Overview of the Judicial Process for Responding Students

Office of Community Standards

2016-2017
When the Process Begins

When the Office of Community Standards (OCS) receives a formal concern from a reporting party that a student may have violated Stanford’s Honor Code, Fundamental Standard, or some other University policy, OCS will contact the responding student to notify him/her of the concern and request that the student meet with OCS staff.

This presentation provides information for responding students who have received this notification and whose concern will be handled under the Student Judicial Charter of 1997. Some information pertains to later stages of the process and may not be relevant for all students.

You may contact the Office of Community Standards at any time at (650) 725- 2485 or community_standards@stanford.edu.
Office of Community Standards Mission

The mission of the Office of Community Standards is to promote the mutual responsibility of members of the Stanford community to uphold the Honor Code and Fundamental Standard.

The office coordinates the student conduct system, including administering the formal disciplinary processes and the informal resolution of concerns. The office strives to resolve cases of alleged misconduct in a fair, responsible, and timely manner emphasizing Stanford's core values of respect, trust, and integrity.

Through both policies and practices the office seeks to foster student development and learning. It plays a primary role in educating and training students, faculty, and staff about their shared responsibility to maintain community standards.
The Honor Code

1. The Honor Code is an undertaking of the students, individually and collectively:
   1. that they will not give or receive aid in examinations; that they will not give or receive unpermitted aid in class work, in the preparation of reports, or in any other work that is to be used by the instructor as the basis of grading;
   2. that they will do their share and take an active part in seeing to it that others as well as themselves uphold the spirit and the letter of the Honor Code.

2. The faculty on its part manifests its confidence in the honor of its students by refraining from proctoring examinations and from taking unusual and unreasonable precautions to prevent the forms of dishonesty mentioned above. The faculty will also avoid, as far as practicable, academic procedures that create temptations to violate the Honor Code.

3. While the faculty alone has the right and obligation to set academic requirements, the students and faculty will work together to establish optimal conditions for honorable academic work.
The Fundamental Standard

Students at Stanford are expected to show both within and without the University such respect for order, morality, personal honor, and the rights of others as is demanded of good citizens. Failure to do this will be sufficient cause for removal from the University.
Why the Honor Code and Fundamental Standard Matter

- They articulate the values that unite us as an academic community and outline the responsibilities that attend the great privilege of joining the Stanford community.

- The Honor Code prevents one student from gaining unfair advantage over other students and protects the value of a Stanford degree.

- The Honor Code is a statement of personal and interpersonal honor wherein students have mutual accountability for their conduct.

The statement on Intent and the Reasonable Person Standard
Overview of the Process

Student notified of concern

Meet with:
Judicial Advisor
Review rights and process
Judicial Officer
Discuss incident(s) in concern

Possible outcome:
No charges are filed
Possible outcome:
Concern withdrawn

Possible outcome:
Charges are filed

Judicial Panel Hearing

Early Resolution Option (if appropriate)

OR

Student found to be responsible
Sanctions imposed & student is notified
Case dismissed or student found not responsible
Rights of the Responding Student

1. To be informed, in writing, of any formal concern of alleged misconduct against them.
2. To be informed, in writing, of their rights.
3. To be considered innocent until found guilty beyond a reasonable doubt.
4. To be assured that their identity and the circumstances of allegations against them will be kept confidential, except in specific circumstances identified in the By-laws of the Board on Judicial Affairs.
5. To refuse to engage in self-incrimination.
6. To be given access to all evidence in the case, both incriminating and exculpatory.
7. To have a person of their choice accompany them throughout the investigative and adjudicative process. This individual may assist the responding student during judicial procedures. The Board on Judicial Affairs shall have the power to enact bylaws establishing policies and guidelines specifying the nature of the adviser’s role.
8. To be given access to a list of impartial and confidential volunteer Judicial Counselors who may be consulted for advice and guidance during judicial procedures.
Rights of the Responding Student (cont’d)

9. To have a timely determination of the charges.

10. To be informed, in writing, of formal charges filed against them, the evidence upon which the charges are based, the names of the reporting parties and the names of potential witnesses against them.

11. To have a charge filed no more than six months* after the alleged misconduct occurred or should reasonably have been discovered. *See Statute of Limitations & Jurisdiction. For incidents occurring after January 28, 2008, for cases involving alleged sexual assault, dating/domestic violence, sexual harassment, stalking, a hate crime, or physical assault, to have a charge filed no more than two years after the alleged misconduct occurred. If compelling new evidence becomes available after these stated times, a case may be charged since a Panel maintains the ultimate authority to dismiss or allow a case.

12. To be allowed a reasonable time to prepare a defense prior to Judicial Panel hearings.
13. To appear before the Judicial Panel considering the charges and to respond to the charges in writing. In the event the responding student is away from the Stanford campus, the proceedings shall be scheduled in such a way as to allow them a reasonable opportunity to participate.

14. To be given the opportunity to choose an open hearing. This choice must be made at least one week before the beginning of the Judicial Panel hearing.

15. To call witnesses on their behalf at Judicial Panel hearings and to cross-examine witnesses against them. The Board on Judicial Affairs shall have the power to specify in its bylaws limited types of evidence that shall be considered admissible without cross-examination. In all other cases, evidence provided by a witness who is unwilling or unable to be cross-examined will be disregarded.

16. To be sent a written statement of the Judicial Panel’s decision.

17. To be given, upon request, a verbatim record of their Judicial Panel hearings, excluding Panel deliberations.
Rights of the Responding Student (cont’d)

18. To have the right to appeal an adverse decision (bases for appeal are defined in Section III.H.1).

19. To be assured that no record of any violation or alleged violation will be placed on their transcript. Where the sanction of an Honor Code violation is modification of a grade, no reference will be made to the cause of the grade change.

20. To have all charges related to an alleged case of misconduct heard in a single proceeding. If a Panel finds a student guilty of a single act that violates both specific policies and the Fundamental Standard, then the Panel will not issue compounded sanctions inconsistent with the Student Conduct Penalty Code.

21. To not be charged again, after having been found not responsible by a Judicial Panel, for the same alleged misconduct.

22. To be offered reasonable protection from retaliation, intimidation, harassment and/or malicious prosecution.
Key Figures in the Judicial Process

Throughout the process, you will encounter individuals who contribute differently to the judicial process. Below are four key figures who you will likely encounter. They are listed in the order in which you can expect to meet that individual.

**Judicial Advisor (JA)**
- OCS staff member who serves as a neutral party in the process; advises on judicial procedures to all involved parties.

**Judicial Officer (JO)**
- OCS staff member who collects and thoroughly reviews all evidence to determine whether charges should be filed; presents evidence at Judicial Panel hearings.

**Judicial Counselor (JC)**
- Trained volunteers who provide confidential assistance to you at any point in the process; individuals are faculty, staff, or students who are current or former members of the Judicial Panel Pool.

**Judicial Panelists (JP)**
- Trained individuals who serve on Judicial Panel hearings; determine responsibility and sanctions.
What to Expect in Your Initial Meeting with the JA

You are expected to meet with the Judicial Advisor to ensure that you understand the judicial process and your rights therein. You are not expected to discuss the concern at the meeting with the JA, but you are welcome to do so. Information you provide to the JA is not part of the official investigation.

Remember, that you may have a person of your choice (e.g. friend, family member, attorney, etc.) accompany you throughout the investigative and adjudicative process. Please keep in mind throughout the process that you will be expected to speak for yourself and author/organize your own written and oral materials.

Your Judicial Advisor (JA) will:

- Ensure that you understand your rights in the judicial process.
- Answer any questions you have about the process following this presentation.
- Connect you with a Judicial Counselor if desired.
- Offer feedback on your position statement. Drafting your position statement
What to Expect in Your Initial Meeting with the JO

You are not required to meet with the Judicial Officer, but you are encouraged to do so. Most students will meet with the Judicial Officer immediately following the meeting with the Judicial Advisor. Anything you provide to the JO is part of the investigation and may be shared with the reporting party and, if there is a hearing, with the Judicial Panel.

Remember, that you may have a person of your choice (e.g. friend, family member, attorney, etc.) accompany you throughout the investigative and adjudicative process. Please keep in mind throughout the process that you will be expected to speak for yourself and author/organize your own written and oral materials.

Your Judicial Officer (JO) will:
- Ask you questions regarding the incident(s) described in the concern.
- Discuss the next steps in the investigation, including asking you what other information (or witnesses) you would like to be sought.
- Request that you submit a position statement.
- NOTE: Because you have the right not to self-incriminate, you are not obligated to meet with the Judicial Officer or submit a position statement.
The Investigation

- Conducted by the JO, with input from you and the reporting party.
- Potential outcomes of the investigation
  - The JO does not file formal charges. (The reporting party may request an evidentiary hearing.)
  - The JO files formal charges.
    - Uncontested cases under the Early Resolution Option (ERO) are resolved without a Judicial Panel hearing.
    - Otherwise, a Judicial Panel is convened to hear the charges.
  - The JO refers the case to another office or process.
Early Resolution Option (ERO)

The **Early Resolution Option (ERO)** is available for first-offense, uncontested Honor Code and Fundamental Standard cases with sanction precedent.

- Most ERO cases involving violations of the Honor Code result in a probation—a period of observation and review—until conferral the terminal degree and a one-quarter suspension held at abeyance (or, for graduating students, a two-quarter delay of degree conferral), community service, and completion of an online academic integrity seminar.
- The reporting party, OCS, and you must all agree to ERO.
- ERO allows you to waive your right to a hearing and appeal, and it reduces the amount of time involved.
- The JA will discuss ERO at your initial meeting. Students who wish to pursue ERO are encouraged, but not required, to indicate this interest early in the process.
- If your concern is resolved through ERO, you will be asked to provide a position statement, but you do not need to write a sanction statement.
Judicial Panel Hearings

- If you are charged with violating the Honor Code and you contest the charges, your case will proceed to a Judicial Panel Hearing.
- Prior to the hearing, you will have a pre-hearing meeting with the JA and JO for a more in-depth discussion of what to expect at the Judicial Panel hearing.
- Hearings are scheduled for the earliest available hearing date.
- Panel composition:
  - 4 students and 2 faculty/staff.
  - Honor Code cases require a faculty member on the Panel.
  - Bias checks are conducted prior to the hearing and at the hearing to ensure that there is no bias or conflict of interest among panelists on the case.
- You may be accompanied by a person of your choice; this person must limit their participation to private advice to you.
- Your level of participation is your option. You can choose to attend the hearing, participate via telephone or video conference call, or simply rely on your written materials.
If You Are Found Responsible

If you are found responsible for a violation, the following section will help you understand the sanctioning phase of the judicial process.

Sanctions are set forth in accordance to the Student Conduct Penalty Code.

The Penalty Code provides a wide variety of sanctions to redress student misconduct. While the Code may serve many purposes, its three main purposes are punishment, redressing injury to and protecting the Stanford community from future injury, and educating the offending student.

Judicial Panels imposing sanctions for violations of University policies must consider all three purposes. Although all three purposes are important, each may be a factor of varying significance in any particular case.
Sanctions

The standard sanction for a first time Honor Code violation is one quarter of suspension and 40 hours of community service; however, Judicial Panels may issue any of the sanctions listed in the Penalty Code. Judicial Panels commonly issue a combination of the following:

- Formal Warning
- Probation
- Deprivation of Rights and Privileges
- Monetary Restitution
- Community Service
- Delayed Degree Conferral
- Suspension
- Conditional Suspension
- Expulsion
- Education (Note: a commonly assigned sanction for Honor Code violations is the Academic Integrity Seminar, a web based seminar focused on the importance of adherence to ethical standards and honesty)

More Sanction Information

- Overview of each sanction type
- Sanction precedent for a given offense
Sanctioning Factors

 Judicial Panels take many factors into account when they consider what sanctions would be the most appropriate, given the facts and circumstances of the violation.

 Aggravating Factors
 - Factors that could increase the severity of the sanction
   › e.g., Was there an active attempt to conceal or hide the violation?

 Mitigating Factors
 - Extenuating factors that could possibly lessen the severity of a sanction
   › e.g., Is there convincing evidence of a lack of intent to deceive and/or harm?

 Information about potential mitigating or aggravating factors that may be taken into account during the sanction deliberation phase of the process.
To Prepare for Sanctioning

Learn more about **how potential sanctions may affect you**

- Academic impact
- Scholarships
- Employment

**Write a sanction statement**

- Your Judicial Advisor can also provide assistance in drafting your sanction statement

Understand the **impact of outside proceedings**

- Learn more about how outside entities’ handling of the offense could impact your judicial case
Contact OCS

Your Judicial Advisor is available to assist you throughout the process. You can contact your JA or other staff in the Office of Community Standards at:

Tresidder Memorial Union, 2nd Floor
459 Lagunita Drive, Suite 9
(Suite 9 is above the CoHo, facing Dink)
(650) 725-2485
community_standards@stanford.edu

Appointments available
Monday-Friday, 8:30 a.m. – 4:00 p.m.