be sent to another room and be called individually.

Advise that no formal rules of evidence will be followed and that the hearing will be informal, as it is not a court proceeding. However, certain procedures may be established which will facilitate the conduct of the hearing.

The business manager or secretary who is receiving the evidence and recording what is said should be identified as the person to whom exhibits and/or other written evidence or materials are to be presented.

The parties and their representative capacities should be identified for the record, prior to commencing the hearing.

- b. State the Reasons for the Proposed Expulsion

The hearing officer should read the written reasons which were mailed (preferably by certified mail) or otherwise delivered to the student, his or her parents and his or her representative, which support the possible expulsion. This should be done to assure that the record will adequately reflect the reasons for the proposed expulsion, to substantiate that all parties had notice of the proposed reasons and possible punishment and to narrow the issues.

- c. Allow the School's Witnesses to Testify and Present Evidence

The witnesses for the administration then present their evidence which supports the reasons given for the proposed expulsion. This may be done in any manner which is conducive to reaching the truth and supports the reasons offered for possible expulsion. If requested, the names of the administration's witnesses, together with a general description of their testimony, must be given to the student in advance of the hearing so he or she can prepare an adequate defense.

- d. Allow Student's Witnesses to Testify and Present Evidence

The student and/or his or her representative should be given an opportunity to present witnesses and evidence to disapprove the reasons offered by the school's witnesses.

e. Allow Concluding Arguments

At the conclusion of the presentation of witnesses by the school and the student, each side should be allowed the opportunity to make concluding remarks and arguments regarding the evidence that has been presented and the reasons for the expulsion.

f. Making the Decision

The decision whether to expel may be made at the hearing or may be made after the hearing officer has had time to review the evidence. If the decision is delayed, the hearing officer should announce a time at which the decision will be made and notify the student and the student's parent or representative of the decision at that time. When the hearing officer gives notification of the decision, the hearing officer should also inform the student and the student's parent or representative of the right to appeal the decision to the school board and the procedure for doing so.