

The background features a large, light gray watermark of the Stanford University seal. The seal is circular and contains a central tree (El Palo Alto) with the text 'L'ELM STANFORD JUNIOR FREIHEIT UNIVERSITÄT' around it. Below the tree is the year '1891' and several stars. The seal is surrounded by a diamond-patterned border.

# Overview of the Judicial Process for Responding Students

OFFICE OF COMMUNITY STANDARDS

2019-2020

## 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 them 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 \(the "Charter"\)](#). It is important that you also review and become familiar with the Charter and [the Bylaws to the Charter](#).

Some information in this presentation 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](mailto:community-standards@stanford.edu).

## Accessibility and Accommodations

Every student should be able to fully participate in the process.

If you believe you will need an ability-related accommodation and/or accessibility information for any part of the Judicial Process, please contact the Diversity and Access Office, at [disability.access@stanford.edu](mailto:disability.access@stanford.edu) or (650) 725-0326.

If you are registered with the Office of Accessible Education (OAE) you should discuss accommodations with your disability advisor prior to contacting the Diversity and Access Office.

## 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 accountability process, 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.*

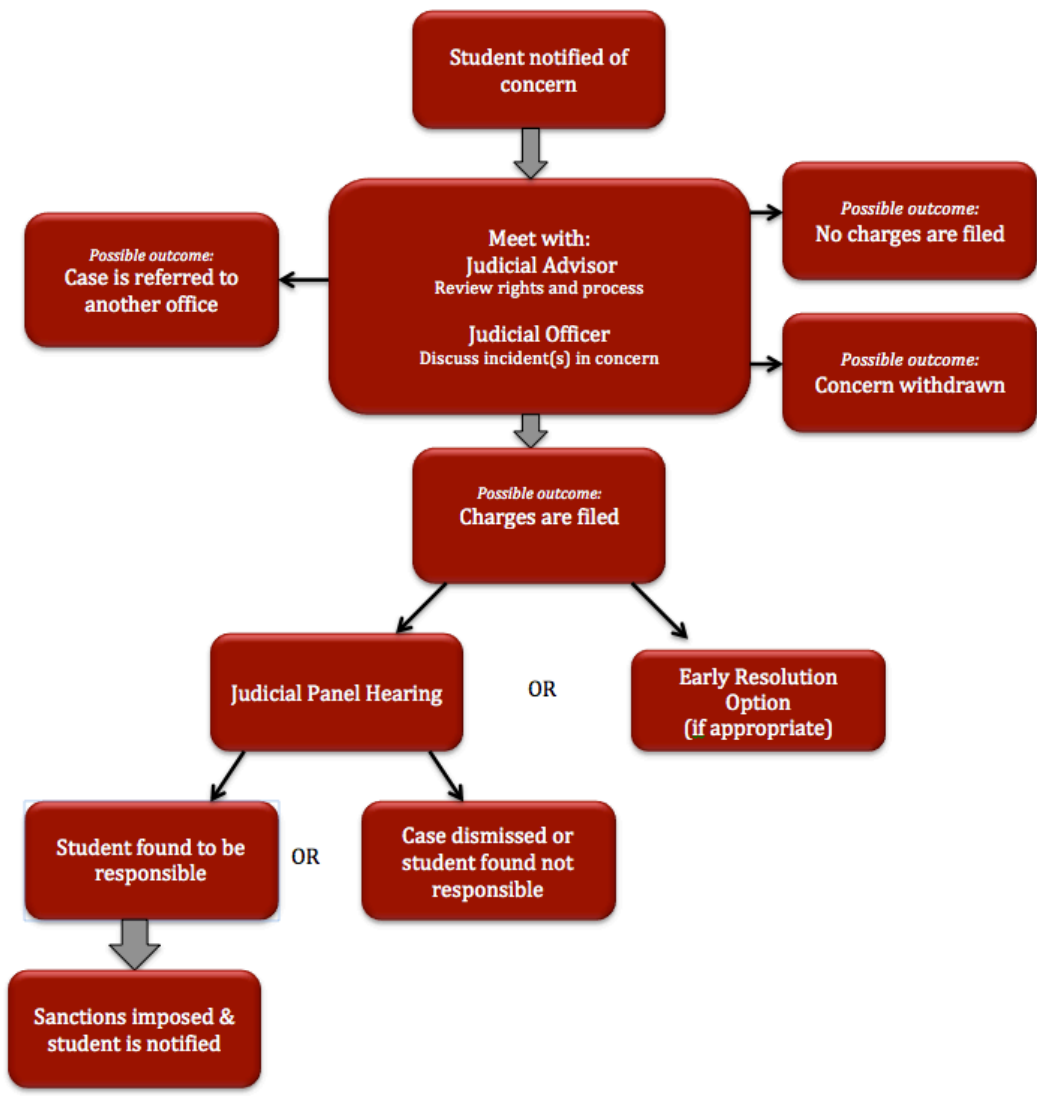
## The Fundamental Standard

*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 being at Stanford.
- The Honor Code prevents one student from gaining unfair advantage over other students and protects the value of a Stanford degree.
- The Fundamental Standard is a statement of personal and interpersonal honor wherein students have mutual accountability for their conduct.

# Overview of the Process





## 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. In cases involving an alleged 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.*

## Rights of the Responding Student (cont'd)

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 advises on judicial policies and 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 generally 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. The JA works with both parties (Responding Student and Reporting Party) to provide objective information about the process. The JA also appoints Judicial Panel members for hearings and can refer you to a Judicial Counselor. Responding Students seeking confidential assistance in their matter may work with a Judicial Counselor.

Prior to your meeting with the JA please review the statement on [Intent and the Reasonable Person Standard](#) and complete the [Judicial Advisor Checklist](#).

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 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 desire

## 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. The JO has a duty to gather incriminating and exculpatory evidence, so 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, 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 of the terminal degree and a one-quarter suspension held at abeyance (or, for graduating students, a one-quarter delay of degree conferral), and additional sanctions that appropriately address the violation for which a student is charged, such as community service or completion of an online academic integrity seminar.
- The reporting party, OCS, and you must all agree to ERO.
- By choosing ERO you waive your right to a hearing and appeal.
- ERO typically reduces the amount of time involved to complete the judicial process.
- 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 you are interested in ERO, you will be required to provide a position statement, but you do not need to write a sanction statement. If ERO requirements are not met for any reason, the case will move forward to a Judicial Hearing Panel and your position statement will be provided to the Judicial Hearing Panelists.

## 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.
- 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](#)

- A Judicial Counselor can 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

## Support Throughout the Process

There are many resources that can help support you throughout the OCS process.

**Judicial Counselor:** Can provide confidential advice related to your process. Can review position statements and sanction statements.

**Support Person of your choice:** For every part of the OCS process you are permitted to bring a support person of your choice.

**Residence Dean & Graduate Life Office Dean:** Can offer general support and connect you with other helpful resources on campus.

**Office of Religious Life Dean:** Available for confidential discussions regardless of a student's religion.

**CAPS:** The university's counseling center dedicated to student mental health and well-being.

**Bridge:** Peer-counseling and support that is available 24/7.

## Key Resources Throughout the Process

**Student Judicial Charter of 1997**: This link outlines the official OCS process for investigating and adjudicating potential Honor Code and Fundamental Standard violations.

**Bylaws to the Charter**: This link directs you to the rules and/or administrative provisions of the Board on Judicial Affairs (BJA) that clarify and facilitate practice under the Student Judicial Charter.

**Drafting a Position Statement**: This link directs you to helpful information if you choose to draft a position statement.

**Drafting a Sanction Statement**: If you go to a Panel, this link takes you to information that can help you in drafting a sanction statement.

**Potential Aggravating & Mitigating Circumstances**: This link outlines different aggravating and mitigating circumstances that Panels will consider when determining an appropriate sanction.



## 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, 2<sup>nd</sup> Floor  
459 Lagunita Drive, Suite 9  
(Suite 9 is above the CoHo, facing Dink)  
(650) 725- 2485

[community-standards@stanford.edu](mailto:community-standards@stanford.edu)

Appointments available  
Monday-Friday, 9:30 a.m. – 4:30 p.m.

