



College Students in Trouble – What can you do?

It is one of those calls that we never want to receive: our son or daughter in college has gotten into trouble – allegedly cheating on an exam or copying another student’s work, caught drinking or using drugs, or accused of sexual misconduct. Unfortunately, such a scenario is all too common with a young adult away from home in a collegiate environment.

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So what should parents do? First, have a basic awareness of the rules that govern student conduct – rules that may have changed dramatically since our collegiate days – and discuss them with our college-bound children. Alcohol and drug use that may have been condoned (remember the 18 year old drinking age?) or at least tolerated is now subject to discipline by college administrators. Violating academic integrity rules, even unintentionally, is easier in the Internet age. Moreover, a heightened awareness of sexual assault

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and discrimination, especially with enforcement efforts under Title IX, a federal statute that broadly covers any discrimination on the basis of sex in a federally funded education program, has led to a new-found scrutiny of sexual encounters.

Second, parents need to understand that the college and university disciplinary systems often do not provide the basic rights we expect in our judicial process, such as proof beyond a reasonable doubt and the rights to have an attorney at a hearing and to confront an accuser. A student accused of sexual misconduct might find that he or she is banned from residence halls, school jobs, or classes even before being found responsible for any violation – essentially guilty until proven innocent.

A school may impose an array of disciplinary actions up to and including expulsion, a potentially devastating, life-altering consequence for a young man or woman. If a student is facing any kind of disciplinary charge, it is important that he or she consult with an attorney immediately - before speaking to the authorities and making potentially damaging statements with far reaching (including even criminal) consequences. Experienced counsel can guide the student through the disciplinary process, advocate to the administration on a student's behalf, and keep an eye out for due process issues. Hopefully, our college students will never have to deal with their school's disciplinary system but, in the unfortunate event that they do, they should be well-prepared and well-represented.

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