

UNH student challenges eviction from housing

By CLYNTON NAMUO
Union Leader Correspondent

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DOVER – A University of New Hampshire student ordered out of housing after a boisterous party in her dorm room contested her removal in a court hearing Friday that shed light on the secretive administrative process used to punish students.

Miranda Silverman, a 19-year-old from New York, says she was unfairly kicked out of housing this semester, given only five days to leave, after acquiescing to four administrative charges related to a party this September at her apartment in The Gables, a UNH-run dormitory.

Her attorney, Todd Stevens, said she admitted responsibility on the advice of a UNH-provided adviser who told her that if she came clean the school would be more lenient.

It wasn't, Stevens said, and instead used Silverman's admissions against her, telling her she violated several university policies and would be kicked out of housing.

She was strangely silent about my client's Fifth Amendment right to stay silent," Stevens said of the adviser.

Stevens filed a motion for an injunction on Silverman's behalf in Strafford County Superior Court last month that put the eviction order into limbo and threw the dispute into a public forum for the first time.

Judge Marguerite Wageling did not make a ruling Friday, but said Silverman can stay in housing until she does.

Lee Smith, UNH's attorney, said the school did not make its decision to kick Silverman out of housing lightly and called a judicial review an "extraordinary action" with little precedent.

"UNH's decision in this case was based on what the university considers to be very egregious violations of its policies," he said.

No one living in Silverman's sixth-floor apartment was old enough to drink, yet the party of 20 to 30 students included a "significant quantity" of alcohol and music so loud that a dorm manager could hear it blaring in his first-floor apartment, Smith said.

He noted that UNH's code of conduct says the types of violations alleged usually result in students getting kicked out of housing on a first offense.

Smith said the eviction was consistent with other, similar cases.

He also said UNH does not believe students have due process rights, including a Fifth Amendment right to remain silent, for the administrative hearings because it is not a criminal matter, but one involving school policy.

Wageling disagreed and said Silverman did have a right to remain silent, though it was unclear whether UNH had to inform her of that right.

She did not make a broader ruling about due process rights.

About 100 students are kicked out of housing each school year for various reasons, Dean of Students Anne

Lawing said.

The administrative hearings that UNH uses to review such cases are private and the decisions confidential.

Lawyers in court even referred to a woman Silverman lived with as "roommate A" rather than use her real name.

Lawing would not provide more detail about the students kicked out of housing, but most or all presumably go through the same administrative process Silverman did. It's exceedingly rare for any of the cases to land in court.

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