Overview of Judicial Panel Hearings for Responding Students

Office of Community Standards

2013-2014
When Hearings are Convened

The Student Judicial Charter of 1997 states that “all cases in which formal charges have been filed must be heard by a Judicial Panel” (III.I.6). Although the Early Resolution Option (ERO) is available for first-offense, uncontested Honor Code and Fundamental Standard cases with sanction precedent, other charged cases will be resolved by a Judicial Panel.

The Charter advises that the Judicial Advisor (JA) “appoint members of the Judicial Panel from the Judicial Panel Pool within three weeks of charges being filed” (III.I.6). While not every hearing will occur within three weeks of the charge, the JA will schedule the hearing for the earliest possible hearing date.

The composition, powers, and procedures of Judicial Panels are outlined in Section III.C.1-3 of the Charter, with additional information in Section III.I.6-10.

This presentation provides information for responding students who are preparing for a Judicial Panel hearing. In addition to viewing this presentation, the Office of Community Standards (OCS) encourages responding students to participate in a pre-hearing meeting with the Judicial Advisor and Judicial Officer.

You may contact the Office of Community Standards at any time at (650) 725-2485 or community_standards@stanford.edu to schedule this meeting or ask questions.
Judicial Panels

All Judicial Panels are composed of six (6) people:
• Four (4) students (likely a combination of graduate and undergraduate)
• One faculty member (required for Honor Code cases)
• One staff member (Panels for Fundamental Standard cases may have two staff members)

Student panelists are appointed to the Judicial Panel Pool by the Nominations Commission (NomCom) of the Associated Students of Stanford University (ASSU). Faculty panelists are appointed by the Senate of the Academic Council. Staff panelists are appointed by the Provost or the Provost’s designee.

The Judicial Advisor “will endeavor to select Panel members who are not acquainted with either the reporting party or the responding student” (III.C.4) and will “ensure that no Panel member is biased or has a conflict of interest in a case being considered. Both the reporting party and the responding student may request the removal of Panel members who they believe are biased or have a conflict of interest” (III.C.5). You can find more information about bias check process here.
Panelists receive training about judicial procedures and observe a hearing before they serve as a seated panelist. All Panels are chaired by one of the four (4) student panelists, and the chair receives additional training.

“Judicial Panel hearings are usually closed to the public unless the responding student files a request for an open hearing at least one week in advance of the hearing” (III.I.7).
Participation in the Hearing

The responding student has the right 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” (II.A.13).

At the same time, “the responding student need not appear before the Panel and may choose to respond to the charges in writing” (III.I.8).

Most responding students choose to participate in person if they are on campus or by phone or video conference (e.g., Skype) if they are away from campus.

The responding student and reporting party have the right “to have a person on their choice accompany them throughout the investigative and adjudicative process” (I.A.7, I.B.8). At a hearing, “the responding student and reporting party are expected to speak for themselves [...] and] the personal advisers of both reporting party and responding student must limit their participation to private advice to the person they accompany.”
Pre-Hearing Meeting

Prior to the hearing, the Judicial Advisor and Judicial Officer will meet with you to help you prepare for the hearing.

During the Pre-Hearing Meeting:
- Judicial Officer will review the information that will be provided to the panelists.
- Judicial Advisor will review names of the panelists (the initial “bias check”) if they are known.
- Judicial Advisor will answer questions about the hearing format.
- Judicial Advisor will discuss sanctioning phase.
- You will complete [this worksheet](#).
Day of the Hearing

The reporting party and responding student are typically asked to arrive at the Office of Community Standards suite in Tresidder Memorial Union fifteen (15) minutes before the hearing is scheduled to begin.

At this time, the Judicial Officer (JO) will meet briefly with both the responding student and the reporting party to provide any final reminders or answer final questions.

When the Judicial Advisor (JA) notifies the JO that the panelists are ready to begin, the participants will proceed to the hearing room. Most Judicial Panel hearings are held in the VPSA Conference Room in Tresidder (beside the FedEx/Kinko’s and near the LaIR).
Hearing Room Arrangement

P-Panelist
PC-Panel Chair
PA-Personal Advisor
RS-Responding Student
JO-Judicial Officer
JA-Judicial Advisor
When the Hearing Begins

Most hearings follow a standard outline, which you can access on the OCS website by clicking here.

The hearing will begin with introductions by OCS staff, all of the participants, and panelists. The hearing includes the “visual bias check” to ensure that there are no panelists whose names were unfamiliar during the initial bias check procedure but who are known to someone when they appear in person.

The student chair will explain how to raise an evidentiary concern and will remind participants that anyone can request a break at any time during the hearing.

Please note that uncontested, sanction-only hearings will forego much of the presentation of the facts of the case and will instead focus on the sanctioning phase.
Determining the Facts of the Case (First Phase)

For hearings in which the responding student is contesting the charge(s), the Judicial Panel will first hear about the facts of the case. This phase of the hearing consists of presentations by the reporting party and responding student and questions from the Panel and participants. Witnesses may also be called during this time.

A responding student has the right to “call witnesses on their behalf at Judicial Panel hearings and to cross-examine witnesses against them” (II.A.15). The Board on Judicial Affairs has specified in the 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” (II.A.15).

At the conclusion of this phase of the hearing, the responding student and reporting party will be invited to make concluding remarks.
Deliberations

At the conclusion of the first phase of the hearing, the Panel will enter deliberations in order to determine the facts of the case and whether those facts constitute a violation of the Fundamental Standard, Honor Code, and/or other policy.

If you are participating in person, at this time you may return to the OCS suite with the JO or go somewhere you will be comfortable waiting. Because deliberations may take an hour or longer, you may want to bring something with you to do.

When the Panel has completed its deliberations, you will be invited to return to the hearing room (or to reconnect by phone/videoconference. The student chair will read:
• The Panel’s findings of fact
• The voting results
• The rationale for its findings

If the Panel finds you “Not Guilty,” the hearing is concluded. If the Panel finds you “Guilty,” then the hearing immediately moves to a sanctioning phase.
Sanctioning Phase

The sanctioning phase of the hearing provides an opportunity for the responding student to talk with the Judicial Panel about the impact of potential sanctions.

The Judicial Advisor will first provide the Panel with information about the standard sanction or sanction precedent for similar cases, as well as any prior disciplinary history. You can find more information about the purpose of precedent from the Guide to the Penalty Code and Judicial Sanctions. Then the reporting party will have the opportunity to comment on the imposition of sanctions.

If you have provided a sanction statement and supporting documents to the Judicial Advisor, those materials will be provided to the Panel following its deliberations of the findings of fact and before participants return to the hearing room for the sanctioning phase. You will have an opportunity to offer comments and answer questions from the Panel.

Finally, the Judicial Officer may share aggravating or mitigating circumstances that a Panel may need to take into account in sanctioning.
Sanction Deliberations and Announcement

You will leave the hearing room while the Panel deliberates the sanctions.

When the Panel has completed its deliberations, you will be invited to return to the hearing room (or to reconnect by phone/videoconference). The student chair will read:

- The sanction(s)
- The voting results
- The rationale for its sanction

The Associate Vice Provost will review the sanctions for consistency with the Penalty Code and precedent in similar cases. You will receive a final letter from the Office of Community Standards upon the completion of the review.

If you have questions regarding the case or the Panel’s decision, please contact the Office of Community Standards.
Appeals

Students who wish to appeal an adverse decision may do so on the following bases, outlined in Section III.H.1.1-5:

1. Demonstration of significant procedural error.
2. The availability of compelling new evidence.
3. Demonstration of bias on the part of a member of any Judicial Panel involved in the case,
4. Misconduct on the part of Judicial Officer or the Judicial Advisor, or
5. Demonstration that any rights of the responding student enumerated in [the] Charter have been violated.

A student’s appeal is due one month from the date of the hearing. Final Appeals Panels, like Judicial Panels, are composed of six (6) people: four (4) students and two (2) faculty/staff.
Contact Office of Community Standards

Your Judicial Advisor is available to assist you throughout the process. You can contact your Judicial Advisor 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.