A Bill Enacting the Alternate Review Process (ARP)
ASSU-W2013-4

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Parliamentarian: Sjoerd de Ridder
Action Requested: ⅔ approval by each legislative body
Submitted:
January 29, 2013 to the ASSU Undergraduate Senate;
January 30, 2013 to the ASSU Graduate Student Council

WHEREAS, On January 8, 2013, in accordance with Article V §2 of the Undergraduate Senate Bylaws, the Undergraduate Senate passed by 2/3 vote each proposed change to the Alternate Review Process (ARP) recommended by the joint Judicial Review Committee (JRC) of the Undergraduate Senate and Graduate Student Council in UGS-W2013-5; and

WHEREAS, the Board on Judicial Affairs, as defined in the Student Judicial Charter of 1997, §3.A, accepted those changes; and

WHEREAS, on January 29, 2013, the Board on Judicial Affairs recommended amendments to the Student Judicial Charter of 1997, by majority vote, that together create the Alternate Review Process; and

WHEREAS, it is the intent of the ASSU Undergraduate Senate and ASSU Graduate Student Council to enact the Alternate Review Process, as specified in the attached document, in its entirety, and to allow it to take effect immediately; and

WHEREAS, the Student Judicial Charter of 1997, §IV.B, states:
Amendments [to the Student Judicial Charter of 1997] 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; and

WHEREAS, proposed judicial changes require approval by 2/3 of each legislative body under the Bylaws of the Undergraduate Senate, Article V §2 and the Joint Rules of Order, Rule 12;

THEREFORE BE IT ENACTED BY THE JOINT LEGISLATIVE BODIES OF THE ASSOCIATION:

THAT: the Alternate Review Process (ARP), as specified in the attached document, is hereby approved by the Undergraduate Senate of the Associated Students of Stanford University, and by the
Graduate Student Council of the Associated Students of Stanford University, in the method specified in this bill; and

**THAT:** to effect the enactment of the ARP, the joint legislative bodies hereby modify the Student Judicial Charter of 1997 as follows, pending the approval of the Faculty Senate and the President of the University:

1. "Section I - Introduction" is amended to add a paragraph at its end:

   "This Charter also describes the Alternate Review Process (ARP) for allegations of misconduct relating to sexual assault, sexual harassment, relationship violence or stalking. The text of the Alternate Review Process is incorporated by reference, as described in Section III (J)."

2. "Section III - Judicial Policies" is amended to add a new Section J:

   "J. Judicial Procedure and Policies under the Alternate Review Process

   All cases with standing under this Charter shall proceed under the sections above (the "standard review process"), except that allegations of misconduct relating to sexual assault, sexual harassment, relationship violence or stalking occurring after [date of final approval] shall proceed through the Alternate Review Process (ARP) instead of the standard review process.

   The decision to hear a case under the Alternate Review Process instead of the standard review process shall be made in the sole determination of the Office of Community Standards using the rules adopted by the Board on Judicial Affairs, and shall not be a reviewable or appealable decision. The Board on Judicial Affairs shall have the power to define, by bylaw, more specific rules determining when a case should be referred to the Alternate Review Process instead of the standard review process, subject to the text of this section."

3. In the above text of the new Section III (J), the text “[date of final approval]” shall be replaced with the date of the first day on which the joint legislative bodies of the ASSU, the President of the University and the Faculty Senate have all approved these changes to the Student Judicial Charter of 1997.

4. The attached text of the Alternate Review Process is hereby approved and incorporated by reference into the Student Judicial Charter of 1997, as described in the new Section III (J).

**THAT:** the President of the ASSU and the Chairs of the joint legislative bodies of the Association shall prepare a suitable letter to the President of the University and to the the Faculty Senate asking them to approve these amendments to the Student Judicial Charter of 1997; and
THAT: The Associated Students of Stanford University thanks the Board on Judicial Affairs and the Office of Community Standards for their continued service to the Stanford student body, and wishes them well in enacting the Alternate Review Process.

The attached text of the ARP is this PDF:
https://docs.google.com/file/d/0B_TBlei7qXybZ0pxMkp0WE1PVDQ/edit