

Form JCEB-4

*Empowering Dreams for the Future*

**DISCIPLINARY HEARING TIPS FOR STUDENT WITNESSES**

If you are receiving this document, you have been subpoenaed to serve as a witness in a discipline matter. Student disciplinary hearings occur when a student is accused of certain disciplinary offenses or is recommended to receive a suspension of more than ten school days.

The Cobb County School District (District) makes every effort not to call students as witnesses, but student participation is sometimes unavoidable. In these cases, student witnesses are a very important part of this process and are integral in ensuring that behaviors are dealt with appropriately in the District.

These tips were created to assist parents and students during this the process. If you have additional questions, please see your school administration.

**TIPS:**

**Subpoena Basics**

* A subpoena requires you to attend. You must appear at the date and time indicated on the subpoena unless told otherwise by the person who subpoenaed you.
* If the hearing is rescheduled, your subpoena remains in effect and you will need to appear on this new date.
* Your parent(s), guardian(s) or other family members may attend the hearing with you and sit with you while you testify. However, if more than three people appear with the student, the Hearing Officer may ask that some people remain outside. Family members are there for moral support only and cannot participate in the questioning unless they are called as witness.

**Things to Remember Before the Hearing**

* You do not have to speak with the student’s attorney or parent before the hearing if you do not want to.
* Do not talk about this hearing or the fact that you have been subpoenaed with anyone. Do not tell your friends where you are going or why. This tends to add to the gossip surrounding this matter.
* The District makes every effort to call student witnesses as early in the proceedings as possible, but plan to be waiting to testify for a long period of time. In most cases, you must wait outside the hearing room. Bring a snack or meal and something to make the time pass faster. Do not bring these items to the stand with you or place them in a purse or bag.
* Wear nice clothes, but do not feel the need to overdress.
* REMEMBER: None of this is your fault. You are not getting anyone in trouble. It is up to the student to control their behavior and up to the District to discipline the student. You are only there to tell the truth! Your testimony is a very small piece of the puzzle.

**What the Hearing Will Be Like**

* The testimony will be recorded by a machine.
* The hearing will not be open to the public or the media. The people present may be: the student, the student’s attorney, the student’s parents, the school district’s attorney, the Tribunal or the Hearing Officer, and the school administrator.
* The Tribunal and/or Hearing Officer are the judges in this matter. They work for the District and they understand that you are nervous. They will make every effort to ensure that no one treats you inappropriately.
* The person who subpoenaed you will probably question you first. This is called “direct

examination” and will contain open-ended questions.

* The other person will have a chance to “cross examine” you. These are generally “yes” or “no” or “I don’t know” questions, but you can explain your answer.
* After that, the first attorney may want to ask you “re-direct” questions, and this may be followed with “re-cross”.
* After you testify, if no one tells you, ask the Tribunal or Hearing Officer if you may leave to return to your school.
* You will be in a conference room, sitting at a table across from the Hearing Officer or the Tribunal.

**During the Hearing**

* As stated, you will probably be “sequestered” or out of the room when other people are testifying. You will only be present for your part of the hearing. When you are sequestered, you should not talk about your testimony with anyone until the hearing is concluded. Therefore, while you wait, try and keep to yourself.
* Relax. Everyone is nervous when he/she testifies. It is a normal feeling.
* If you have a cell phone, turn it off or put it on vibrate.
* Do not bring this paper or ANY paper into the hearing room.
* Make sure you answer all questions out loud. Speak slowly and clearly so the tape and the Tribunal or Hearing Officer can hear you. Do not nod or say “Uh-huh.”
* Do not refer to other students by their last names, just use first names or initials.
* You only have to look at the Tribunal or the Hearing Officer.
* Wait for the entire question to be asked before you answer.
* ***You must tell the truth.*** You do not make the facts; they are what they are. You are under oath and to lie under oath is a criminal offense called perjury.
* If you do not know the answer to a question, it is okay to say you do not know. **Never make up an answer, guess, estimate or “fill in gaps” in your memory.** Remember that, “I don’t know,” is an answer.
* Listen carefully to the questions asked and answer only that question. Do not volunteer any additional information. People tend to talk a lot when nervous, so watch for this.
* Pause before you answer the question. This gives you time to think about what is actually being asked. If you are being cross-examined, it also gives time for the school district’s attorney or representative to object to the question you have been asked.
* If someone objects to the question before you answer, wait for the Hearing Officer to tell you what to do.
* If you do not understand the question, ask for clarification. Ask to have a question

repeated if necessary.

* Listen carefully for “tricky” or “sneaky” questions. If you do hear a tricky question, you

can always ask for a clearer, fairer question. You are entitled to questions in clear, simple

English without hidden meanings. Do not try to muddle through a confusing question,

because you may commit yourself to a position you never meant to take.

* If you think someone is trying to trap you with a question, make sure you don’t let him/her put words in your mouth. You have the right to fully explain your answers. You are the expert! You are the one that knows what happened.
* Ask for an explanation of vague or key words or phrases like “normal” or “all the time”.
* Do not be surprised if the Tribunal or Hearing Officer asks you questions.
* Do not be timid or show off. Do not be cocky or overly dramatic.
* If you need a break, ask for one.
* Try and remain as calm as you can. It is OK to be emotional, but try to remain in control.

**After the Hearing**

* **If any one treats you badly because you testified, tell your parent and an administrator immediately. The District takes these behaviors very seriously!**