

## College students often caught off guard by code of conduct

Entering college can be an exciting time for a young person, both socially and educationally. New students are forced to confront adult realities in the world they formerly knew as minors. This confrontation plays itself out regularly in college code of conduct proceedings.



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The code of conduct is a set of rules that governs student behavior on campus. This includes the regulation of academic behavior (e.g. plagiarism, cheating, academic dishonesty), as well as non-academic behavior (e.g. alcohol or drug violations, hazing, sexual assault).

In large part, courts view codes of conduct as contracts between students and colleges and hold that students agree to the terms of the contract when they enroll. The terms regularly catch students off guard, often because students wait to read the "contract" until after they have been accused of violating a rule.

The first surprise to students may be that schools can sanction students for off-campus activity so long as the school properly identifies the prohibited, off-campus behavior in the code and there is some nexus between the conduct and campus. For example, colleges may impose sanctions for out-of-control parties near campus or harassment of another student off-campus.

Schools can also limit or outright prohibit a student's use of counsel in evidentiary proceedings. Even at public universities, students do not have an absolute right to counsel in code of conduct hearings. The right to counsel only exists when an attorney appears on behalf of the university or when the proceeding was "subject to complex rules of evidence or procedure." Many universities allow students to use attorneys in an "advisory capacity" only during disciplinary proceedings, meaning that the attorney can advise the

student, but cannot speak on behalf of the student during the hearing. This is commonly referred to as "potted plant" representation.

Unsuspecting students often interpret this to mean that hiring an attorney is futile. To the contrary, an attorney can help students understand the risk involved in requesting a hearing versus accepting responsibility, help prepare questions and evidence, identify additional federal protections that may exist and provide guidance throughout the hearing itself. There are also several factors to consider when a student is facing a pending criminal charge in addition to a violation of school rules. When procedural errors do occur, attorneys can help students identify the errors and file a proper appeal.

Regardless of the severity of the conduct, the "preponderance of the evidence" standard is universally applied during conduct hearings. This can be a rude awakening to students, especially those charged with violations that result in a substantial suspension or dismissal. Very little evidence may be used to support a violation. Dismissed students can be left holding hefty student loan debt with no corresponding degree, all based on a panel's determination that it was "more likely than not" that the violation occurred.

Additional surprises may come in the form of monetary fines, which can range from nominal amounts to several hundred dollars, and incredibly short appeal times, typically between three to seven days.

The reality is that many students learn about the rules only after they commit a violation. It is sound advice for any new college student to review the school's code of conduct in advance, at a minimum to be prepared, and at best, to be deterred from committing a violation.

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## Succession planning for business owners and CEOs

As a central Ohio-based wealth management and planning firm, we work with many business owners and CEOs. A good number of those clients have been with us since their businesses were established. Retiring and giving up control can be a difficult process. Although retirement is a life-changing event, business owners and those in leadership positions must take steps to determine when and how to "hand over the keys" to the next generation.



**Mark J. Palmer**  
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It might help to spend time thinking about an ideal retirement. Setting new goals can help move one along towards retirement. Those goals might include taking advantage of good health, starting a new business, pursuing a passion or hobby or spending more time with family and friends.

Some business owners and leaders take the position that they can't retire until they find someone like themselves to take over. More likely, the business needs someone with new strengths and talents to move the company to even greater success. Customers and employees can be very helpful in providing insight into what leadership attributes are most appreciated. Aligning oneself with sources of independent, objective advice

is also important. Guidance from accountants, attorneys and others with experience in business transitions can be helpful.

Facing retirement can raise anxiety about personal finances. Instead of worrying about it, meet with a financial advisor to

help calculate how long your retirement nest egg will last.

Setting milestones along the way will also help keep the process moving. Set deadlines for certain discussions and decisions, including setting a retirement date. Planning should begin three to five years prior to the actual transition to a successor.

Retirement for business owners and CEOs need not be thought of as an "end." Instead, with good planning, it can be the beginning of new chapter, while at the same time experiencing the joy of looking back upon the past and the legacy of what has been built.

More information on proper succession planning will be presented during the Columbus Bar's "Act 2" seminar on Nov. 2. Registration and course information is available at [www.cbalaw.org](http://www.cbalaw.org) or by calling 614-221-4112.

### ATTORNEYS AROUND THE BAR:

## Jeffrey Hutson



With one of the longest running histories of active service to the Columbus Bar, attorney Jeffrey Hutson is set to receive a new recognition this fall. He, along with

other attorneys admitted to the Ohio Bar in 1966, will be honored by the Columbus Bar Foundation for reaching the 50-year-milestone of practicing law.

Now a Columbus Bar Sustaining Member, Hutson has dedicated his time to the organization over the years. A member since 1971, he has chaired several Columbus Bar committees and most recently, played an integral role of the planning for the new Morning Meetups with Mediators program.

Currently a partner at Lane Alton & Horst, Hutson chairs the firm's Construction Law Practice Group and works as a mediator on a wide range of cases, including receiverships, contracts and construction.

## Live Fastcase Training

Sept. 21 @ Noon  
RSVP to  
[caitlin@cbalaw.org](mailto:caitlin@cbalaw.org)

## THE COLUMBUS BAR DIRECTORY:

Central Ohio's premier resource for navigating the legal community.

*New!*

The Columbus Bar's redesigned Digital Directory of central Ohio legal professionals features a new look and enhanced features. Attorneys: check out your profile at [directory.cbalaw.org](http://directory.cbalaw.org).

- 🔍 Comprehensive attorney and law firm profiles
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- 🔍 Mediators and expert witnesses



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