

Resolution to Uphold Due Process and Beyond a Reasonable Doubt Standard of Evidence

UGS-W2020-XX

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Co- Sponsor(s): Stanford American Indian Association

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ACTION REQUESTED: a $\frac{2}{3}$ majority approval of ASSU Undergraduate Senate

WHEREAS The Undergraduate Senate recognizes and asks other branches of student and faculty government to recognize the difference between the Office of Community Standards and the Sexual Assault and Relationship Abuse Office. The Office of Community Standards is tasked with enforcing the Honor Code, Fundamental Standard, and Judicial Charter and was created by the university by its own volition. The Office of Community Standards is a university body and the standard of evidence used in its proceedings is not subject to any state or federal law. In contrast the Sexual Assault and Relationship Abuse Office enforces Title XI of the United States Education Amendments of 1972 and the Violence Against Women Act of 2013, both of which are federal laws both of which mandate certain requirements for the Sexual Assault and Relationship Abuse Office. Let it be clear that in no way are standards of evidence used by these two offices legally linked; and¹

WHEREAS The Undergraduate Senate affirms the importance of the Honor Code and the Student Judicial Charter of 1997, and the Fundamental Standard and their role in facilitating fair, transparent, and holistic adjudications; and

WHEREAS The Undergraduate Senate firmly believes in the doctrine of innocent until proven guilty and the principles of Due Process in all disciplinary proceedings regarding the Honor Code, Fundamental Standard, and the Judicial Charter ; and

¹ The Undergraduate Senate affirms and highlights the important and critical role the Sexual Assault and Relationship Abuse Office plays in keeping the student community safe and pursuing justice for victims of heinous crimes. We as a senate understand the potential for a lower standard of evidence in cases regarding sexual assault and relationship abuse but also recognize such policies go outside the scope of our authority.

WHEREAS The Undergraduate Senate is vehemently opposed to any amendment to the Honor Code, the Fundamental Standard, or the Judicial Charter of 1997 or subsequent judicial charters which would undermine the doctrine of innocent until proven guilty; and

WHEREAS The Undergraduate Senate is also vehemently opposed to any amendment to the Honor Code, the Fundamental Standard, or the Judicial Charter of 1997 or subsequent judicial charters which would undermine the principle of due process by lowering the standard of evidence used in judicial proceedings; and

WHEREAS The Undergraduate Senate believes that the rights of the accused or responding student as they are enumerated in [Section 2A of the 1997 Judicial Charter](#) should not be infringed; and

WHEREAS The Undergraduate Senate firmly believes the current standard of evidence for Honor Code and Fundamental Standard violations, beyond a reasonable doubt, is critical to ensuring to the fair, honest, and unbiased pursuit of justice at Stanford University, and

WHEREAS The Undergraduate Senate believes it is the duty of the Undergraduate Senate as a body to ensure the principles and ideas outlined above remain unfringed in perpetuity; and

WHEREAS The Undergraduate Senate offers this resolution so as to prevent the wrongful conviction of students, as wrongful Honor Code and Fundamental Standard convictions irreparably taint a students record, and have severe implications for students pursuing further education or jobs; and

WHEREAS This resolution in no way prevents the university or the student body from revisiting the the judicial charter of 1997 or subsequent judicial charters; and

WHEREAS This resolution prevents the lowering of the standard of evidence required to convict a student of a Fundamental Standard or Honor Code violation and nothing more.

THEREFORE BE IT RESOLVED THAT: The Undergraduate Senate formally issues a preemptive veto in perpetuity of any amendment, edit, recommendation, or change to the Honor Code, Fundamental Standard, or the Judicial Charter of 1997 or any subsequent Judicial Charter

or governing document by any name concerning any judicial practice which would lower the standard of evidence required to convict a student of wrongdoing. Note this preemptive veto in no way applies to Sexual Assault and Relationship Abuse Office policy changes; and

THEREFORE BE IT RESOLVED THAT The Undergraduate Senate, upon receiving a policy recommendation, formal suggestion, amendment, or potential change, from the university; a university committee; or the faculty senate, which if enacted would lower the the standard of evidence required to convict a student of wrongdoing, will revoke its ratification and approval of the Judicial Charter of 1997 or subsequent judicial charters by any name effective from the date the policy recommendation, formal suggestion, amendment, or potential change is tendered till the day it is withdrawn; and

THAT Future Undergraduate Senates, upon their inauguration be notified of the commitments outlined in this resolution. The task of explaining and informing the incoming senate shall rest with the senate chair; and

THAT To overturn this resolution a $\frac{2}{3}$ majority vote of the undergraduate senate is required.