To Approve Modifications to the Judicial Board By-Laws: Excusing Panelists for Bias
GSC 8-Judicial-3

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Submitted for Previous Notice: 19 November 2003.
Submitted for Consideration: 3 December 2003.
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 addressed previous concerns of the GSC Judicial Review Committee regarding this change,

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:

Judicial Procedures / Excusing Panelists for Bias

Pursuant to the Judicial Charter, Section III.C.1.d-f:

The Judicial Adviser will ensure that no Panel member is biased or has a conflict of interest in a case being considered. Both the complainant and the accused may request the removal of Panel members who they believe are biased or have a conflict of interest.

Current version:

“It is the charged student's responsibility to immediately inform the Judicial Advisor of the nature of the student's concern regarding bias and/or conflict of interest. The Judicial Advisor will determine if the request has merit and assess the method for most effectively addressing the student's concern. Should this occur at the outset of the hearing, the student can reasonably and appropriately request to speak with the Judicial Advisor outside of the hearing room. The Judicial Advisor will make her decision and affect any necessary changes before the hearing resumes.”

Amended version:

The Judicial Advisor will hear any concern raised about potential bias or conflict of interest given for a specific panelist. Whoever raises the concern, whether the complainant or the
accused, must offer, in confidence, a full and complete explanation to the Judicial Advisor about the concern. It is the Judicial Advisor's responsibility to assess the potential bias or conflict of interest and determine if the panelist should be excused.

The provisions about bias and conflict of interest described in the Charter must not be construed so widely as to eliminate broad categories of panelists. In accordance with the University's Nondiscrimination Policy panelists may not be excused solely on the basis of sex, race, age, color, disability, religion, sexual orientation, or national and ethnic origin. It is also not reasonable to claim, for example that all graduate students, or all students from a particular major would be unacceptable without giving reasonable cause for each individual in question. Such claims will be rejected by the Judicial Advisor, who is responsible under the Charter for determining whether bias or conflicts of interest exist.

Requests for inclusion of a panelist with a specific area of expertise will be considered and accommodated whenever possible given the constraints of the Judicial Panel Pool.

This By-law shall take effect Spring Quarter 2003-04.

(ADOPTED Fall 2003)