I. Graduate Judicial Board

A. Composition and Tenure

1. The voting membership of the Graduate Judicial Board (GJB) shall consist of five graduate students, each serving a one-year term.
2. The advisory membership of the GJB shall consist of one faculty member, serving a two-year term, as well as the Directors of Graduate Student Services and Graduate Studies, each serving ex officio.

B. Selection

1. The voting membership of the GJB shall be selected from the registered MA and PhD seeking graduate students of the University.
2. All five voting members shall be selected to one full academic year, including both fall and spring semesters. Additional members may be selected to fill vacancies. Substitute members will serve for the duration of the unexpired term.
3. Voting members shall be elected by the Graduate Student Association.
4. A voting member of the GJB may be removed from the board, for cause, by the Graduate Council. Complaints against a voting member of the GJB should be submitted to the Director of Graduate Studies.
5. A voting member of the GJB may serve concurrently on the Graduate Council.
6. The faculty advisors to the GJB will be selected by the Graduate Council.

C. Officers

1. At the first meeting of the GJB each semester, the voting members shall select, with the approval of the Director of Graduate Studies, one Chair, normally serving a one-year term.
2. The Chair shall review complaints as they are received by the Director of Graduate Studies or the Director of Graduate Student Services, consult with the administrative advisor(s) on the appropriate method of adjudication, and schedule judicial hearings as appropriate. The Chair will maintain records in a form approved by the Director of Graduate Student Services.

D. Responsibilities

1. The GJB shall hear complaints concerning alleged violations of the Code of Non-Academic Conduct and/or the Honor Code by graduate students or by graduate student groups. When appropriate, the GJB shall attempt to refer cases for mediation prior to any formal adjudication. In all cases, the GJB shall determine the level of individual and/or group responsibility for the incident leading to the complaint.
2. The GJB shall be responsible for primary adjudication of all alleged violations of the Code of Non-Academic Conduct and the Honor Code, except those cases that may arise when the GJB cannot convene (summer, recess periods, etc.). Cases arising when the GJB cannot convene may be held in abeyance until such time as the GJB reconvenes, may be disposed of via judicial conference, or may be adjudicated by an interim administrative judicial board. Such an interim administrative board may be comprised of the Director of Graduate Studies, the Director of Graduate Student Services, and at least one graduate student member of the GJB. The Director of Graduate Studies will consult with a designated representative from the GJB in order to determine the manner in which cases should be resolved when the GJB cannot convene.

3. In order to permit the expeditious handling of cases in which mediation is feasible or of minor judicial matters, the GJB may, with the approval of the Director of Graduate Studies, develop simplified procedures and may delegate the responsibilities for mediation or adjudication.

4. In judicial matters, the GJB shall receive evidence, hear witnesses, determine if the reported graduate student(s) or group is responsible for violations of the Code of Non-Academic Conduct or the Honor Code, and shall recommend sanctions to the Director of Graduate Studies. In a formal sense, the authority to impose sanctions in the name of the University must be vested in an officer of the University. The board will forward its finding and recommended sanction(s) to the Vice President for Student Affairs who will review and implement them in the name of the University. The considered judgment of the board shall be taken by the Vice President for Student Affairs as a binding recommendation, to be modified only in extraordinary circumstances.

5. The role of the faculty and administrative advisor(s) is to brief the GJB before each hearing to ensure a clear understanding of the regulation(s) in question and of the hearing procedures. The advisor(s) shall advise the chair during hearings to see that the Board follows procedures correctly. They may offer information and assist the chair in facilitation. They may also offer advice or clarification regarding appropriate sanctions or questions regarding policies and procedures during deliberations in closed session. In cases involving sexual offenses, the advisor(s) will review all written material before submission to the GJB and delete any references to the prior sexual history of either party.

II. Judicial Procedures

A. Reported Graduate Students’ Rights

Graduate students and organizations reported for alleged violations of the Code of Non-Academic Conduct or the Honor Code have a right to the following:

1. Written notice of charges, including time and place of the alleged violation.
2. Resolution of charges in accordance with judicial system policies as outlined.
3. At least seventy-two (72) hours’ notice of the time and place of a GJB hearing.
4. Review of the reports that serve as the basis for the charge(s).
5. Assistance from an advisor.
6. Written notice of the results of hearings and appeals.
7. File an appeal of the GJB’s ruling.
8. Confidentiality regarding the outcome of their hearing (except for the recording party’s right to be informed of the GJB’s decision) and any subsequent appeal.

B. Reporting Party’s Rights

The person reporting a violation of the Code of Non-Academic Conduct or the Honor Code has the right to the following:

1. Advice from the Director of Graduate Studies and the Director of Graduate Student Services in preparing for a hearing.
2. At least seventy-two (72) hours’ notice of the time and place of a hearing.
3. Participation in the hearing, if the case is not resolved via judicial conference.
4. Notice of decision of hearings and appeals.
5. Resolution of charges in accordance with judicial system policies as outlined.

C. Reports of Violations

Although some alleged violations are documented by the Office of Public Safety, any individual who is aware of a violation of the Code of Non-Academic Conduct or the Honor Code may submit a report to the Director of Graduate Studies or the Director of Graduate Student Services. Reports should be submitted as soon as possible, but preferably within five (5) days of the incident. Reports must be in writing and contain a complete description of the incident with the names of all parties involved as participants or witnesses. The University may file a complaint when violations of the Code of Non-Academic Conduct harm employees, University guests or neighbors, or if witnesses are unwilling to pursue the matter.

The Code of Non-Academic Conduct applies to groups as well as to individuals. Whenever a complaint is filed with the GJB, the officers of the GJB and an administrative advisor will review the complaint to determine the degree to which a group may be responsible for the actions leading to the complaint. If it is determined that a group may be responsible for a violation of the Code, the GJB will take appropriate action with respect to the group as well as the individuals involved.

D. Notification of Charges

An accused graduate student will receive written notification of alleged violations of the Code of Non-Academic Conduct or the Honor Code. The graduate student must respond to the notice of charges within the time frame outlined in the notification. Please note that the University’s primary means of communicating with graduate students is through their Wesleyan e-mail accounts. Graduate students are responsible for reading and responding to e-mail from University officials.

E. Adjudication Procedures
There are several adjudication procedures used to resolve cases. The GJB chair and administrative advisor(s) will meet to review cases submitted for adjudication. This group will determine the appropriate adjudication procedure for resolving of the case. If the group is unable to come to consensus on an adjudication procedure for a particular case, the Director of Graduate Studies may make the final determination.

1. Judicial Conference

Minor judicial matters and Non-Academic Conduct cases where mediation is feasible will be referred to the Director of Graduate Student Services who will contact the accused student(s) and attempt to resolve the case via a judicial conference. During the judicial conference, the accused student(s) and the Director of Graduate Student Services will discuss the incident, alleged violations and possible sanctions. If an agreement regarding the student’s level of responsibility and sanctions (if appropriate) can be reached during the conference, the student will sign a summary/response form indicating their agreement with the proposed resolution and the case will be considered closed. If no agreement can be reached, the case will be referred to the Graduate Judicial Board for formal adjudication.

If a student is facing more serious charges, the student may request a judicial conference with the Director of Graduate Studies or designee. The conference will be conducted as outlined above, but the full range of sanctions is available to the Director. The Director will consult the chair of the GJB before imposing sanctions.

2. Simplified GJB Hearings

In cases involving minor violations, the GJB shall convene a simplified hearing. At such a hearing, the board shall meet with three voting members present. Although permitted, advisors do not normally attend simplified hearings. A limited range of sanctions including disciplinary warning, disciplinary probation, community service assignments, fines, restitution, and educational assignments is available in the procedure. If, during the course of a simplified hearing, the GJB determines that the nature of the violation and/or probable sanctions are more serious than anticipated, the simplified hearing may be adjourned in favor of a full hearing.

3. Full GJB Hearings

In cases involving violations that are deemed to be serious, the GJB shall convene a full hearing. At such a hearing, the board shall meet with five voting members present, at least one faculty advisor, and the Director of Graduate Studies. The full range of sanctions is available in this procedure. In cases where the administration identifies itself as the aggrieved party, the administrative advisor should withdraw and will be replaced by the second faculty advisor. This procedure should not be followed when the administration brings a case on behalf of an aggrieved third party.

If a graduate student’s continued presence on campus endangers University property, the physical safety or well-being of other members of the University community, affects the
individual’s physical or emotional safety or well-being, or disrupts the educational process of the community, the Director of Graduate Studies may request an expedited hearing.

An expedited hearing will be convened immediately (typically within 48 hours) and may involve an interim board if the GJB is unable to convene on such short notice. Examples of cases that warrant such a hearing include, but are not limited to, cases involving arson, assault, sexual misconduct, threats, and reckless endangerment. The Director of Graduate Studies has the authority to place a student on an immediate suspension pending the outcome of the hearing.

4. Joint Graduate Student-Administrative Panel

When the GJB chair and advisors determine that a case involves egregious violations and/or serious violations where external legal charges may also result from the alleged conduct, a joint student-administrative panel may be convened to hear the case. At such a hearing, the board shall be comprised of two graduate student members of the GJB and two administrators, all with full voice and vote. At least one of the GJB’s administrative advisors should serve on the board. The full range of sanctions is available in this procedure. If the board is unable to come to a consensus on the case during deliberations, the Vice president for Student Affairs may make the final determination. The Director of Graduate Studies may consult with the University’s legal advisor if appropriate.

5. Joint GJB-SJB Panel

When the GJB chair determine that a case involves both an undergraduate(s) student(s) and a graduate student(s), a joint GJB-SJB panel may be convened to hear the case. At such a hearing, the board shall be comprised of two student members and one advisor member from each of the GJB and SJB panels. A graduate student is defined as a student who has completed all bachelor’s degree requirements and received a four-year undergraduate degree.

6. Administrative Panel

Cases involving violations of the Sexual Misconduct and Assault Policy or other Title IX violations will be adjudicated by an administrative panel comprised of four employees of the University. The panel will be comprised of two male and two female staff or faculty drawn from the advisors to the board or hearing officers who have been trained on cases of sexual assault. The procedures for the hearing outlined in the Code and the Sexual Misconduct and Assault Policy will be followed with the exceptions listed below:

A. A respondent will not be permitted to read statements submitted to the dean’s office until his/her own statement has been submitted. The student will be provided with information related to the alleged violation to have sufficient notice and understanding of the charge(s) to be able to respond.
B. A student bringing a complaint of sexual misconduct or assault may participate in a hearing without physically appearing before the board through the use of speakerphone or via similar means. Alternatively, the complainant may be present in the same room, but shielded by a screen from the respondent.

C. The respondent and the complainant will not be permitted to directly question one another in the hearing. Each student will be provided an opportunity to make an opening statement, present witnesses, answer questions from the Administrative Panel, and make a closing statement.

D. Both students will be informed of the outcome of the hearing and those sanctions which are relevant to the complainant, as determined by the Director of Graduate Studies.

E. Both parties will be provided an opportunity to appeal the decision of the Administrative Panel to the President based on the following grounds:

   i. Violation of fair process
   
   ii. Excessive or inappropriate sanction
   
   iii. New evidence that was not reasonably available at the time of the hearing
   
   iv. Procedural error (if the error adversely affected the outcome of the hearing)

F. Hearing Procedures

1. The chair will conduct the hearing according to the following procedures:

   a. The chair will inform the respondent(s) of the alleged violation(s).
   
   b. The respondent(s) will acknowledge whether they are responsible or not responsible for the violation(s).
   
   c. The complainant(s) and witnesses (if any) will have the opportunity to make opening statements and offer their account of the incident.
   
   d. The respondent(s) and their witnesses (if any) will have the opportunity to make opening statements and offer their account of the incident.
   
   e. The complainant(s) and the respondent(s) may question each other and any witnesses. Questions are directed to the board who then redirects them to the appropriate party.
   
   f. Board members may question the complainant(s), the respondent(s), and/or any witnesses.
   
   g. The complainant(s) and the respondent(s) may make closing statements.

In cases where the complainant(s) or respondent(s) fail to appear, the chair may modify these procedures.
2. All parties involved in the hearing may review available written evidence in the case file before the hearing.

3. A complainant of any violation involving alleged sexual misconduct or assault may participate in a hearing without physically appearing before the board. The complainant may participate through the use of a speakerphone or via similar means.

4. All judicial hearings shall be conducted in accordance with the standards of fair process. Specifically, the respondent should be informed of the nature of the charges, be given a fair opportunity to refute them, and the opportunity to appeal the board’s decision. Any board member who feels they cannot be impartial in a given case may recuse themselves, and shall be replaced by another voting member.

5. The board may require the cooperation of any member of the University community in furnishing testimony or evidence directly related to the adjudication of a case. However, no member of the University staff with whom a respondent has entered into a confidential relationship may provide information arising from that relationship without the permission of the respondent. Furthermore, the board shall excuse a witness if it concludes that by giving testimony the witness may be endangered.

6. The chair (or designee) will generate a written summary of all hearings. Full hearings may also be tape-recorded. Written summaries will be maintained with the case file. Tape recordings of the hearings are to be used by the board during deliberations and/or by the President if there is an appeal of the board’s findings. Tape recordings will be destroyed after the appeal process is complete.

7. Graduate student judicial records are confidential and are available only to persons who have permission from the student. Limited judicial information may be shared with other University administrators and faculty members who, at the discretion of the Director of Graduate Studies have a legitimate need-to-know.

8. All hearings are closed to the general public.

9. If a respondent fails to appear for a scheduled hearing concerning alleged violations of the Code of Non-academic Conduct, the board will hear the case based on the available information. The University will not necessarily drop charges of misconduct because a respondent leaves the University for any reason (e.g. voluntary withdrawal, required resignation, separation, or dismissal).

10. A respondent may bring an advisor to a hearing. The advisor must be a graduate student, a member of the faculty, or an administrator at the University. During the hearing, the advisor may only advise during recesses granted by the board and may clarify procedural questions before, during, or after the hearing.

11. The board will make decisions about responsibility and sanction(s), if appropriate, during closed session, and their decisions regarding responsibility shall be based on the
evidential standard of “fair preponderance.” The board is responsible for determining if it is more likely than not that the alleged violation occurred. The party bringing the charges need not provide evidence beyond a reasonable doubt in a hearing. Decisions rendered during hearings shall be by majority vote of the voting members present. The board will forward its finding and recommended sanction(s) to the Director of Graduate Studies who will review and implement them in the name of the University. The considered judgment of the board shall be taken by the Director of Graduate Studies as a binding recommendation, to be modified only in extraordinary circumstances.

12. The University requires that judicial boards and administrative staff maintain confidentiality regarding judicial matters. Individual(s) who reported the alleged violation(s) will be informed of the board’s decision. Information about assigned sanctions will be shared with reporting parties as deemed appropriate by the board.

The Director of Graduate Studies and the Director of Graduate Student Services may share information about judicial charges, findings, and sanctions with University personnel who, at the discretion of the Director of Graduate Studies and the Director of Graduate Student Services, have a legitimate need to know.

G. Hearing Findings

1. Not responsible

A decision that the respondent is not responsible for a violation of the Code of Non-Academic Conduct nor the Honor Code, or that there is insufficient evidence to establish that a student is responsible for the alleged violation(s).

2. Responsible

A decision that the respondent is responsible for a violation of policy as charged. A finding of violation of the Honor Code shall require the unanimous vote of the Board.

H. Hearing Sanctions

1. The University should have a range of sanctions of graduated severity to deal with infractions of varying seriousness. Insofar as possible, sanctions should “fit” the offense in a common-sense manner. This means that the board may want to draw on a variety of sanctions that not only allow a range of responses from mild to severe, but that also include responses that speak rather directly to particular types of problems. Sanctions should be unambiguous in meaning, and the consequences that follow from a given sanction should be clear.

2. In cases of violation of the Honor Code, the board shall invoke such sanctions as it sees fit. The board will forward its finding and recommended sanction(s) to the Vice President for Student Affairs who will review and implement them in the name of the University. The considered judgment of the board shall be taken by the Vice President
for Student Affairs as a binding recommendation, to be modified only in extraordinary circumstances. When sanctions entail changes in grades, the faculty member(s) involved is(are) required to implement the decision of the GJB.

3. The board will consider a range of sanctions including but not limited to community service, fines, restitution, educational assignments, and referrals to other University administrators. Based on the findings, the board will normally recommend the imposition of one of the following sanctions:

   a. Disciplinary Warning: An official written reprimand that includes a warning that further violations of the Code of Non-Academic Conduct or the Honor Code will result in more serious sanctions.

   b. Disciplinary Probation: A temporary status for a period to be established by the board, during which the graduate student’s standing within the University is in question. Additional violations during the probationary period may result in suspension or dismissal.

   c. Deferred Suspension: A status imposed by the board, indicating the graduate student’s standing within the University is in jeopardy. Additional violations during the probationary period will result in suspension or dismissal.

   d. Suspension: A graduate student’s removal from the institution for a period to be determined by the judiciary, but in no event less than the remaining portion of the semester during which the case is adjudicated. Graduate students must comply with the terms of their suspension in order to be eligible to return to the University.

   e. Dismissal: A graduate student’s permanent removal from the institution.

4. In cases of damage to University property, the board, as a part of its recommendation to the Director of Graduate Studies, should normally require full restitution and/or any reasonable expenses for repair. The board may recommend restitution for damages suffered by a third party, but cannot collect damages on behalf of a third party.

5. The board may recommend restriction of individual access to specific University facilities, limitation of individual participation in specific University activities, or curtailment of privileges that are enjoyed by a student, so long as these restrictions are directly relevant to the violation.

6. Repeat Violations: In the case of repeated violations or violation in deliberate disregard of a specific warning, a student will be subject to more serious sanctions than would otherwise be the case. A prior disciplinary record is never relevant in determining the facts of an incident, but once the facts have been established, it is relevant in determining appropriate sanctions.
7. Sanctions Related to Group Behavior: In addition to recommending other sanctions such as community service, fines, educational assignments, restitution, etc., the board may recommend the imposition of the following sanctions:

   a. A written disciplinary warning with a copy maintained in the judicial file. The warning may specify corrective measures that can help the group avoid similar complaints in the future.

   b. Disciplinary probation for a period to be established by the board, implying that the group’s standing within the University is in jeopardy and that further negligent or willful violations will normally result in suspension of University recognition or affiliation. Disciplinary probation may include restrictions on the group’s functions during the probationary period. The group should also be informed of corrective measures that must be undertaken during the probationary period and maintained after its conclusion.

   c. Suspension of University recognition - a group desiring to reestablish a relationship with the University must reapply for recognition or affiliation by the University through the Director of Graduate Studies.

I. Appeals

Respondents who have been found in violation by the board may appeal the decision to the President on the basis of the following grounds:

1. Violation of fair process;
2. Excessive or inappropriate sanction;
3. New evidence that was not reasonably available at the time of the hearing;
4. Procedural error (if the error adversely affected the outcome of the hearing.)

Graduate students who wish to appeal must do so in writing. The appeal letter must clearly state the grounds and rationale for the appeal. Appeal letters should be addressed to the President and must be delivered to the President’s Office prior to the date indicated in the written notification of the hearing decision (graduate students will have five business days to file an appeal).

Sanctions resulting from the case will not be implemented until after the appeal is resolved. If an expedited full hearing results in a graduate student’s immediate suspension or dismissal, the graduate student must leave campus and remain off campus during the appeal process.

The President will notify the graduate student of the outcome of the appeal. If the appeal is granted, the President has the authority to modify the sanctions or recommend a new hearing. If the appeal is denied, the sanctions will be imposed and the University will consider the case closed.

J. Additional Procedures
1. Internal Injunctions

One special power, which may be exercised by the GJB, shall be to determine the point at which free expression by one individual or group crosses the line of tolerability and becomes an invasion of the rights of other individuals. This critical judgment must always be exercised in determining when verbal or physical expression can reasonably be considered harassment or disruption. Immediately upon receipt of a complaint that harassment or disruption is in process or imminent, thereby threatening to deprive an individual of their rights, the GJB shall convene to consider the matter. In such a case the board shall be authorized to deliver an injunction against the conduct in question. This warning shall contain an explicit description of the disruptive behavior and reasonable time limit for compliance with the terms of the injunction. The injunction shall remain in effect until superseded by the decision of the President. If the injunction is violated, the Director of Graduate Studies (or designee), shall have the authority to impose immediate, temporary sanctions including, but not limited to, immediate suspension from the University.

2. Revisions

The President has the authority to make changes to the Code of Non-Academic Conduct, the Honor Code, or related procedures. Changes should be proposed to the Director of Graduate Studies. The Director of Graduate Studies will consult with the members of the GJB and with the Graduate Council about the proposed changes before forwarding recommendations to the President. If extensive changes appear warranted, the Graduate Council should consider establishment of a mechanism for broadly eliciting opinion and advice from the community.

3. Judicial Records

Graduate student judicial records are confidential and are maintained separately from official academic records. Judicial records are maintained for six years from date of the incident, at which time they are destroyed. To inspect their record, a graduate student should make an appointment with the Director of Graduate Student Services. Graduate students will have access to all official records and correspondence in the file. Except as required by law, information from the file cannot be released without the graduate student’s permission.