

UNH student seeks overturn of housing ruling

Oct. 30--DURHAM -- A University of New Hampshire student is asking the Strafford County Superior Court to overturn university disciplinary action that resulted in her being evicted from her student housing.

The student, Miranda Silverman, 19, already pleaded responsible to the violations against her at a university disciplinary hearing, but her attorney is arguing that it was a result of bad advice.

The violations stem from a large gathering with alcohol that was busted on Sept. 10 at The Gables, an apartment complex on the UNH campus.

Silverman and some of her roommates were charged with violations for noise, hosting the gathering and illegal possession of alcohol, because they were underage.

Silverman's attorney, Todd Stevens, filed a petition for injunctive relief against UNH earlier this month and Silverman was granted temporary relief. On Friday she was in court for a final hearing.

After hearing over an hour of case facts and testimony, Judge Marguerite Wageling took the case under advisement.

The crux of Stevens' argument was that Silverman had very limited involvement in this gathering at her apartment and that she received poor legal advice from a student advisor.

Stevens said the student advisor told Silverman that pleading responsible to the violations would be Silverman's safest route.

"She was told that if you remain silent and contest this proceeding the likely punishment would be worse," Stevens said during Friday's hearing.

In addition, Stevens argued that Silverman wasn't informed about her right to remain silent before going into the hearing.

"My client, based on the negligent advise of the student advisor pleaded responsible to all the charges," Stevens said. "She put so much faith and so much confidence in UNH that she didn't even contact her mother, who is an attorney in New York."

UNH Attorney Lee Smith said that asking the court to reverse a university punishment is an "extraordinary action."

"It's really not the justice system's job to reverse the decision, unless there is an extraordinary circumstance," he said.

In this case it's hard to argue the facts, according to Lee. There was a gathering involving 20-30 students and a significant amount of alcohol, he said. In addition, the noise coming out of the sixth-floor apartment was so loud; the residence advisor who discovered the party could hear it from his first-floor apartment.

Smith argued that the university alcohol policy is clear; eviction is often the sanction for those who host parties on campus with alcohol.

"The UNH rules are pretty clear, they would be difficult to not understand," he said. "Eviction is the appropriate and expected sanction for this violation," he said.

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