To Approve Modifications to the Judicial Board By-Laws: Calling Witnesses and Cooperation of All Parties  
GSC 5-Judicial-2

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Requirements for Approval: Consensus or majority vote.

WHEREAS it the responsibility of the GSC to review all proposed judicial changes, and veto those that are not in the interests of the graduate population,

WHEREAS the Judicial Board has adequately addressed previous concerns of the GSC Judicial Review Committee regarding these two changes,

THEREFORE let it be resolved by the Graduate Student Council of Stanford University:

THAT the following modification to the Judicial Board By-Laws be approved:

Fundamental Rights / Rights of Accused / Calling Witnesses

The Judicial Charter, Section II.A.11., provides:

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 By-laws 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.

As explained in Section 1.9 of the Procedural Overview, the hearing must be limited to “information relevant to the facts and issues of the case.” To ensure that hearings operate in this manner, the Board has adopted the following provision:

Witnesses must be able to provide information that is relevant to the case. All witnesses must submit statements to the Office of Judicial Affairs in a timely fashion, as determined by the Judicial Officer, prior to the start of the hearing. The hearing panel shall be the arbiter as to whether a witness meets these criteria, and if approved, shall have the power to limit witness testimony if it strays beyond, or does not add substantially to, the facts and issues of the case.
AND THAT the following modification to the Judicial Board By-Laws be approved:

Fundamental Rights / Cooperation of All Parties

The Judicial Charter, Section II.D., provides:

Both the complainant and the accused 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.

The Board on Judicial Affairs is aware of cases in which accused students or other student witnesses have refused to participate in the judicial process, or even acknowledge or respond to notices and communications from the Office of Judicial Affairs, or to timely observe deadlines. Therefore, the Board adopts the following By-law to amplify the meaning of the Charter provision regarding cooperation of all parties:

Students who fail to cooperate in the adjudicative process may be subject to a Fundamental Standard charge and/or, in appropriate cases, non-cooperation may be considered an aggravating factor, except in respect of the exercise of their fundamental right to refuse to engage in self-incrimination. Non-student witnesses who fail to cooperate may be referred to authorities with appropriate jurisdiction.

[Adopted by the Judicial Board, Spring 2003]