PREFACE

This manual is intended as a resource document for individuals who serve on the Judicial Review Board and the Behavioral Standards Committee. Though the manual is quite comprehensive, it will not cover every facet of the judicial process and should be used as a companion to the Student Handbook and specifically the Code of Student Rights, Responsibilities, & Behavior.

The judicial process at Louisiana Tech University has been designed to create and maintain on campus a system of order which will foster the educational aims of the University and provide an opportunity for students to work toward goals of academic development, social maturity, spiritual enrichment, and personal improvement. The administrative or judicial procedures and the bodies or committees have been established to hear cases of misbehavior or violations, make referrals of cases, and hear appeals of decision for the accused.

An important aspect of the judicial system is presenting a sense of formality. Students will be facing a situation that could delay or end their studies at the university. It is important that the judicial committee respect the student and the process by presenting an image of authority. With careful consideration of all the information presented in this manual, I feel confident that all of judicial boards can perform their mission.

I would like to acknowledge the assistance of the American College Personnel Association's Commission on Campus Judicial Affairs and Legal Issues. Their "Model Training & Selection Manual" was used as a guide for this document. Much of in information comes directly from their manual which they so graciously agree to share.

Galen W. Rockett, Director
Judicial Affairs

TERMS USED IN THIS MANUAL

<table>
<thead>
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<th>Term</th>
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<tr>
<td>Code</td>
<td>Refers to the Code of Student Rights, Responsibilities, &amp; Behavior which is published in the Student Handbook.</td>
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<tr>
<td>Judicial Board</td>
<td>Refers to the Judicial Review Board (Residence Halls) and the Behavioral or Board Standards Committee.</td>
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<tr>
<td>Appropriate Office</td>
<td>Refers to the Housing Office for Judicial Review Board members and the Office of Student Life for Behavioral Standards Committee members.</td>
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<tr>
<td>Judicial Board Advisor</td>
<td>This is the representative from the judicial staff who is observing board meetings and is not actively involved in presenting the case.</td>
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Philosophy
PHILOSOPHY OF JUDICIAL BOARDS

Disciplinary procedures at Louisiana Tech University have been established to assist the University and the students in a mutual responsibility—a responsibility that develops an atmosphere conducive to academic, spiritual, mental, physical, and social enrichment in the preparation for a successful life as a mature citizen.

STATEMENT OF EXPECTATIONS
JUDICIAL BOARD MEMBERS

Judicial board members are expected to abide by the following:

1. All student members shall adhere to all provisions of the Code of Student Rights, Responsibilities, & Behavior. Board members who are charged with any violation of the Code [or with a criminal offense] may be suspended from their board position during the pendency of the charges. Faculty and staff members should endorse the Code as the university standard by which acceptable behavioral norms are established.

2. Judicial Board members are encouraged to attend the Fall training session. New members to the board are strongly encouraged to attend.

3. Board members are expected to attend all scheduled hearings for which they are assigned, unless alternate arrangements are made in advance with the Housing Office (Judicial Review Board) or the Office of Student Life (Behavioral Standards Committee).

4. Judicial Board members are expected to inform the appropriate office if they have any personal interest in or knowledge about any case, or if they are personally acquainted with any party. Board members may be disqualified from reviewing a case upon majority vote of the remaining board members conducted by a secret ballot.

5. Efforts by any person to influence the recommendation of the board, or the vote of any board member, shall be reported to the appropriate office.

6. The names of all parties in a case and information pertaining to the case, whether pending or completed, shall not be revealed to any person other than other board members responsible for reviewing the case or University employees who are a part of the review procedure. Board members agree to maintain complete confidentiality and to follow guidelines as defined by FERPA.

7. University files or records shall not be removed from the hearing location. Board members may review material in the appropriate office.
<table>
<thead>
<tr>
<th>PREFERRED QUALITIES</th>
<th>Description</th>
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<tr>
<td>Communication Skills</td>
<td>shows an awareness of verbal and non-verbal skills, can express self clearly and defend expressed thoughts</td>
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<tr>
<td>Assertiveness</td>
<td>expresses self honestly without infringing on the rights of others</td>
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<tr>
<td>Listening Skills</td>
<td>hears ideas and opinions of others, attentive, does not interrupt, does not repeat ideas already expressed</td>
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<tr>
<td>Leadership</td>
<td>can direct others without being over bearing, encourages participation, earns respect</td>
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<tr>
<td>Sensitivity</td>
<td>understands feelings, shows concern for others, tolerant of others, open to other's ideas, concern for personal rights</td>
</tr>
<tr>
<td>Decision-making</td>
<td>makes decisions objectively after thinking through most aspects of the issue</td>
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<tr>
<td>Problem-solving</td>
<td>able to analyze and evaluate all aspects of a conflict situation and determine possible alternative solutions</td>
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<tr>
<td>Flexibility</td>
<td>willing to reconsider viewpoints given new and significant information, willing to make compromises, willing to work as a group member</td>
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<tr>
<td>Maturity</td>
<td>exhibits sound judgment, can set goals and evaluate progress, purposeful, reliable, and responsible; ability to be fair and honest</td>
</tr>
<tr>
<td>Motivation/enthusiasm</td>
<td>express sincere interest and enthusiasm for working with other students, general understanding of the position, desire to learn more</td>
</tr>
<tr>
<td>Personality</td>
<td>friendly, outgoing, honest, patient; ability to relate with a variety of individuals</td>
</tr>
<tr>
<td>Confidence</td>
<td>composed, willing to take an unpopular stand; able to support own ideas; strong self concept</td>
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TEN PRINCIPALS FOR MEMBERS OF JUDICIAL HEARING BOARDS

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[1] Disciplinary system should reflect the diversity of campus cultures

Beyond the basic elements of due process (notice, an opportunity to be heard, and final decisions supported by substantial evidence), there is no universal model prescribed by the courts for fact-finding and judicial decision-making. Lawful procedures will vary from campus to campus, and may include an initial focus on mediation rather than adjudication, “structured conversations” rather than formal hearings, and recommendations to senior officials rather than review by appellate panels. To paraphrase Supreme Court Justice Louis D. Brandeis, each campus disciplinary system is a unique “social laboratory.” By experimenting with different approaches in fact-finding and dispute resolution, these “laboratories” promote and refine core institutional values, while providing new models to the larger society. College disciplinary board members should be wary of stereotyped images of law (usually the criminal model portrayed in the popular media) and study the design of their campus disciplinary system with an open mind.

[2] Common values can be identified and affirmed

Respecting a variety of fact finding procedures isn’t the same as fostering the idea that people from diverse backgrounds are incapable of identifying and abiding by any shared values. Human beings are social animals. The appreciate qualities associated with cooperation, self-restraint, fairness, and honesty - what philosopher Sissela Bok calls “minimalist values” ingrained in “rules of conduct that any society must stress if it is to viable.” With few exceptions, these are precisely the values affirmed in most college disciplinary systems.

[3] Case should be heard before they are decided

Members of student conduct hearing boards should treat students the way they would reasonably expect to be treated. A cornerstone of reasonable treatment in the college disciplinary process is a commitment to *hearing* cases before *deciding* them.

[4] Educational aims and progressive discipline should guide the imposition of sanctions

Students are often in the midst of an intense period of growth and development. They are likely to test rules, commit wrongs, and make mistakes. While they should be accorded the dignity of being held accountable for their behavior, the punishments imposed should encompass educational aims, including development of the capacity to make reasoned judgments, and to understand the feelings of others.

[5] Progressive discipline should encompass the interests of people seen and unseen

Current and future members of campus communities usually remain unseen and unheard when disciplinary cases are resolved. They can’t be present before the hearing panel, even though they have strong interests in maintaining environments where the common good is promoted, and individual liberties protected. Progressive discipline is more than therapy. It requires board members to be tough-minded as well as tender hearted when sanctions are imposed.
[6] Perfection of human nature isn’t the aim

The complexity of human nature suggests that good and evil are somehow bound together in ways that promote the highest development of the human personality. Microbiologist Rene Dubos wrote in this regard that:

***Every perceptive adult knows he is part beast and part saint, a mixture of folly and reason, love and hate, courage and cowardice. He can be at the same time believer and doubter, idealist and skeptic, altruistic citizen and selfish hedonist. The coexistence of these conflicting traits naturally causes tension but it is nonetheless compatible with sanity. In a mysterious way, the search for identity and the pursuit of self-selected goals harmonize opposites and facilitate the integration of discordant humans into some kind of working accord.***

The college disciplinary process isn’t grounded in naive aspirations for human perfection. It reflects a belief, seen in lives like those of St Augustine and Malcolm X, that the experience of facing and overcoming evil (or unrestrained self-regard) can create rich souls and great personalities.

[7] Hearing board members are role models

Even the best disciplinary process will seem intimidating to most students, since they realize important decisions about their future may be at stake. The words and behavior of hearing board members (even seemingly minor details like facial expressions and body language) will be observed with care and remembered for years. Whether by design or chance, hearing board members are role models. They should display the qualities they seek in others: clarity, courtesy, attentiveness, fairness, honesty, and respect.

[8] Hearing board members are learners

Hearing board members have an unsurpassed opportunity to learn more about human nature in general, and themselves in particular. They should use their experience to integrate theory and practice in ways that promote wisdom and insight. It’s also likely that qualities and habits acquired while serving in a campus disciplinary system-timeliness, good listening skills, attention to detail, and sense of fairness and justice-will serve hearing board members for a lifetime.

[9] Privacy rights must be respected

Hearing board members who violate institutional and federal privacy rules may create scars and stigmas lasting a lifetime. Decisions about public release of information should be collaborative, done in accordance with campus policy, and the law.

[10] The disciplinary process should promote ethical dialogue and critical thinking

College disciplinary policies reflect an endeavor to codify many core concepts in applied ethics. Those policies should be subject of frequent debate in campus-wide forums. Dialogue about the purpose and nature of campus rules should also be encouraged in hearings, usually when fact-finding has been completed and sanctions are being determined. The aims are to promote ethical thinking, hear student perspectives, and *think anew* about the wisdom of college policies.
Judicial Committee Responsibilities
CHAIR RESPONSIBILITIES

The board chair is responsible for the overall implementation of procedures and, along with the judicial staff, insures that participants receive a fair hearing with the due process rights granted them.

Specific duties of the board chair include the following:

1. Working with the board before a hearing to develop areas of questioning and assisting in the understanding of the disciplinary packet prepared by the judicial staff.

2. Ensuring that guidelines for operational procedures are followed (initiating introductions, explaining Board philosophy, etc.).

3. Initiating each aspect of the hearing operational procedures by providing necessary leadership and direction.

4. Monitoring appropriateness and relevance of questions asked by the board and all participants while allowing board members to do most of the questioning. Also, acting as intermediary during questioning of witnesses by the accused.

5. Leading a closed discussion with board members to determine the facts of the case after having allowed ample time for individual deliberation and input; discussion will include findings, possible actions, and appropriate disciplinary sanctions.

6. Delivering board decisions to students, including:
   a. explanation of decision reached and what the decision means to the student involved (examples for actions of BSC could include the following: (1) During period of probation, further disciplinary problems will automatically be referred back to BSC (2) Expulsion means the student is permanently barred from returning to Louisiana Tech.
   b. explanation of appeal procedures.

RESPONSIBILITIES OF RECORDER

The function of the board recorder is to work closely with the chairperson and the judicial staff to keep accurate records of each hearing. The records compiled by the recorder will be used by appellate boards in the event of an appeal. Although tape recordings of the proceeding will provide necessary backup to written records, written notes will provide important aspects of evidence presented and key points of testimony offered to the board. These notes may be referred to in deliberation rather than attempting to locate exact testimony on a tape recording. [The notes may also be used by the chairperson while announcing the decision of the board and the findings of fact.]

The recorder is responsible for securing tapes and notes after each meeting and retaining them for a period of 7 years. The recorder is also responsible for transcribing recordings in case of an appeal.
RESPONSIBILITIES OF BOARD MEMBERS

Board members are responsible for assisting in the overall implementation of procedures to ensure all participants receive a fair hearing with the due process rights granted them.

1. Arrive on time and be properly dressed to convey an atmosphere of formality.
2. Review all written materials thoroughly and return materials to Judicial Staff after hearing.
3. Prepare open-ended questions.
4. Approach each case with an open and fair perspective.
5. Listen carefully to each person, withholding any judgment until all available information has been presented and considered.
6. Allow those responding to questions to develop a thorough discussion before moving on to the next area of questions.
7. Engage in a meaningful discussion regarding the facts of the case when the hearing has concluded.
8. To vote and abstain only in a situation where it is appropriate.
9. Be creative and thorough in your discussion related to sanctioning.
10. Assist in the development of the written opinion.

RESPONSIBILITIES OF JUDICIAL STAFF MEMBER(S)

The judicial staff member(s) is the primary monitor of the hearing process. The advisor clarifies the educational discipline philosophy and protects the due process rights of the student(s) involved. The judicial staff must become thoroughly familiar with the Code of Student Rights, Responsibilities, & Behavior in order to offer interpretations to the chairperson.

Specific duties of the judicial board advisor include:

1. Insuring a fair hearing by making sure that hearing procedures are followed.
2. Assisting the chairperson, as necessary, in responding to questions, objections, or disruptions of the proceeding.
3. Helping to promote the education of the board members through skill development, constructive comments, and suggestions for improvement.
4. Assisting the board members as necessary to make sure all aspects of a case are thoroughly explored and that appropriate sanctions are reviewed.

The board advisor should be involved in the proceeding only when such involvement is necessary to protect the integrity of the disciplinary process. The advisor becomes more active in the deliberation and sanctioning
phases of the hearing, assisting board members by presenting differing viewpoints [and reviewing educational sanctions if a student is found responsible for a violation.] The advisor should be able to advise both the board as well as the respondent or complainant.

Specific duties of Judicial Staff Member presenting case:

1. Advising students who appear before the Board of the following:
   a. Their due process rights. Inform student that hearing is not a legal proceeding, but rather an educational process.
   b. Format of hearing
   c. That the burden of the judicial system is showing a preponderance of evidence.
   d. The appeal process

2. Investigating the incident and presenting a fair and accurate account of such.

3. Assisting the accused student in preparing a defense by providing all information that will be presented at the hearing.

4. Preparing a discipline packet which will assist Board members in their decision.

5. Responsible for setting up tape recording equipment, testing for recording quality, and changing tapes during the proceeding.

6. Accompany accused to hearing room and assure that he does not bring any extraneous paraphernalia (backpacks, etc.)

ROLE OF REPRESENTATIVE OR ATTORNEY

1. Act in a support or advisory capacity only.

2. Understand that they will do not have a right to address the board; however, noting that they can petition to speak.

3. Understand fundamental elements of a disciplinary hearing
   a. Not a court hearing
   b. Determination made by a preponderance of evidence

4. Understand that the committee chairperson will make determination as to the number of representatives or witnesses that can present information.
Operational Procedures
PROCEDURES FOR FAIRNESS: DUE PROCESS

Since the case of Dixon v. Alabama State Board of Education in 1961, most student conduct processes must follow appropriate due process, including adequate notice of referral, right to a fair hearing and the right to an appeal. Any student charged with a violation of university regulations has the right to a fair and impartial review to determine the merits of those charges. A university hearing is an educational process - not a criminal proceeding.

For any hearing involving a violation of the university's Code of Conduct, procedural "fair play" requires:

1. That a student be provided written notice of their specific violation of the Code of Conduct and the time, date, and location of the hearing;

2. That s/he be allowed to present information on his/her behalf;

3. That the individual have access to the results and findings of the hearing; and

4. That s/he have the option to appeal any decision of a judicial board.

Standards of Proof:

For a student to be found in violation of the Code of Student Conduct the standard of evidence which must be presented to the Board is known as "a preponderance of the evidence." In other words, imagine weighing the evidence on some imaginary scale, board members must be more than 50 percent sure that the student violated the policy to find him/her responsible. Board members do not need to be 100 percent or even 75 percent sure, just more than 50 percent sure.

Credibility:

A board member may face having to make a "credibility" decision, having to decide who they believe out of all the information that is heard. Board members will be assessing several types of information. Some of the information heard will be useless, and will have nothing to do with the hearing. To help you separate relevant from irrelevant information, here is a list of the kinds of information that are useful in a hearing:

a) Motive: is this information telling you whether the student had any motive to violate the policy (for example, the student had been locked out of his/her room twelve times and didn't want to pay for any more room lock outs - could be a motive for climbing on the ledge to get into one's room.)?

b) Ability to commit the violation: if someone can verify that the student had a broken leg at the time s/he is accused of having been out on the ledge, it makes it less believable that this student was the one out on the ledge, if anyone was out at all.

c) Malice: this can work both ways. If the person writing up the report has anything against the student being accused, first it must be proven to you, but second, it has nothing to do with whether the incident actually occurred. The harboring of malice must have some effect on the facts of the incident to be relevant. It may be very relevant to you as you try to decide whom to believe if you discover that the student accused particularly dislikes the person s/he is accused of having harassed.
d) Threats, expressions or earlier similar acts implying or denoting intent. For example, if a student threatens another student by saying, "I'd be careful about my car if I were you. Nasty things happen in the parking lot." And later that week the other student's car is vandalized in the parking lot, that earlier threat is relevant to determining whether this student did the vandalism.

e) Other behavior that tends to shake your belief in a person's testimony:
   - concealing one's identity
   - fabricating or destroying evidence
   - resisting arrest, running away (although scared, innocent people sometimes do this)

**TYPES OF EVIDENCE**

a) Direct evidence: based on personal observation or experience. You either believe the person saw or did what s/he saw/did, or you don't believe it.

b) Circumstantial evidence: information which although it does not include an eye witness to the actual event, does include enough information to lead a reasonable person to the conclusion that the student did what s/he is alleged to have done. For example, if you are in a hallway and you see a water balloon being thrown out of a room into the hallway (but you didn't see who threw it), and you immediately walk to that room, no one leaves the room as you approach it, and when you get to the room there is only one student in that room (and no one under the beds or in the closets), it may be reasonable to conclude that the student threw the balloon.

c) Documentary evidence: any supportive writings or documents including statements, reports, etc., that support or deny a fact at issue. Documents whose existence and contents are known generally or are known by any unbiased witness need not be physically produced during the hearing.

d) Second hand or "hearsay" evidence: while it is acceptable for the Board to hear second hand information, for example, from a proxy for a witness unable to attend a hearing due to illness or academic conflict, it is not intended that evidence given by unknown or unidentified persons be accepted, nor that evidence with no traceable origin be considered when weighing the facts of a case. Opinions, unless inferred from fact, or unless they come from an expert, are to be considered minimally useful.

**Weighing the Information Presented:**

All testimony and evidence is not equivalent in value. Much testimony has some degree of bias or tends to lead the listener toward a single interpretation of a fact or situation. The following are some general guidelines:

a) When you have to weigh one person's word against another's: Barring other forms of evidence, the testimony of the unbiased person is given more weight. For example, more weight should be given to the testimony of an uninvolved bystander, or a police officer, than to the "significant other" of the person being accused. If the Board members find that either party has totally unsubstantiated
evidence, then the board should inform the party of that observation and give him/her the opportunity to respond.

b) When the student claims to have not known s/he was breaking a rule: this is frequently an attempt to distract the listener so that the listener will accept the student's failure to assume accountability for his/her role in the alleged violation. Only in exceptionally rare cases should this type of testimony be given any value, e.g. an act that occurred before it was prohibited, or a rule or regulation that was not given reasonable distribution.

c) Multiple witnesses corroborating the same set of facts: The number of such witnesses may be limited by the Chairperson in the interest of expediting the hearing. The testimony of a single, unbiased and disinterested witness is worth a number of biased testimonies. Only in a very rare situation should the number of witnesses be considered as a factor in deciding a contested fact.

d) When a person says, "Yes, I did it." If a student takes responsibility for the violations, there is no need for the Board to ask questions about the facts unless the Board needs clarification on what happened. The board should instead address the student's perception of the seriousness of the violation.

e) When a person is attempting to identify the student responsible: The testimony regarding the identification of a student is one of the least reliable and most difficult pieces of information to work with. Conflicting witness observations as to who actually did the violation often occur in a hearing. It's the Board's responsibility to follow the usual criteria for weighing testimony and decide who is the more believable. Identification need not be absolute to be considered by the Board. A witness may be able to testify as to belief, opinion and judgment of identity, and this type of testimony is greatly reinforced if the witness has been able to pick out this individual from among others without any help. Identity testimony is strongest when the witness has been acquainted with or has had the opportunity to observe the student on prior occasions.

f) When the student introduces character witnesses: the testimony of character witnesses tends to be of minimal value in determining a student's responsibility relative to the charges, unless this witness has information which suggests that the student was physically unable to commit the violation. The value of a character witness' testimony is minimized if s/he knows the student only through a limited setting, e.g., classroom contact only.
OPERATIONAL PROCEDURES - HEARING

A judicial board hearing is a more formal conversation between board members and the student. Should a student be found responsible for the alleged incident, s/he ultimately may be suspended or expelled. Therefore, careful adherence to procedure is a large part of the hearing since the possible consequences to the respondent are great.

Pre-Hearing Review by Board Members

Board members are asked to arrive 10 minutes early to prepare for the hearing. During that time, board members should:

1. Review all written statements and reports.
2. Determine the time sequence of the events that allegedly occurred.
3. Establish the main areas which need resolution (usually areas in which accounts differ).
4. Inform the chairperson if they are acquainted with any party(s), or familiar with the facts of the case.
5. Determine if there is a quorum.

Judicial Review Board hearing procedures

1. Introduction of Board members
2. Brief description of incident
3. Accused student gives account of incident and presents witnesses (if any)
4. Student is excused from hearing
5. Deliberation
6. Student is advised of action and appeal procedure (Cases that are appealed shall be referred to the Director of Judicial Affairs.)
7. Chair records decision on discipline database

Behavioral Standards Committee hearing process

1. Introduction of Board members
2. Reading of the charges by the Chair as presented on the Report of Conduct
3. Presentation of details of the incident by the Judicial Staff member
4. Accused give account of incident including the presentation of any witnesses if applicable.

5. Questioning of the accused by Board members

6. Final statement of the accused

7. Deliberation

a. Student has checked Report of Conduct as being correct
   1) Relevant documentation of previous cases shall be presented to the committee.
   2) Each committee member, excluding the chair, shall complete the recommendation forms.
   3) All recommendations shall be read to the committee.
   4) The chair shall ask for discussion of the recommendations.
   5) After adequate discussion, the chair shall ask for a motion.
   6) If the motion is seconded, the chair shall ask for further discussion.
   7) Should there be any amendment made to the original motion due to the discussion of the committee, the proposed amendment must be approved by the individual who proposed the original motion. If approval is granted, the motion shall be amended. If approval of the amendment to the motion is not granted, the committee shall vote on the original motion as presented and seconded.
   8) The chair shall then call for a show of hands as to the motion.
   9) The chair shall vote only in the case of a tie.

b. Student has checked Report of Conduct as being incorrect
   1) Each committee member shall vote (yes or no) to determine if the preponderance of evidence presented indicates that the student is in violation of the Code of Student Rights, Responsibilities, & Behavior.
   2) If the majority of the committee believes that the preponderance of evidence presented does not indicate that the student is in violation of the Code of Conduct, then the chair shall dismiss the case.
   3) If the majority of the committee believes that the preponderance of evidence presented would indicate that the student is in violation of the Code of Conduct, then the committee are directed to proceed with the deliberation process as if the student had indicated that the Report of Conduct is correct. (section a)

8. Delivering of Findings of Committee by chairperson
   1) Reading of opinion from Report of Conduct (see page 33-34)
   2) Explanation of sanctions or referral to Judicial Staff Member for explanation.

9. Notification of right to appeal
This meeting of the Behavioral Standards Committee is being held on (date). Please be aware that these proceedings are being recorded. My name is _______________ and I will chair today's proceedings. Before we begin, I would like the board members to state their names and the area they represent... now the judicial staff member and her/his witnesses... now the respondent and her/his witnesses... and finally, the advisor to the board.

Today's judicial board hearing has been convened to consider the case of ____________ . This is a disciplinary proceeding to determine if their has been a violation of the University's Code of Conduct specifically section (list code number and title). The board's objective is to determine the facts of this case, to make a determination regarding responsibility for violating University regulations, and to recommend appropriate sanctions, if necessary. All participants are encouraged to treat each other with respect and courtesy.

(Directed to accused student and witnesses, if any)
The university expects that all information presented will be true and correct. Be advised that if one willfully provides false information one will be in violation of Section 6.04:09 Falsification, Forgery, and/or Dishonesty of the Code of Student Rights, Responsibilities, & Behavior and may be subject to disciplinary action. Furthermore, the Board may consider a pattern of lying or fabrication by the respondent when deciding upon sanctions in any case."

(From this point on, the chair will follow the agenda as presented in this manual)

**QUESTIONING**

Questioning is the most important aspect of the hearing process. As board members become more skillful at phrasing their questions, more useful information will be obtained from all participants. In depth questioning helps the board to ascertain the facts of the case and clarify vague issues.

Here are some areas to remember while preparing to ask questions.

Open-ended Questions

Carefully phrase questions as open-ended (who, what, how) rather than close-ended (did you, were you). Closed-ended questions often result in a yes/no response which do not offer much additional information. Open-ended questions will allow the respondent to answer as long as she or he desires, possibly yielding more information than requested. In depth questioning helps the board to ascertain the true facts of the case and clarifies vague issues.

For example:

Close-ended

Question: "Were you angry when you broke the window?"
Response: "No."

Open-ended
Question: "What were your feelings when you broke the window?"
Response: "I guess I was pretty angry..."

**Multiple Choice**

Another pitfall board members run into is offering multiple choice questions for the respondent to answer. The board member offers the respondent all of the choices she or he deems appropriate. Often this type of question also provides the respondent with the answer the board members wishes to hear.

For example:

**Question:** "What were your feelings when you broke the window; were you angry, elated, frustrated, or just letting off steam? This was right around mid-term exam time."

**Response:** "Oh, I was just letting off steam; exams weren't going well..."

The respondent will choose the one that she or he thinks is least incriminating! Ask the question and stop.

**Silence is Golden**

Do not be alarmed when a question is asked and the person does not respond immediately. It is natural to think about a response before responding. Allow the person ample time to think without undue pressure to respond quickly. If the person needs clarification, let him or her ask for it; don't assume that she or he does not understand the question.

**Sample Questions**

Besides the fact related questions, here are some sample questions to consider during the proceeding.

1. What effect did your actions (or behavior) have on others? On the community? On yourself?
2. Explain what you hoped to accomplish through your actions.
3. Who is responsible for your behavior?
4. What other options were there for you in this situation?
5. What was the purpose of your behavior?
6. How would you feel if others were engaged in comparable behavior?
7. What would be the consequences to the community if everyone engaged in comparable behavior?
8. How is your relationship with your roommate? With other students on the floor? With staff members?
9. How does your responsibility for living with community standards apply to your actions in this situation?
10. How might you react if such a situation were to come up again?
REMINDERS

During every hearing remember these tips for being an effective board member:

1. Carefully listen to everything that is said.

2. Watch for non-verbal behaviors which may indicate attitudes, true feelings, or emotions.

3. Be sure to clarify any conflicting information before you enter into deliberation. Continue to ask questions until you have all of the necessary facts regarding the incident. Do not wait until you are in deliberation and then start guessing at reasons why the information presented was conflicting.

4. Carefully examine the time/date sequence of the incident. Follow-up on contradictions when questioning.

5. Avoid jumping from one line of questioning to another; attempt to examine one area completely before moving on. Board members should learn to look to the other board members before changing lines of questioning.

6. Avoid unnecessary writing during the hearing. One should be concentrating on the content while developing lines of questioning. The Recorder will be taking notes and the tape recorder will provide a complete record of the hearing.

7. Note passing or whispering should not occur in the hearing unless absolutely necessary. It would not be showing the respect to the speaker that is deserved.

8. Maintain concentration throughout the hearing and remain attentive. Good posture and eye contact should be demonstrated anytime the hearing is in session.

9. Never accuse a student or participate in heated arguments. Maintain composure even if others do not.

DECISION PROCESS

The process of rendering decisions in discipline cases is a difficult one, especially when suspension or expulsion are possible outcomes. The decision-making process can go smoothly if board members follow these suggestions.

Testimony

Throughout the proceeding, listen carefully to all of the evidence presented. Ask thoughtful questions which will help determine how much credence should be given to each individual's testimony. Here is a list of suggested questions to consider while preparing to make a decision:

How relevant is the testimony of this witness to the central issue(s) of the case?

How much does this person know about the action or incident in question?
How did this person come to know this information?

Which of the witnesses had the best opportunity to observe the action or incident in question?

In how much detail can the witness recall the action or incident? Is this witness’ recollection of details consistent with the recollections of other witnesses?

Are there circumstances which might call the reliability of the witness into question?

Is there any reason why a witness may not be providing complete and accurate testimony?

It is a prerogative of board members to (courteously) question all witnesses, complainants, and respondents with respect to these and other similar issues. The task is to find the facts.

Fact Finding

Clearly the most difficult task, especially in contested cases, fact finding is the task of determining what evidence presented is clear and convincing. Specifically, what can the board determine to be fact in the case.

1. Examine each piece of evidence in the context of the standard of proof: clear and convincing proof. Witnesses must be credible and convincing; they must be able to provide reasonably detailed accounts of the events in question.

2. The facts of the case are those events, circumstances, incidents, or actions which a board member firmly believes to be true in light of the evidence and testimony which you have heard.

3. Facts are not those incidents or circumstances which might or might not have occurred. Conjecture has no place in a finding of fact.

4. The principal question should not be "is this individual responsible for the alleged violations?" The principal question should be "what happened?"

5. The findings of fact should provide an account of the incident in question. Members of the Board must have a clear command of the facts in order to make a decision.

Determination

Once the Board has determined the facts of the case, one can determine whether or not the respondent violated the Code of Student Conduct. This leads directly to a decision as to whether the respondent is "responsible" or "not responsible." This decision should be relatively easy if the board has approached the fact finding systematically.

1. Restate the findings of fact.

2. From the findings, render a decision regarding responsibility for the violations.

3. Determine appropriate sanctions according to the violations and demeanor of the student. A word of caution - be careful not to presume a sanction outcome before determining the facts. Keep an open mind with regards to the evidence. If the facts are clear that a student struck another student, do
not dismiss evidence merely because an expulsion or suspension may be possible. Do not consider possible sanctions until a decision has been reached regarding the facts. Appropriate sanctions will be tailored to the individual student, but only after responsibility has been determined.

**OPINION OUTLINE FOR REPORT OF CONDUCT**

In preparing the board opinion, remember that this document becomes a permanent record of the hearing and remains part of the individual's disciplinary file. If the case is appealed, the opinion will then be read by a variety of officials at the University, including the President. If the case is contested in civil court, the opinion will be subject to scrutiny by a large number of officials both in and outside the University including a state or federal judge.

To maintain consistency, each opinion that is prepared should follow this outline.

**FINDINGS OF FACT**

This section should begin with, "Based upon the evidence presented by both sides, the Board determined the following facts;", then list numerically the facts that were agreed upon. State these facts as concretely as possible, eliminating personal opinion or conjecture.

**CONCLUSION**

The conclusion should include the board's decision regarding each violation--responsible or not responsible. "As a result of the hearing and in view of the findings of fact, the Board decided...".

**SANCTIONS**

"The Board recommends the following sanctions;", then list the sanctions in numerical form. Any restrictions must follow the sanction including deadlines for completion of a project, the length of suspension or probation, and any restrictions placed on the student.

**RATIONALE**

This section should be used to explain the rationale for the sanctions issued. Any mitigating or aggravating factors should be clearly presented. It is appropriate if a student is subject to suspension or expulsion to explain clearly why the student's behavior posed a danger to the community, or to the community's educational mission.

**SAMPLE OPINION**

Based upon the evidence presented by both sides, the Behavioral Standards Committee has determined that Mr. Doe was in violation of Section 6.04:22 of the Code of Student Rights, Responsibilities and Behavior. As a result of the hearing and in view of the findings of fact, the Committee decided that Mr. Doe is responsible for his actions and we recommend that he be suspended for two quarters followed by probation for the remainder of his time of enrollment at Louisiana Tech University. The Behavioral Standards Committee feels these sanctions to be appropriate as his actions are in direct conflict with the educational mission of our university and a period of separation and reflection is called for.
11.01 Procedures for Appeal
A student may issue a written appeal of a decision by the Associate Vice President for Student Affairs, the Behavioral Standards Committee, or Administrative Review Board if any of the following apply:

- A. procedural error
- B. new evidence
- C. unsupported conclusion
- D. disproportionate sanction

Students initiating the appeal process should be aware that an appeal can result in upholding original sanction, reducing sanction, or increasing sanction. Students who face a suspension or expulsion sanction and are appealing should attend classes until notified by the university.

11.01:01 Prerequisite to All Appeals - The appeals provided in 11.02, 11.03, 11.04, 11.05, 11.06, and 11.07 of this section shall not be made until the complaining student has exhausted all prior appeals.

11.02 From an Administrative Action of the Associate Vice President for Student Affairs Directly Affecting an Individual Student
Any student may appeal an administrative action of the Associate Vice President for Student Affairs when the action directly affects such student in his individual capacity. The complaining student must notify in writing the Chairman of the Behavioral Standards Committee of his intention to lodge an appeal within three (3) business days after notice of the Associate Vice President’s decision has been mailed or verbally given to the student. Late notices of intent to appeal will be accepted or rejected by the Chairperson of the Committee after hearing the student’s reasons for failure to comply with the preceding sentence. The Chairperson of the Behavioral Standards Committee shall proceed according to Section 9.02. In appeals from administrative actions of the Associate Vice President for Student Affairs or his representative, the Behavioral Standards Committee shall hear and decide the merits of the accusation and the censure imposed as if the matter were being brought before it initially. The Associate Vice President for Student Affairs or his representative will be present at this hearing.

11.03 From a Recommendation of the Behavioral Standards Committee
Within three (3) business days after notice of a decision of the Behavioral Standards Committee, the aggrieved student shall have the right to appeal to the Administrative Review Board. To do so, the student shall give written notification to the Vice President for Student Affairs of his or her intention to appeal to the Administrative Review Board. The Vice President for Student Affairs shall, within a reasonable time, set a date, time, and place for review of the decision of the Behavioral Standards Committee and notify the student thereof. Late notices of intent to appeal will be accepted or rejected by the Chairperson of the Committee after hearing the student’s reasons for failure to comply with the preceding sentence. The entire record of proceedings and the evidence presented before the Behavioral Standards Committee shall be automatically transmitted to the Administrative Review Board. The student may, at his discretion, submit additional written evidence which is relevant to the issue before the Board. The Associate Vice President for Student Affairs or his representative will be present at this hearing. The Administrative Review Board may take any one of the following actions:

- A. approve the recommendation submitted by the Behavioral Standards Committee;
B. amend and approve the recommendation; or

C. return the recommendation for further study.

11.04 From a Recommendation of the Administrative Review Board
Within three (3) business days after receipt of notice of a decision of the Administrative Review Board, the
complaining student shall have the right to appeal to the President of the University. To do so, the student shall
give written notification to the Vice President for Student Affairs of his intention to appeal to the President of
the University. Late notices of intent to appeal will be accepted or rejected by the Vice President for Student
Affairs after hearing the student’s reasons for failure to comply with the preceding sentence. The entire record
of the prior proceeding and all evidence previously presented shall be automatically transmitted to the President
of the University. The student may, at his discretion, submit additional written evidence which is relevant to the
issue or issues before the President. The President of the University may, at his discretion, take any one of the
following actions:

11.04:01 Approve the recommendation of the Administrative Review Board and/or Behavioral Standards Committee;

11.04:02 Amend and approve the recommendation; or

11.04:03 Return the recommendation for further study by either body.

11.05 From Expulsion from the University for the Commission of “Disruptive Acts”
Any student who has been expelled from the University for the commission of “disruptive acts” pursuant to
Revised Statue 17, Sections 3101-3109 or Chapter 23 of the Louisiana Revised Statutes shall have the right to
appeal the decision by which such action was taken. Such appeals shall be made to the Board of Supervisors
for State Colleges and Universities. The procedure for this appeal is described in the regulations of the Board of
Supervisors for the University of Louisiana System.

11.06 From a Decision of the President to Expel or Suspend
A decision of the President to suspend or expel a student may be appealed by that student to the State Board of
Supervisors. The procedure for the appeal is described in the regulations of the Board of Supervisors for the
University of Louisiana System.
Training
Exercises
Please rank the following violations of university regulations according to the importance or seriousness you attach each. Place a 1 in front of the most important, a 2 before the second most important, and so on. You have about 5 minutes to complete this task. After the members of your group have finished individually, discuss your rank ordering and decide upon a group rank order of the violations. The group rank order must be acceptable to the entire group.

You Group

____ ____ A. Smoking in a classroom which is posted with a "no Smoking sign.

____ ____ B. Defacing or damaging university property.

____ ____ C. Cheating on an examination.

____ ____ D. Forging or altering an ID card and selling it to another student.

____ ____ E. Distributing or selling illegal drugs.

____ ____ F. Plagiarizing on an English paper.

____ ____ G. Punching a roommate in the face causing injury during an argument.

____ ____ H. Pulling a fire alarm as a prank.

____ ____ I. Sexual assault by a dating partner.

____ ____ J. Making a false entry on an application for financial aid.

____ ____ K. Possessing and using marijuana.

____ ____ L. Stealing a bicycle valued at $250.00.

____ ____ M. Consuming alcohol as a minor.

(Adapted from Smith, 1974; printed in Cordner & Brooks, 1987)
The following sections provide sample training outlines and then, in more detail, exercises and handouts for each of the general sections. The exercises are:

The Cash Register Exercise: good for helping members understand the difference between a fact and an inference. Only two answers can be determined from the information given, #6 (True) and #8 (False). The rest are inferences that cannot be determined from the information given. This exercise ought to spark a useful discussion of the difference, and the appropriate weight to be given to inferences in your process.

Are you a good witness: helpful in fostering an appreciation for detail and for the difficulty of providing accurate recall. Members can discuss to what extent a witness' memory for detail is important in establishing credibility in a hearing.

Alcohol Values Clarification: a useful way of discussing specific information about alcohol related behavior, as well as introduce board members to each other's values and ways of reasoning. The exercise provides an opportunity for members to defend a position, hear conflicting arguments, and practice coming to a consensus.

How much do you know about gender related violence? another useful education exercise to introduce a specific type of behavioral and attitudinal problem. This exercise can be a useful introduction to a discussion of attitudes about sex roles, violence in relationships and strategies for working with an allegation of sexual assault.

A Short Cut or Cheating? similar to the alcohol values clarification exercise, this exercise fosters discussion of cheating and other academically dishonest behavior, and the circumstances under which "okay" behavior becomes dishonest.

Developing Questions: these are sample incident descriptions which you can use to help the judicial board members learn to generate questions from available information.

Sanctions Exercise: for those boards that make sanction recommendations, this exercise provides an opportunity for members to see where each other stands. The exercise asks them to create sanctions for hypothetical offenses - usually one person's suspension is another person's warning -- differences in views can be shared and some baseline standards established prior to actually having to make a sanctioning recommendation.
THE CASH REGISTER EXERCISE

The Story:

A cashier had just turned off the lights in the store when a man appeared and demanded money. The owner opened the cash register. The contents of the cash register were scooped up, and the man sped away. A member of the police force was notified promptly.

Statements about the Story:

1. A man appeared after the owner had turned off his store lights.  
2. The robber was a man.  
3. The man did not demand money.  
4. The man who opened the cash register was the owner.  
5. The store owner scooped up the contents of the cash register and ran away.  
6. Someone opened the cash register.  
7. After the man who demanded money scooped up the contents of the cash register, he ran away.  
8. While the cash register contained money, the story does not state how much.  
9. The robber demanded money of the owner.  
10. The story concerns a series of events in which only three persons are referred to: the owner of the store, a man who demanded money, and a member of the police force.  
11. The following events in the story are true: someone demanded money, a cash register was opened, its contents were scooped up, and a man dashed out of the store.

From: A Handbook of Structured Experiences for Human Relations Training
ARE YOU A GOOD WITNESS?

Do you observe or do you merely look? When your eye takes in a scene, does it register detail or does it just gather a vague, fleeting impression? The following test is designed to see how well you can report the facts.

Examine the picture below for two minutes. Try to remember as much as you can. Then, cover the picture with a piece of paper and answer the questions on the next page.

Be careful to observe the time limit. You have two minutes to examine the picture and four minutes to answer the questions.

1. On what floor was someone looking out the window? ______
2. On what street was the bakery shop? _____________________
3. What time of day did the accident take place? _________
4. Was the person who was hit a male? _____________________
5. Was there a traffic light on the corner? ________________
6. What was the license number of the parked car? _________
7. Was the driver a female? _______________________________
8. How many police officers were at the scene? ____________
9. Which storekeeper was standing on the street? _________
10. Were there more than 10 people in the crowd? __________
11. Was the butcher’s first name Max? _____________________
12. Were there any children in the crowd? _________________
13. From what state was the car who hit the bicycle? _______
14. Was it a four door car? ________________________________
15. How many trees were in the picture? _________________
16. Were there any animals on the street? _________________
17. Was the butcher’s address 23 State Street? _____________
18. Was the ad on the wall for cigarettes? _________________
19. Was the weather mild? _________________________________
20. Was the driver of the car alone? _______________________
ALCOHOL EDUCATION VALUES CLARIFICATION EXERCISE

In America, we do not have a consensus as to what constitutes responsible drinking behavior. This then leads to controversy and confusion regarding the definition of problem drinking and when sanctions against irresponsible drinking are discussed.

Please rank the following examples from 1 (least responsible drinking behavior) to 5 (most responsible drinking behavior). Then within your group please discuss your ranking and arrive at a consensus ranking.

1. **IG**

   Nick driving back to the residence hall from an on-campus keg party, has a blood alcohol concentration of .10 which is the legal definition of alcohol intoxication in most states. He is weaving erratically down the street and almost crashes into an on-coming car.

2. **Suzanne really likes mixed drinks and about twice a week in her dorm room will make herself several drinks using her favorite 80 proof liquor (40% alcohol). Sometimes she has more than several and completely misses dinner in the dining hall.**

3. **Jack, having been frustrated all day, that night drinks 6 beers in one hour while at a local bar. He weighs about 150 pounds. His blood alcohol concentration is about .09. He gets angry and starts a fight by breaking a bottle over the head of a much larger man sitting next to him.**

4. **Sandy, a graduate student who is divorced and living with her small child, is becoming an alcoholic. She drinks beer throughout most of the day which has caused her to gain an excessive amount of weight. One afternoon a friend stops by to visit and finds her asleep amidst an unkempt living room and the child, crying and hungry, is in her crib.**

5. **Already feeling high, a group of rowdy guys on their way out of a party in a residence hall across from theirs decide to chug a can of beer. Before leaving, one of the guys pulls an overhead light fixture. Laughing, the others start to wrestle and, in falling against a fire hose cabinet glass, it breaks.**

Adapted from Indiana University Alcohol Education
<table>
<thead>
<tr>
<th>Questions</th>
<th>Please Circle</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Date rape is only a bad sexual experience.</td>
<td>T F</td>
</tr>
<tr>
<td>2. There are some women who provoke rape because of their appearance, behavior or reputation.</td>
<td>T F</td>
</tr>
<tr>
<td>3. About 1 in 1000 male college students recently surveyed said they had committed acts that met the legal definition of rape or attempted rape.</td>
<td>T F</td>
</tr>
<tr>
<td>4. Date rape only happens between people who just met or don't know each other well.</td>
<td>T F</td>
</tr>
<tr>
<td>5. Rape does not include having sex with an intoxicated woman who has passed out.</td>
<td>T F</td>
</tr>
<tr>
<td>6. Sexual harassment occurs infrequently and is a remote issue in university settings.</td>
<td>T F</td>
</tr>
<tr>
<td>7. Harassment affects victims' work or studies and their psychological well being.</td>
<td>T F</td>
</tr>
<tr>
<td>8. One of the best ways for a victim to end harassing behavior is to avoid the harasser or ignore the problem.</td>
<td>T F</td>
</tr>
<tr>
<td>9. Sexual harassment can occur only between members of different sexes.</td>
<td>T F</td>
</tr>
<tr>
<td>10. A student-sponsored wet T-shirt contest is a form of sexual harassment.</td>
<td>T F</td>
</tr>
<tr>
<td>11. Violence against people who are gay parallels and is related to violence against women.</td>
<td>T F</td>
</tr>
</tbody>
</table>

(Prepared by the UCLA Women's Resource Center and Dean of Students' Office.)

ANSWERS
1. FALSE. The most powerful and longstanding myth about rape is that rape is sex. Believing this myth leads to the belief that rape survivors do not suffer as a result of the experience, that women actually enjoy rape, and that somehow they are responsible for the crime. The definition of rape varies from state to state, however it usually includes "sexual intercourse against someone's will through the use of force or threat of force." Rape is motivated by a violent urge, not asexual one. The rapist is motivated by a need to control, dominate, and degrade rather than fulfill sexual impulses.

In date rape situations, most men have not planned to rape, but have planned to have sex, no matter what the wishes of the other person. A situation like this becomes rape when one person, in most instances the woman, says no, does not consent to sex, and despite this, the aggressor forces her to have sex against her wishes. Miscommunication can be a factor in a situation that leads to rape. Many times men and women enter into a dating situation with different sexual expectations. A woman may agree to a certain amount of intimacy and at some point she makes a decision that she doesn't want to have sex. Some men may feel cheated and angry. Most men will stop at this point and not coerce or force a woman into having sex. Some men, however, do not stop or respect her right to say no and force her to have sex against her will. Date rape, however, is not merely a result of miscommunication. It is an attempt to assert power and anger. In stranger rape and acquaintance rape situations, the aggressor makes a decision to force his victim to submit to what he wants. The prime motive for each type of rape is the same: to overpower and control someone.

2. FALSE. The myth that women somehow provoke rape stems from the myth that rapists are motivated by lust and thus have been enticed by their victim. The misconception that only a "certain kind" of woman is raped may serve as a kind of false security against the frightening fact that anyone can be victimized. Women of all ages, from a baby as young as 4 months to a 90-year-old woman have been raped. People rape women from all age groups, backgrounds, races, classes, religions, occupations, levels of education and physical descriptions.

A woman who is raped by someone she knows is often suspected of "asking for it" because she may have agreed to go to the man's room, let him buy her dinner, or agreed to some form of intimacy other than intercourse. The idea that women are responsible for rape is ingrained in both men and women at an early age. A survey of 1,700 sixth to ninth grades in Rhode Island found that 51 percent of the boys and 41 percent of the girls said that a man has the right to force a woman to kiss him if he spent a lot of money on her. "A lot of money" was defined by 12 year-olds as $10 - $15. 31 percent of the boys and 32 percent of the girls said it would not be improper for a man to rape a woman who has had previous sexual experiences.

No one deserves to be raped, regardless of what she says, wears or does, just as no one deserves to be robbed because he or she is carrying money. The responsibility lies with the person committing the crime, not with the victim.

3. FALSE. In the Ms Magazine/National Institute of Mental Health (MS/NIMH) survey, one in twelve men admitted having forced or tried to force a woman to have intercourse through physical force or coercion, thus admitting to having raped or attempted to rape someone. Yet, virtually none of those men identified themselves as a rapist. A study at Auburn University (1982) found that 15 percent of college men said they had forced a woman to have intercourse. There also appears to be a significant number of men who don't find sexual aggression reprehensible, and who are somewhat attracted to it although they have never committed such actions. In a recent survey conducted by UCLA communications professor, Neil Malamuth, 26 percent of the men surveyed said they would be somewhat likely to commit rape if they could escape punishment.
Most men are not rapists, but some are. These men are not considered "psychotic" and are not distinguishable by race, educational or economic background. Most men who rape women they know seem quite normal, perhaps even charming. The only similarities that have been shown among convicted rapists are the inability to control anger, a strong belief in traditional male and female roles, and a high degree of hostility or anger towards women.

4. FALSE. Date rape can happen between people who are on a first date or who are engaged. The definition of rape has nothing to do with how well the person knows the assailant. In the MS/NIMH study, 47 percent of the reported rapes were committed by first or casual dates, or a romantic acquaintance. Yet it's not uncommon for women to be raped by someone they have been dating for a long time, by a former boyfriend or by a spouse.

5. FALSE. California law defines an act of intercourse as rape if the victim is prevented from resisting, for example is she is under the influence of an intoxicating substance with the knowledge of the accused, or if the victim is unconscious of the nature of the act.

6. FALSE. Although not a scientific survey, a review of recent newspapers suggests an "outbreak of bigotry on US campuses," (New York Times, 6-23-89). In 18 months, demonstrations against racists acts occurred at Stanford, University of Michigan, Dartmouth, UC Berkeley, Dennison University, University of Kentucky and Penn State, to name a few. Surveys at Cornell University (1986), MIT (1986) and University of Rhode Island (1980) confirm reports across the nation that between 70 - 92 percent of the women and approximately 57 percent of the men surveyed had experience of unwelcome sexual attention. According to Catharine MacKinnon, one of the foremost experts on sexual harassment, at least 7 out of every 10 women will be sexually harassed during their work lives.

7. TRUE. The effects of harassment range from emotional responses such as embarrassment, anger, depression, anxiety, disgust and indecision to loss of self confidence and abandonment of career or academic goals.

8. FALSE. Studies have shown that the problem does not go away. It is important for a victim to let a harasser know that the behavior is unacceptable, although few victims want to confront their harasser. It's a good idea for the victim to keep a record of dates, times, places, witnesses and the nature of the harassment.

9. FALSE. Sexual harassment may occur between any combination of sexes. Sexual harassment is a form of sex discrimination. Although both men and women are harassed, over 95 percent of sexual harassment cases reported involve a woman being harassed by a man.

10. TRUE. Wet T-shirt contests, X-rated pornographic movies used as fund raisers and calendars of nude or partially-clothed women used as promotional devices are all examples of ways women are demeaned by portraying them primarily as sexual beings. These examples convey the message that women are not valued as individuals and that they should not be taken seriously. Sexual harassment involved unwanted sexual attention, which may take the form of a sexually demeaning climate or atmosphere. The cumulative effect of this type of harassment can be devastating.

11. TRUE. Different forms of oppression in our society, such as homophobia and sexism, are closely connect to each other in various ways. For instance, when gay men "break ranks" with traditional
heterosexual make roles through bonding and affections outside the arenas for war and sports, they are perceived as not being "real men," that is, as being identified with women. Thus gay men are often seen as people who must be eliminated. Lesbians are often seen as threats to the status quo because of the perception that a lesbian is someone who has stepped out of line, who is not sexually or economically dependent on a man, and who is therefore (however illogically) against men.

Homophobia is alive and well on our nations' college campuses. In a 1988 study of freshmen across the country, UCLA professor, Alexander Astin, found that 49 percent of students surveyed think that homosexual relations should be prohibited.
A SHORT CUT OR CHEATING?

Below is a list of behaviors for you to review. Indicate by each one whether you think it is a form of cheating, a legitimate short cut, or whether it depends on the circumstances.

1. Taking an exam in the place of another student, or having someone take an exam in your place.
2. Rewriting passages (so they sound better) of a paper you're typing for a friend.
3. Having someone write a paper to submit as your own work.
4. Discussing your outline/ideas for a paper with a friend in your class who is writing on the same subject.
5. Allowing another student to copy from you during an exam.
6. Changing your lab results to reflect what you know they should have been rather than what you got.
7. Turning in the same paper to two different classes.
8. Studying from old exams from your club's "files."
9. Getting questions or answers from someone who has already taken the same exam.
10. Borrowing an idea for a paper without footnoting the source.
11. Working on homework with other students in the class.
12. Including a few books which you didn't read in your bibliography.
13. Changing a few answers on a graded exam to get regrade "credit."
14. Reading just the abstracts of articles, rather than entire articles, when doing research for a paper.
15. Asking someone to proofread your draft of a paper.

(The UCLA Dean of Students' Office adapted this exercise from research in: Nuss, E. (1984). Academic Integrity: Comparing faculty and student attitudes. Improving College and University Teaching, 32(3).)
SAMPLE INCIDENTS: DEVELOPING QUESTIONS

Review each of the following incidents and individually, note any areas needing clarification, the questions you would ask to get clarification, and any issues you want to see addressed in the hearing.

Then return to the group to discuss your review of the report and discuss step-by-step how you would proceed with the hearing.

CASE 1:

On Thursday night at approximately 1:00 AM, about 10 males entered the third floor of Camden Hall (all female hall). The men ran through the floor yelling and screaming obscenities. They entered the women's rooms and took some of their clothes from drawers. They also took down a bulletin board and broke several windows in the lobby as they left the floor. The University Police were called. They came and surveyed the damage and found that there were several lounge chair legs also broken. The women identified the men as living on the third floor of York Hall (names listed below). The women expressed to the officers that the men seemed intoxicated (smelled like beer and acted intoxicated) and were very wild.

CASE 2:

Mark, who lives in York Hall, was walking back from an evening class at approximately 10:00 pm on Monday night when he saw 2 guys throwing eggs at the side of York Hall. One egg hit a woman in the face - she had opened her window to tell them to stop. Mark identified the two people as Clyde J. and Jim D. As soon as they saw Mark, they ran. Mark reported the incident.
ROLE PLAY EXERCISE

Role Play Hearing Guidelines

1. Appoint a Chairperson.

2. Select Board members to serve as the accused student, witnesses and complainant.

3. Everyone reads the description of the incident.

4. Decide which policies have been violated (ordinarily this would already have been done for you).

5. Decide if you will stop during the hearing to ask questions about procedure or if Board members should save questions until the end.

6. Follow your hearing procedures and act as if a hearing were in progress.

7. Review the process:

   How did each person feel?
   Did the "accused student" feel listened to?
   Did the complainant feel listened to?
   What suggestions do they have for Board members?
   What questions did they think were helpful?
   What should Board members be encourage to continue doing?
   What should Board members change?

8. Try another vignette using the same process.
CASE VIGNETTES

Role Play 1

Two accused students/ One complainant (Resident Director)/ Two witnesses

Resident Director: I was standing in lower Neilson parking lot, talking with 2 residents at 11:30 p.m. We heard a noise above us and a balloon filled with water hit the pavement, getting us wet. As we stood up to look, a beer bottle hit the pavement. We saw a window open and a screen removed, and heard noise from the 9th floor. I proceeded to the room in question, found the floor wet and numerous beer bottles in the room. Occupants of the room said they had been in bed until we knocked on their door.

Role Play 2

Two accused students /One complainant (RA) /One witness (Security)

The fire alarm rang at 9:30 pm. In checking my floor, I noticed smoke seemingly coming out of room 312 into the hallway. After Security arrived, they checked the room and determined that the heat sensor had been activated in that area and found charred newspapers. The director and I discussed this with the room occupants after the alarm had been reset. They said they had left lighted candles on a table, had engaged in a paper throwing fight and some of the papers caught fire. They had extinguished the fire before they evacuated the room.

Role Play 3

I was studying in the lounge when I heard loud voices coming down the hall. I looked up and saw Mark and Brent rolling a keg down the hall, chasing each other past the lounge, yelling. I heard a loud crash so I went out to look. Mark and Brent were standing by the water fountain, which was badly dented, and the keg was leaning against it. They were laughing. I said, "Whoa," and stepped back into the lounge. Mark and Brent rolled the keg back down the hall to their room, and I went to find an RA. No one was home.
SANCTIONING

Issuing sanctions is an important aspect of the disciplinary process. This is the opportunity to educate the student on the effects of his/her behavior and to attempt to affect a change in that student's behavior for the future. Here are some questions to ask the student and to consider when deciding on appropriate sanctions.

1. What was the intent of the student? What was the student's motivation for behaving inappropriately and in violation of the Code? Did s/he intentionally violate a policy? Was s/he aware of the possible consequences or was there some plausible explanation?

2. What were the actual consequences of the behavior? Was there physical damage or personal harm (physical, emotional)? What were the effects of the behavior?

3. What were the potential consequences of the behavior? If not caught, would physical damage or personal harm have occurred? What potential harm could the student have suffered?

4. Was alcohol a part of the incident? Did the student demonstrate that s/he is not a responsible drinker? Is s/he under the legal drinking age? Does the student show a pattern of abusing alcohol?

5. What is the attitude of the student? Is s/he willing to accept responsibility for the behavior? Does s/he refuse to cooperate and not willing to accept responsibility? Does s/he display any sense of empathy for others?

6. What is the student's past record? Is there a trend of this type of behavior or other violations?

Here are some questions the board should attempt to answer when deciding what type of sanction is appropriate.

1. What is consistent with similar incidents in the past?

2. What significant aggravating or mitigating factors would warrant a lesser or more severe penalty?

3. What action by the board would help the student learn from this experience?

4. What action would help the student take the process seriously and to think about her/his behavior?

5. What action would serve to deter others from similar behavior and to maintain community standards?

6. Is the sanction in any way demeaning? Is it a realistic sanction to expect the student to carry out?

7. Does the sanction fit the incident?
SANCTIONS AVAILABLE

Taken from Student Handbook (page 22)

9.03 Censures Recommended by the Behavioral Standards Committee
Censures which may be recommended and/or imposed by the Behavioral Standards Committee for violations and infractions of University standards and/or local, state, and federal laws include, but are not limited to, the following:

9.03:01 Administrative Probation - A precautionary measure which carries the provision that continued enrollment depends on strict compliance with University behavioral standards, and local, state, and federal laws. Administrative probation shall be for a definite period of time. See Section 8.02 also.

9.03:02 Suspensions - Separation from the University for a specified period of time.
   A. At the end of the current quarter with credit for the quarter’s work in which the suspension is imposed. (Eligibility to return is established by the committee.)
   B. For the remainder of the quarter without credit for the quarter’s work in which the suspension is imposed. (Eligibility to return is established by the committee.)

** It should be noted that with current University regulations, a student may attend another university and transfer this credit back to Louisiana Tech during a period of disciplinary suspension.

9.03:03 Expulsion from the University - Permanent separation from the University.

9.03:04 Restitution, Counseling, and/or Community Service - When the Behavioral Standards Committee determines that violations or infractions result in the loss of and/or damage to property, the student will be given written notice by the Chairperson that he must provide written evidence to the Associate Vice President for Student Affairs within a time period specified by the Committee that damaged or lost property has been replaced and/or repaired to the owner’s satisfaction. When the Committee recommends community service or counseling, it is the responsibility of the student to provide written notification to the Associate Vice President for Student Affairs within a time period specified by the Committee that the requirements have been completed.
EDUCATIONAL SANCTIONS

Please review the examples of possible violations you may encounter as a judicial board member. Keep in mind that other disciplinary action might be taken in addition to an educational sanction. Write down any possible sanctions you think would be appropriate.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Your sanction</th>
</tr>
</thead>
<tbody>
<tr>
<td>A student is found with a piece of University property in his/her room.</td>
<td></td>
</tr>
<tr>
<td>A student refuses to leave his/her room during a fire drill.</td>
<td></td>
</tr>
<tr>
<td>A student is found using a fire extinguisher during a water fight.</td>
<td></td>
</tr>
<tr>
<td>A student is observed to be writing racist remarks on a corridor wall with a magic marker.</td>
<td></td>
</tr>
<tr>
<td>A student verbally harasses his/her roommate about his/her ethnic origin.</td>
<td></td>
</tr>
<tr>
<td>A fight breaks out between two drunk students at a party and a chair is broken.</td>
<td></td>
</tr>
<tr>
<td>A food fight breaks out in the dining hall between two floors of residents.</td>
<td></td>
</tr>
<tr>
<td>A student props open a security door, leaving it open all night.</td>
<td></td>
</tr>
<tr>
<td>A judicial board member steals food from the dining hall for a visiting guest.</td>
<td></td>
</tr>
</tbody>
</table>
WHEN ARE BOARD MEMBERS READY TO HEAR CASES?

The following are some general guidelines for determining when the members of the Board are ready to hear a case:

_____  1. Each member understands and can articulate the institution's philosophy on student conduct.

_____  2. Each member is thoroughly familiar with the procedure for handling a case. There will be no hesitation, no uncertainty, no bickering in the mechanical flow of the hearing.

_____  3. The members know each other and the judicial staff members well enough to permit a free expression of opinion.

_____  4. The Board knows the kind of information it needs to make a wise decision; the facts involved, the motivation, the level of maturity of those involved, the environment in which they live, and their purpose in attending this institution.

_____  5. The Board has had practice in questioning a student so that it can obtain the necessary information without appearing to pry into the student's personal matters, showing prejudice or hostility.

_____  6. The Board understands the importance of its position as a foundation of responsible student conduct.

_____  7. The Board recognizes that it serves two purposes: determination of facts and recommendation of corrective action.

_____  8. The Board recognizes the confidentiality of its hearings.

_____  9. The Board understands the appeal procedure and the rationale for it.

_____ 10. The Board understands the types of sanctions and their appropriate use.

_____ 11. The Board members feel confident that they are prepared to handle a case.