To Approve Modifications to the Student Conduct Penalty Code and Judicial Board By-Laws: Education as a Sanction and Confidentiality
GSC 8-Judicial-3

Author: Steve Allison

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Submitted for Consideration: 5 May 2004.
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 these changes,

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

THAT the following modification to the Student Conduct Penalty Code be approved:

The Board on March 4, 2004 unanimously approved and adopted a modification of the Student Conduct Penalty Code. The modification adds a new subsection: “k. Education.” It permits Judicial Panels to impose a penalty in addition to those already listed, by providing as follows:

K. Education

The Panel may require a student to complete a specified educational course, seminar, workshop, or program.

Examples could include, but are not limited to: a course on ethics; a seminar on sexual harassment or alcohol/drug education; or a workshop on proper citation practice when writing papers, or on stress management. The Panel must specify with particularity what is to be completed. Ordinarily, the student will be limited to on-campus courses, seminars, workshops, or programs. However, should hardship or other extenuating circumstances be present, the student may request permission from the Judicial Advisor to substitute a substantively equal off-campus offering.

Written confirmation by the person responsible for the offering that the student satisfactorily finished it will conclusively establish successful completion. The Judicial Advisor shall be responsible for monitoring the student’s progress.
THAT the following modification to the Judicial Board By-Laws be approved:

The Board today unanimously approved and adopted a new By-law to the Student Judicial Charter of 1997. It addresses the right of confidentiality referenced in Section II.A.15 of the Charter. Per that Charter section, the new By-law specifies circumstances in which the Board has identified the need for the Office of Judicial Affairs to communicate with or notify relevant and responsible University offices, by providing as follows:

Confidentiality

As provided by Section II.A of the Student Judicial Charter of 1997, the Office of Judicial Affairs is committed to protecting the rights of individual students and confidentiality within the judicial process. At the same time, the Office of Judicial Affairs retains the following rights:

1. To communicate with relevant Stanford University offices to confirm or refute information supplied by a student.
2. To notify University offices that are responsible for the implementation of any sanctions determined by a Judicial Panel.

In all judicial cases, any communication with University offices shall explicitly emphasize the importance of confidentiality and involve as few individuals as possible.

Rationale: Once a complaint has been filed, the Judicial Officer needs to verify information presented by the student and those interviewed as potential witnesses. Once a formal charge has been filed, the Judicial Advisor also needs to verify information, such as the documentation the student plans to present to a Judicial Panel related to the possible impact of particular sanctions. Both avenues of verification may involve contacting relevant other University departments or offices, and, while information often can be and is gathered without revealing a student's identity, that is not always possible. Inquiries also come to the Judicial Office -- for instance, if there is a judicial hold on a student's registration, the Registrar's Office may contact Judicial Affairs to determine that student's actual status. Also, if a Judicial Panel imposes sanctions, the Judicial Advisor has the responsibility to notify those University departments or offices having a legitimate role in ensuring sanction enforcement. Departments or offices that might need to be so notified, depending on the sanctions and circumstances in any given case, include (but are not limited to) the Registrar's Office, the Office of the Vice Provost for Student Affairs, Residential Education, Housing Assignment Services, Graduate Life, a graduate student's department/School, Student Financial Services, the Athletic Department/DAPER, and the Office of the President & Provost.

Adopted by the Judicial Board April 15, 2004