

**Student Judicial Charter of 1997**  
**Stanford University**  
(as Amended Winter 2007-08)

SECTION I - INTRODUCTION

Living and working in a University community dedicated to high standards of academic honesty and personal integrity can be an extraordinary educational experience. At Stanford, students, faculty and staff have collectively agreed to be committed to the standards set forth in the Fundamental Standard and Honor Code. These eloquent statements have served the University community well since 1896 and 1921, respectively. When it has been alleged that a student has violated the Honor Code or Fundamental Standard, students, faculty and staff must also share a commitment to the system used to adjudicate the alleged violation. Such allegations are extremely serious matters and must be dealt with in the most fair and even-handed manner possible.

This Charter describes the elements, procedures and functions of the judicial system that goes into effect when there has been a formal concern alleging that a Stanford student has violated the Honor Code, Fundamental Standard or other applicable University student conduct policies. The judicial system described in this Charter is based on three fundamental principles:

- To affirm the importance of the Honor Code and Fundamental Standard as critical parts of campus life at Stanford.
- To guarantee students a central role in establishing judicial policy and adjudicating cases.
- To protect the rights of all individuals involved in judicial affairs, while upholding the highest possible standards of honesty and mutual respect.

The judicial system described here replaces the Legislative and Judicial Charter of 1968 (as amended) and all student judicial procedures described therein. University judicial policy applies year-round to all on-campus activities, and to any acts that threaten the safety and integrity of the University community regardless of where such acts occur.

## SECTION II - FUNDAMENTAL RIGHTS

This section enumerates the rights guaranteed by the Judicial Charter to all parties.

### A. RIGHTS OF THE RESPONDING STUDENT

Students accused of misconduct have the following rights:

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 bylaws 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.
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. \*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.

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 guilty by a Judicial Panel, for the same alleged misconduct.

22. To be offered reasonable protection from retaliation, intimidation, harassment and/or malicious prosecution.

## B. RIGHTS OF THE REPORTING PARTY

The rights of a reporting party in any case are:

1. To appear at Judicial Panel hearings.
2. To submit a statement in writing, which does not preempt the right of the responding student to cross-examine the reporting party during Panel Hearings.
3. To know that all cases in which charges have been filed by the Judicial Officer will be considered by a Judicial Panel.
4. 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.
5. To request a Judicial Panel to hear evidence in cases in which no formal charges are filed by the Judicial Officer.
6. To withdraw the concern at any time and, if so, to be assured of confidentiality and anonymity.
7. To be offered reasonable protection from retaliation, intimidation, or harassment in response to their concern.
8. To have a person of their choice accompany them throughout the investigative and adjudicative process. This individual may provide advice and counsel, but may not speak on behalf of, or otherwise represent the reporting party during judicial procedures.
9. To be assured of the confidentiality of discussions with Judicial Counselors.
10. To be informed of the progress and outcome of the concern, with the understanding that this information will be kept confidential.
11. To be informed, in writing, of their rights as defined under this Charter.

### C. RIGHTS OF WITNESSES

The rights of a witness in any case are:

1. To refuse to engage in self-incrimination.
2. To be offered reasonable protection from retaliation, intimidation and/or harassment.
3. To be informed, in writing, of these rights.

### D. COOPERATION OF ALL PARTIES

Both the reporting party and the responding student are expected to cooperate fully with an investigation of the facts of a case and with the adjudicative process. Similarly, in keeping with the principles set forth in the Honor Code and Fundamental Standard, all parties with knowledge of facts pertaining to a case of alleged student misconduct are expected to cooperate fully with the investigation of the facts of the case and must appear, if requested, at Judicial Panel hearings. In addition, all parties are expected to be respectful of the confidential nature of any knowledge or information they may have about a judicial case or the other parties involved. No person shall be required to engage in self-incrimination as part of any judicial proceeding.

### SECTION III - JUDICIAL PROCEDURES

This section summarizes the key components of the Judicial System.

#### A. BOARD ON JUDICIAL AFFAIRS

The Board on Judicial Affairs is a standing committee of students, faculty and staff that oversees all aspects of judicial affairs.

##### A.1 COMPOSITION

- a) The Board on Judicial Affairs shall be composed of six student members jointly appointed by the Undergraduate Senate and Graduate Student Council of the Associated Students of Stanford University, six faculty members appointed by the Senate of the Academic Council, and three University administrators appointed by the Provost. The Board should be drawn from a wide spectrum of the Stanford community and must include both undergraduate and graduate students.
- b) Members of the Board shall be appointed to one- or two-year terms. Members may be appointed to multiple terms.
- c) The Undergraduate Senate and the Graduate Student Council of the Associated Students of Stanford University shall jointly determine the date on which the terms of student members of the Board shall begin and end.

##### A.2 POWERS

- a) The Board shall have the exclusive power to adopt or modify bylaws specifying policies and procedures pertaining to judicial affairs. All such bylaws must be consistent with this Charter.
- b) Whenever the Board adopts or modifies its bylaws, it shall inform the community, and shall forward the text of the changes to the chair of the Undergraduate Senate of the Associated Students of Stanford University, the chair of the Graduate Student Council of the Associated Students of Stanford University, the Chair of the Senate of the Academic Council, and the President of the University.

- c) Any bylaw adopted or modified by the Board can be overruled by any one of the four following entities: the Undergraduate Senate of the Associated Students of Stanford University, the Graduate Student Council of the Associated Students of Stanford University, the Senate of the Academic Council, the President of the University.
- d) The Board has the authority to adopt and/or modify the Student Conduct Penalty Code.
- e) Whenever the Board adopts or modifies the Student Conduct Penalty Code, it shall inform the community, and shall forward the text of the changes to the chair of the Undergraduate Senate of the Associated Students of Stanford University, the chair of the Graduate Student Council of the Associated Students of Stanford University, the chair of the Senate of the Academic Council, and the President of the University.
- f) Any adoption or modification of the Student Conduct Penalty Code can be overruled by any one of the four following entities: the Undergraduate Senate of the Associated Students of Stanford University, the Graduate Student Council of the Associated Students of Stanford University, the Senate of the Academic Council, the President of the University.
- g) The Board shall have the exclusive power to propose amendments to this Charter, which must be approved as specified in Section IV.

### A.3 PROCEDURES

- a) The Board may conduct official business only in the presence of at least eight members, provided at least two students, two faculty members and one University administrator are present.
- b) Actions by the Board shall require a majority vote of those present and voting.
- c) The Board shall have the power to adopt rules of procedure to govern its own actions, provided that a two-thirds majority of those present and voting agree.
- d) All members of the Stanford community are invited to propose suggestions about modification of judicial procedures to the Board.

## B. JUDICIAL PANEL POOL

The Judicial Panel Pool is the body of students, faculty and staff from which Judicial Panels and Final Appeal Panels are chosen by the Judicial Advisor. Members of the Judicial Panel Pool are trained each academic year by the Judicial Advisor and can be called upon to serve on either Judicial Panels or Final Appeals Panels, as needed. The Judicial Panel Pool shall consist of both undergraduate and graduate students jointly appointed by the Undergraduate Senate and the Graduate Student Council of the Associated Students of Stanford University, faculty appointed by the Senate of the Academic Council, and University staff appointed by the Provost. The Judicial Panel Pool shall consist of at least 30 members.

## C. JUDICIAL PANELS

Judicial Panels hear all cases when formal charges have been filed by the Judicial Officer.

### C.1 COMPOSITION

- a) A Judicial Panel will be comprised of six members chosen from the Judicial Panel Pool, four of whom will be students and two of whom will be faculty or University administrators.
- b) Judicial Panels will be chaired by a student member.
- c) At least one faculty member must serve on any Judicial Panel considering cases in which a violation of the Honor Code is alleged.
- d) The Judicial Advisor will endeavor to select Panel members who are not acquainted with either the reporting party or the responding student.
- e) The Judicial-Advisor 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.
- f) If a Judicial Panel member discovers that they have a conflict of interest, or a perceived conflict of interest in a case being considered, they may withdraw and be replaced.

## C.2 POWERS

- a) To review all charges of violations of the Fundamental Standard, Honor Code or other appropriate University policies filed by the Judicial Officer.
- b) To determine whether the alleged violations occurred.
- c) To determine the appropriate sanctions if the Panel finds that the alleged violations did occur.
- d) To hear evidence and argument of the reporting party and the responding student in cases in which no formal charges having been filed by the Judicial Officer. The Panel has the authority to instruct the Judicial Officer to file appropriate charges in such cases (see sections II-B.5 and III-I.5).

## C.3 PROCEDURES

- a) A Panel may convene only in the presence of all members.
- b) Determination of guilt requires agreement of five of the six Panel members.

## D. JUDICIAL ADVISOR

The Judicial Advisor is the chief administrator of judicial affairs and is a neutral party in all cases. The primary role of the Judicial Advisor is to advise all parties and to assist with judicial processes.

The specific duties of the Judicial Advisor are to:

1. Serve as a neutral party in all cases.
2. Serve as primary advisor on judicial procedures to all parties.
3. Train the Judicial Panel Pool members.
4. Appoint the members to Judicial Panels from the Panel Pool.
5. Provide general assistance to Judicial Panels upon request.

6. Serve as principal spokesperson for the University on Judicial Affairs.
7. Train the pool of volunteer Judicial Counselors.
8. Provide the responding students and reporting parties a list of volunteer Judicial Counselors.
9. Provide general oversight of all judicial procedures and act as liaison to Board on Judicial Affairs.
10. Ensure that all Judicial Panel proceedings are recorded.
11. Inform the responding students of the outcome of Judicial Panel hearings and inform students found guilty of their sanctions and right to appeal.
12. Appoint a Final Appeals Panel and provide general assistance in Final Appeals Panel hearings.
13. Inform the responding students of the outcome of Final Appeals Panel hearings.
14. Inform all parties, in writing, of their rights under this Charter.

#### E. JUDICIAL OFFICER

The Judicial Officer is the principal investigator in all cases in which a concern of an alleged violation of the Honor Code, Fundamental Standard, or other University student conduct policy has been filed. The Judicial Officer meets with all knowledgeable parties and gathers incriminating and exculpatory evidence. The Judicial Officer shall decide if there is sufficient evidence to support formal charges against the responding student. If so, the Judicial Officer will present all relevant evidence at the Judicial Panel hearing and, if necessary, at Final Appeals Panel hearings.

The specific duties of the Judicial Officer are to:

1. Receive all reports of alleged student misconduct.
2. Meet with the individual reporting misconduct.

3. Receive the formal concern.
4. Notify the responding student of the concern and names of the reporting parties.
5. Investigate the concern and gather incriminating and exculpatory evidence.
6. Determine if there is sufficient evidence of misconduct to file formal charges against a student. The Judicial Officer may refer a case to another office when appropriate.
7. Inform the responding student of charges, the evidence upon which charges are based and the names of potential witnesses at Judicial Panel hearings.
8. Present evidence at Judicial Panel hearings and Final Appeals Panel hearings if necessary.
9. Inform reporting parties of the outcome of Judicial Panel hearings and, if necessary, Final Appeals Panel hearings.
10. Inform the Board on Judicial Affairs (without divulging the names of the responding students) of the essential elements of all cases in which formal concerns did not result in the filing of charges.

#### F. JUDICIAL ADVISOR AND JUDICIAL OFFICER

Working jointly, the Judicial-Advisor and Judicial Officer will:

1. Meet with, report to and assist the Board on Judicial Affairs.
2. Be involved with community outreach and education.
3. Summarize and report judicial cases to University community. These summaries shall not reveal the confidential aspects of any case.
4. Preserve all evidence and testimony obtained during investigation of charges for one year following final decision.

5. Ensure enforcement of sanctions in collaboration with the Registrar, the Dean of Students and other appropriate University personnel.

#### G. JUDICIAL COUNSELORS

Judicial Counselors are trained, current or former members of a Judicial Panel Pool or others who agree, on a voluntary basis, to provide confidential assistance to responding students and reporting parties in cases in which they are not involved as a member of a Judicial Panel.

#### H. FINAL APPEALS PANEL

A Final Appeals Panel is appointed by the Judicial Advisor whenever students found guilty appeal a decision made by a Judicial Panel. They should normally do so within one month of being notified of the outcome of Judicial Panel hearings.

#### H.1 BASES FOR APPEAL

The bases for appeal are:

- a. Demonstration of a significant procedural error.
- b. The availability of compelling new evidence.
- c. Demonstration of bias on the part of a member of any Judicial Panel involved in the case,
- d. Misconduct on the part of the Judicial Officer or the Judicial Advisor, or
- e. Demonstration that any rights of the responding student enumerated in this Charter have been violated.

#### H.2 COMPOSITION

- a) The Final Appeals Panel will be comprised of six members chosen from the Judicial Panel Pool, four of whom will be students and two of whom will be faculty or University administrators.
- b) Final Appeals Panels will be chaired by a student member.

- c) At least one faculty member must serve on any Final Appeals Panel considering cases in which a violation of the Honor Code is alleged.
- d) The Judicial Advisor will endeavor to select Panel members who are not acquainted with either the reporting party or the responding student.
- e) The Judicial Advisor 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.
- f) If a Judicial Panel member discovers that they have a conflict of interest, or a perceived conflict of interest in a case being considered, they may withdraw and be replaced.
- g) No member of the Final Appeals Panel may have served on the Judicial Panel that considered the case being appealed.

### H.3. POWERS

The Final Appeals Panel has the following options:

- a) To deny the appeal.
- b) To return the case to the original Judicial Panel.
- c) To convene a new Judicial Panel to rehear the case.
- d) To reduce the sanctions.
- e) To dismiss the original charges.

### H.4. PROCEDURES

- a) A Final Appeals Panel can convene only in the presence of all members.
- b) All decisions of the Panel must be made with the affirmation of four of six members.

## I. PROCEDURAL OVERVIEW

Judicial procedures begin when a Stanford faculty member, student or staff member files a formal concern of an alleged violation of the Honor Code, Fundamental Standard or Student Conduct Policy with the Judicial Officer. The steps outlined below define judicial procedures after a formal concern has been filed. The flowchart that follows provides an overview of the sequence of judicial procedures after a concern has been filed and recommended timelines that should be applicable in a majority of cases.

1. A formal concern should be made within sixty (60) days of the date of discovery of the evidence upon which it is based.
2. Within one week of receipt of a formal concern, the Judicial Officer should notify the responding student in writing of the nature of the concern.
3. As a neutral party, the Judicial-Advisor is available to advise both the responding student and the reporting party about judicial procedures. The Judicial Advisor will provide a list of impartial and confidential volunteer Judicial Counselors who are available to assist the responding student and the reporting party.
4. The Judicial Officer will meet with all knowledgeable parties and gather relevant evidence. After conducting a thorough investigation, the Judicial Officer has three options: *i*) to file formal charges against the responding student, *ii*) to refer the case to another appropriate office, or *iii*) to refrain from taking any formal action. If charges are filed, the student will be informed of all charges, all incriminating and exculpatory evidence related to the charges, the names of the reporting parties and the names of potential witnesses against them.
5. In cases in which no charges are filed by the Judicial Officer, the reporting party may still request that a Judicial Panel Hearing be held in order to hear the evidence against the responding student and exculpatory evidence. The responding student will be informed in writing of this hearing and will be allowed to testify and present evidence before the Panel. The Panel can instruct the Judicial Officer to file formal charges. If this occurs, a new Judicial Panel will be convened to hear the case resulting from the charges.
6. All cases in which formal charges have been filed must be heard by a Judicial Panel. The Judicial Advisor shall appoint members of the Judicial Panel from the Judicial Panel Pool within three weeks of charges being filed. At Judicial Panel hearings, the Judicial Officer will present all evidence relevant to the concern. The Judicial Officer has the responsibility to present evidence which supports the charges as well as any extenuating circumstances or exculpatory evidence uncovered during the investigation. The Judicial Advisor will be present at the hearings to record the proceedings and to answer general questions about judicial procedures.

7. 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.
8. At Judicial Panel hearings both the responding student and the reporting party may choose to be accompanied by a friend or adviser. The responding student need not appear before the Panel and may choose to respond to the charges in writing. The responding student may answer the charges, call witnesses on their behalf and cross-examine those giving testimony against them.
9. Presentation of evidence and testimony, as well as, questioning of the responding student and of witnesses at Judicial Panel hearings shall be conducted in a manner that is courteous to all participants, that is devoid of intimidation and harassment, and that limits discussion to information relevant to the facts and issues of the case.
10. Following the conclusion of the Judicial Panel proceedings, the Panel will meet in a closed session to determine the disposition of the charges. The Panel may request information from the Judicial Advisor regarding rules and procedures. At that time the Panel may *i)* dismiss the case for insufficient evidence, *ii)* find that no violation occurred or *iii)* find that a violation did occur. If the Panel finds that a violation did occur, they may also impose appropriate sanctions. Sanctions shall be determined in accordance with precedent and the Student Conduct Penalty Code. Considerations in determining sanctions shall include the nature and seriousness of the offense, extenuating circumstances and prior violations.
11. The Judicial Advisor will prepare a letter to the responding student which summarizes the findings of the Judicial Panel and, if guilty, the sanctions to be assessed. Letters that include sanctions will be reviewed by the Dean of Students (or a Dean's designee) within one week for general conformance with precedent and the Student Policy Conduct code. If the Dean of Students finds that the sanctions are inappropriate, the Dean may ask the Panel to reconsider the sanctions. If the Panel does reconsider its original sanctions, the reconsidered decision of the Panel is final.
12. If a Judicial Panel recommends expulsion from the University, the case will be automatically reviewed by the Provost. The Provost has the option of supporting the recommendation of expulsion or imposing lesser sanctions.
13. Within one week of the sanctions being affirmed, the student will be informed in writing of the decision of the Judicial Panel. The Judicial Advisor will be available to advise the student about the sanctions.
14. Students found guilty may appeal the decisions of the Judicial Panel. They should normally file an appeal with the Judicial Advisor within one month of being notified of the results of the Judicial Panel hearing. The grounds for appeal are cited in Section III-H.1.

15. Final Appeals 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 that hearing.

#### SECTION IV - AUTHORITY AND AMENDMENT OF THE JUDICIAL CHARTER

##### A. AUTHORITY

Although nothing in this Charter limits or contravenes the authority of the President of Stanford University to promulgate and enforce regulations governing student conduct, the Board on Judicial Affairs, except in extraordinary circumstances, shall have primary responsibility for promulgating judicial policy.

##### B. AMENDMENT OF CHARTER

The provisions of this Charter are subject to amendment in any and all respects. Amendments shall be enacted by a majority vote of the Board on Judicial Affairs, and shall go into effect immediately upon approval by the Undergraduate Senate of the Associated Students of Stanford University, the Graduate Student Council of the Associated Students of Stanford University, the Senate of the Academic Council, and the President of the University. No amendment changing the membership of the Board on Judicial Affairs, however, shall go into effect until the time of the next regular selection of members.

# Judicial Flow Chart

Recommended  
Timetable

