

To: The University Community

From: The Student Judicial Board

### **Executive Summary of 2009-2010 Judicial Report**

During the current academic year (2009-2010), the Student Judicial Board (SJB) processed 435 documented reports warranting judicial follow-up which involved 973 students. Of those students, 722 appeared before the SJB once while 184 appeared between 2 (131) and 6 (1) times. Those reports were primarily submitted by Public Safety (323), Residential Life (88), and Fire Safety (46); of the 435 documented incidents, 32 were documented by more than one department. After reviewing the incident reports, the student co-chairs of the SJB referred 204 cases to judicial conferences with a residential life professional staff member or to the dean of students office, 111 cases to simplified hearings, 24 cases to full hearings and 86 cases to other methods of resolution. Those methods include cases resolved without formal judicial follow-up as is the case with students transported to the hospital due to severe intoxication, administrative panels for cases involving alleged violations of the sexual assault and sexual misconduct policy or through interim administrative boards when the board could not convene or if a case presented personal conflicts for the majority of the SJB members.

The cases referred to judicial conferences with professional staff in residential life were generally first time offenses or minor infractions of residential standards. The alleged violations in those cases were primarily "privacy and tranquility" (144), "property" (12), "underage possession or use of alcohol" (95) and violations of the social event registration guidelines (56). Sanctions imposed as a result of a judicial conference have a limited scope and must be agreed upon by all parties. Because of these factors sanctioning through judicial conferences typically results in disciplinary warnings (172) along with an educational sanction (64) or service hours (23). During the current reporting period, judicial conferences were resolved 9 days (median) after the incident was documented. There continue to be cases which are not resolved as quickly; however, more effective use of the judicial tracking software and consistent communication should help to further reduce those instances. In previous reporting periods, concerns have been raised regarding the consistency of sanctioning between the SJB through hearings and those cases resolved through judicial conferences. In the current reporting period, when a student was found in violation in a judicial conference, a disciplinary warning was issued 60% of the time and during simplified hearings warnings were issued in 63% of all cases. Disciplinary warning was also issued in 61% of cases resolved through the dean of students office.

Cases referred to the SJB and scheduled as simplified hearings are adjudicated by three student members of the Board. These cases can involve any violation of the Code of Non-Academic Conduct (CNAC) with the exception of the most serious violations. Simplified hearings are generally convened for students who have two or fewer prior violations, who are not currently on disciplinary probation or for students who have not appeared before the SJB for a significant period of time and are in good judicial standing. Of all of the students who had judicial cases, 35% were scheduled for a simplified hearing. Simplified hearings accounted for 31% of the scheduled hearings or meetings convened during the current reporting period. The charges most commonly addressed through a simplified hearing are violations of the alcohol or other drug policy (286), "privacy and tranquility" (86), "property" (73) and various departmental regulations (62). Simplified hearings were adjudicated 14 days (median) from the date of the incident report; this includes weekend days when the SJB did not meet. The timeliness of hearings continues to be a strength of the SJB and is a testament to the dedication the students show during those times of the year, generally the early fall and the late spring, when case volume peaks. The students serving on the SJB are always careful and contemplative when considering possible sanctions;

however, there are still a number of students who receive multiple warnings for similar violations, in particular when secondary cases appear to be minor violations. This has, however, continued to present difficulties when some students perceive that the repeated warnings have little consequence to them. Cases adjudicated through a judicial conference resulted in probation 18% (37) of the time; the same rate resulted from cases adjudicated through a simplified hearing (20). Cases determined to be more serious and deserving of a full hearing or those which required an alternate procedure, such as alleged violations of the sexual misconduct and sexual assault policy, resulted in a probationary period 87% (21) in full hearings and 52% (12) in all cases resolved through an alternate procedure.

Those cases that the co-chairs determined to be more serious or more complex than what could be resolved through a simplified hearing were referred to the SJB and scheduled as full hearings. Full hearings require five student members of the SJB and two advisors, usually one faculty advisor and one administrative advisor. Charges considered in a full hearing can cover the full spectrum of the CNAC as full hearings can be convened to address repetitive behavior regardless of the perceived severity of the charge. Full hearings also allow the SJB to consider the full range of sanction as a means to address those students found responsible for violating the CNAC. The most common charges brought to a full hearing are those which involve student safety; “reckless endangerment” (13), “harassment and abuse” (9) and significant property violations (19) are clear examples of situations the SJB would address through a full hearing. Other issues include repeat violations of “privacy and tranquility” (13), repeat violations of the drug and alcohol policy (32) and reports which indicate non-compliance (8). Of these cases, there were 45 students who were charged with violating the CNAC and referred to 24 full hearings; this represents 4% of the students referred and 6% of the hearings or meetings scheduled through the SJB. Due to the nature of these cases, the number of people involved and scheduling complications, full hearings were adjudicated in 20 days (median) from the date of the reported violation.

There were a significant number of cases (23) and individuals (55) that were referred to the SJB and were resolved through alternate methods. The cases include those students who were transported to the hospital due to severe intoxication (63), cases involving individuals who presented conflicts of interest for too many Board members to hear the case, cases which arose at the end of the year and could not be scheduled through the normal review and meeting process or cases which involved alleged violations of the sexual misconduct and sexual assault policy (5).

Alcohol use and abuse continues to be a major issue in cases which warrant judicial follow-up through the SJB. Of the 973 individuals charged with violating the CNAC, alcohol was documented as a factor for 491 students (51%). This includes those cases where students were charged with violating the alcohol policy; it also includes cases in which the alcohol policy may not have been violated but the presence or consumption of alcohol was determined to be a contributing factor.

The students who serve the University as members of the SJB do so voluntarily and diligently. During the academic year, the co-chairs of the Board meet once a week to review all judicial reports and determine charges to be filed and the most appropriate method of adjudication. The full Board meets once per week to review cases to be scheduled to insure there are no conflicts of interest. Hearings are typically scheduled once or twice a week (depending on the time of year) and additionally as needed. Given the time dedicated to reviewing incident reports and scheduling cases, as well as the expedience at which those cases have been adjudicated, those students, staff and faculty involved in the judicial process should be proud of the role they have played in upholding Wesleyan’s community standards.

## 2009-2010 Case Summaries

### **Regulation 1 - Privacy and Tranquility:**

*The intentional infringement upon the right to privacy of any member of the community is prohibited. The persistent interruption of a reasonable level of peace and quiet is also a violation. Students should be aware that repeated violation of this regulation could result in administrative reassignment to another residential unit or area.*

In an Interim-Administrative Hearing, the Board considered an allegation that a student had violated Section II, Regulations 1, 4, 10 and 15 of the Code of Non-Academic Conduct. Specifically, it was alleged that a group of students had organized an event which directly resulted in significant disruptions on campus, the destruction of University property and the encouragement of students to enter closed University spaces or other prohibited spaces. The Board found part of the student group responsible for the violations based on a preponderance of the evidence and the testimony presented during the hearing. As a sanction the Board recommended that the members of the group who were responsible be on disciplinary probation through graduation and pay \$2000 in restitution to the University to cover the costs associated with the personnel responsible for the clean-up and monitoring of the campus during and after the event.

In a full hearing, a student was alleged to have violated Regulations 1 and 4 of the Code of Non-Academic Conduct. Specifically, the allegations arose from an incident in which the student was using University property without proper authority. The student was not present and the Board plea of not responsible to both charges. The Board found the student responsible for violating Regulation 1 and 4. The Board recommended a disciplinary warning and any restitution determined by the Athletic department.

In an interim hearing, the Board considered an alleged violation of Section II, Regulations 1 and 15 of the code of Non-Academic Conduct. Specifically, it was alleged Students A, B, C and D were responsible for a large gathering in their house and on Fountain Street. All four students were found responsible for violating both Regulations 1 and 15. As a sanction, the Board recommended a disciplinary warning.

In a simplified hearing, the Board considered an alleged violation of Section II, Regulation 1 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A was playing loud music and talking loudly with friends. The Board found that Student A was not responsible.

In a simplified hearing, the Board considered an alleged violation of Regulations 1, 13b, 2, and 4. Specifically, it was alleged that students A, B, C and D were being disruptive at "Late Night": throwing food and harassing Usdan workers. The board found students A, B, and C in violation of Regulations 1, 13b and 4. The board found student D responsible for regulations 1, 13, 4 and 2. As a sanction, the board recommended that students A and B be banned from "Late Night" until the end of the year, complete 5 hours of community service and issued a Disciplinary Warning. The board recommended that Student C be put on disciplinary probation through May, 2010, in addition to five hours of community service and a ban from "Late Night" until the end of May 2010. The board recommended that Student D be put on disciplinary probation until December 2010, be banned from "Late Night" until the end of December 2010, and complete 10 hours of Usdan community service. The sanctions differed because of prior violations.

In a simplified hearing, the Board considered an alleged violation of Regulation 1 Privacy and Tranquility, one student was also alleged to violate Regulation 14 Failure to Comply. Specifically, it was alleged that Students A, B, C, D and E were playing music and speaking loudly. Student A did not respond to the emails for the Judicial Conference. The Board found the students not in violation of 1 or 14 because the email correspondence with the area coordinator was confusing.

In a simplified hearing, person A was alleged to have violated regulation 1, 13b and 13c. Specifically, the allegations derived from a gathering person A had in their room the first night in which this person said they were not distributing alcohol. Person A pleaded responsible for all the charges. We found person A in violation of regulation 1 and 13b, but not 13c because he never distributed alcohol. It was brought in by his friends who came into the room later. The board recommended a disciplinary warning.

In a simplified hearing, the SJB heard allegations that five students had violated Regulation 1 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which the students were reported to be playing loud music in their wood frame house. The students pled not responsible. The board found the students not responsible for violation regulation 1. The students took adequate steps towards preventing any disturbance and complied with Public Safety.

In a simplified hearing, the SJB heard allegations that three students had violation Regulation 1 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which the three students were talking loudly on a porch of a quiet street. The board found the students not responsible.

In a simplified hearing, the SJB heard allegations that one student had violated Regulation 1 and 14 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident in which the student left loud music playing in her room during quiet hours and then failed to comply with notices from her area coordinator. The student pled responsible for both violations. The board found her responsible for both violations of the CNAC.

In a simplified hearing, the SJB heard allegations that six students had violated Regulation 1 of the Code of Non-Academic Conduct. Specifically, public safety arrived due to a call not related to a noise complaint. There were only four students in the house, watching television. They were all invited, according to the witness, who was the student living in the house. The students were all compliant with public safety. All students pled not responsible for violation of Regulation 1. The board found the students all not responsible for violating Regulation 1 as it was clear the call made to public safety was not related to the student and that they were all invited.

In a simplified hearing, the SJB heard allegations that 9 students had violated Regulation 1 and 13b of the Code of Non-Academic Conduct, Student A had violated sections 1, 13b, 13c and 5 of the Code and Student B had violated Regulation 1,13b, 13c and 14 of the Code. Specifically, the charges related from an incident in which public safety responded to a loud gathering of students in a dorm room and several of the students fled the area. The students pled not-responsible to all charges. The board found the 9 students responsible of violating Regulation 1. The board found Student A responsible for violating Regulations 1, 13b and 5 of the Code and the board found Student B responsible of violating Regulation 1, 13b and 14 of the Code. The board recommended a disciplinary warning for the 9 students, a disciplinary warning and ten hours of community service for Students A and B.

In a simplified hearing, the SJB heard allegations that five students had violated Regulations 1, 14 and 15 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which Public Safety saw many people in the street in front of a woodframe house and heard loud music coming from the house. The public safety officer asked the members of the woodframe house to turn the music down. Public safety returned to the house two more times to ask the house to keep the noise level down. The board found the five students not responsible for these violations.

### **Regulation 2 - Harassment and Abuse:**

*Harassment and abuse, intentionally directed toward individuals or groups, may include at least the following forms: the intentional use or threat of physical violence, coercion, intimidation, and verbal harassment and abuse. Wesleyan University's commitment to nondiscrimination means that intentional discriminatory harassment may be punished more severely than nondiscriminatory or unintentional forms of harassment.*

In a Full Hearing, the Board considered an allegation that a student had violated Section II, Regulations 2 and 14 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A was physically abusive to another student as well as to officials who attempted to remove the student from the building. Student A also returned to the building after being instructed to leave. The Board found Student A responsible for both violations because the student admitted to the behavior documented in the case file. As a sanction the Board recommended the student be on disciplinary probation until graduation and be required to complete 30 hours of community service.

In a full hearing, 3 students were alleged to have violated Regulation 2 of the Code of Non-Academic Conduct. Specifically, the allegations arose from a physical altercation. Students A, B and C pled not responsible. The Board found Student A responsible for violating Regulation 2. The Board recommended the student be placed on probation until graduation.

In a simplified hearing, the Board considered an alleged violation of Section II, Regulations 2 of the Code of Non-Academic Conduct. Specifically, it was alleged that students of Skull and Serpent were yelling at a student while wearing masks. A representative of Skull and Serpent came to say that the members who were alleged to violate the code were only calling to the person on the street, that it was not malicious. The Board found the organization responsible because the student who called Public Safety obviously felt harassed enough to call it in. The board recommended that the organization be issued a warning and ten (10) hours of community service.

In an Interim Administrative hearing, the Board considered an alleged violation of Section II, Regulation 2 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A and Student B arrived at a gathering with the intention of starting an altercation. Students A and B antagonized and engaged in an altercation with Student C and D. Student C retaliated physically and Public Safety was notified. The board found that Student A, B and C were responsible due to their involvement in the altercation whereas Student D was found not responsible because he had excused himself from the situation prior to the onset of the altercation. As a sanction, the responsible students were placed on disciplinary probation in accordance with their respective levels of involvement in the matter.

**Regulation 3 - Sexual Misconduct:**

*Sexual Misconduct, including, but not limited to, sexual harassment, sexual assault, coercion, and threats or use of force, is prohibited.*

In an Administrative Panel, the Board considered an allegation that a student had violated Section II, Regulation 3 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A forcibly engaged in an unwanted sexual intercourse with Student B. The Panel found that Student A had indeed violated the Code because Student A acknowledged the incident had taken place and a preponderance of the evidence indicated the behavior was unwanted. As a sanction the Panel recommended the student be suspended from the University for two semesters starting in the fall of 2010.

In an Administrative Panel, the Board considered an allegation that a student had violated Section II, Regulation 3 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A forcibly engaged in an unwanted sexual act with Student B. The Panel found that Student A had indeed violated the Code because Student A acknowledged the incident had taken place and a preponderance of the evidence indicated the behavior was unwanted. As a sanction the Panel recommended the student be restricted from participating in all University events for graduating seniors and be prohibited from campus after completing all outstanding academic commitments. Student A was also required to complete 30 hours of community service.

An administrative panel was convened to consider the allegations that a student had violated Section II, Regulation 3 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A touched Student B in a sexually inappropriate way. The panel found that Student A had indeed touched Student

B in a way that constituted sexual misconduct. As a sanction, the panel recommended the student placed on disciplinary probation for three semesters. The student was also referred to the Office of Behavioral Health for Students. Additionally, the panel recommended the student complete the CHOICES workshop at the next scheduled interval.

An administrative panel was convened to consider the allegations that a student had violated Section II, Regulation 3 of the Code of Non-Academic Conduct. Specifically, it was alleged that student A engaged in intercourse with Student B while Student B was under the influence of alcohol. The panel found that Student A had indeed engaged in intercourse with Student B and that Student B was unable to consent to any sexual activity due to intoxication. The panel recommended that Student A be suspended from the University for the remainder of the academic year.

An administrative panel was convened to consider the allegations that a student had violated Section II, Regulation 3 of the Code of Non-Academic Conduct. Specifically, it was alleged that student A touched Student B in a sexually inappropriate way. The panel found that Student A had indeed touched Student B in a way that constituted sexual misconduct. As a sanction, the panel recommended the student be placed on disciplinary probation until the student graduates. Student A is also restricted from participating in any University functions or events where Student B may be in attendance. Student A will also complete 30 hours of University Service.

**Regulation 4 - Property:**

*The unauthorized use, or the abuse, destruction, or theft of university property or the property of any of its members, guests, or neighbors is prohibited. This includes but is not limited to all tunnels, roofs, and areas under construction. This regulation prohibits the unauthorized appropriation or "borrowing" of common property for personal use.*

In a simplified hearing, a student was alleged to have violated Regulation 4 of the Code of Non-Academic Conduct. Specifically, the allegations arose from an incident in which the student was found urinating on university property. The student pled responsible. The Board found the student responsible for violating Regulation 4. The Board recommended a disciplinary warning.

In a full hearing, a student was alleged to have violated Regulations 4, 14 and 15 of the Code of Non-Academic Conduct. Specifically, the allegations arose from repeated incidents in which the student was found parking his vehicle in unauthorized spaces and not registering the student's vehicle. The student pled responsible for violating 4 of the code and not responsible for violating 14 and 15 of the Code of Non-Academic Conduct. The Board found the student responsible for violating Regulations 4, 14 and 15. The Board recommended probationary status for the semester and for the student's vehicle to be removed from campus for the semester. The Board also recommended for the student to meet with a Public Safety supervisor to discuss university parking rules and students' responsibility for their cars. It was also recommended that the student write a 4-6 page paper due before spring break reflecting on what has been discussed and on the dangers of parking in unauthorized spaces.

In a simplified hearing, the Board considered an alleged violation of Regulations 4 and 15. Specifically, it was alleged that Students A, B, and C were alleged to have hosted a party in which damage was done to light fixtures and an infraction of the department regulations occurred. The damages were settled outside of the board with fire safety and any further damages couldn't be tied to the students directly. The students were found not responsible for both alleged violations.

In an interim hearing, the Board considered an alleged violation of Section II, Regulations 4, 13b and 14 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A had torn down papers from a bulletin board in a dormitory, had consumed alcohol, and failed to comply with the RA on duty. The Board found that Student A was not responsible for violating Regulation 14, but was responsible for violating both Regulations 13b and 15. As a sanction, the Board recommended a disciplinary warning and ten hours of community service.

In a simplified hearing, the board considered an alleged violation of Section II, Regulation 4 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A hit a Public Safety car and then attempted to urinate on it. The board found the student responsible because the student reported actually hitting the car. The board recommended that the student be issued a disciplinary warning because it was the student's first violation and there did not seem to be malicious intent.

In a simplified hearing, the board considered an alleged violation of Section II, Regulations 4, 13a and 13b of the Code of Non-Academic Conduct. Specifically, it was alleged that 34 students were drinking alcohol and smoking marijuana in the tunnels under the Butterfield area. The board found that 33 of the students were responsible of Regulations 4 and 13b. As a sanction, the responsible students were given disciplinary warnings.

In a simplified hearing, the SJB heard allegations that three students had violated Regulation 4 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident in which the students vandalized property on the 4th floor of Clark Hall. The students pled not-responsible. The board found two of the students responsible.

In a simplified hearing, the board considered a case where a student was alleged to have violated Regulation 4 of the Code of Non-Academic Conduct. Specifically, the board considered an allegation that a student stole a beverage from WesShop. The board found this student in violation and recommended the student to receive a disciplinary warning as well as ten hours of community service.

**Regulation 5 - False Information:**

*Knowingly furnishing false information to a university officer or member of any constituted hearing board acting in performance of his/her duties is prohibited.*

In a simplified hearing, the SJB heard allegations that 9 students had violated Regulation 1 and 13b of the Code of Non-Academic Conduct, Student A had violated sections 1, 13b, 13c and 5 of the Code and Student B had violated Regulation 1, 13b, 13c and 14 of the Code. Specifically, the charges related from an incident in which public safety responded to a loud gathering of students in a dorm room and several of the students fled the area. The students pled not-responsible to all charges. The board found the 9 students responsible of violating Regulation 1. The board found Student A responsible for violating Regulations 1, 13b and 5 of the Code and the board found Student B responsible of violating Regulation 1, 13b and 14 of the Code. The board recommended a disciplinary warning for the 9 students, a disciplinary warning and ten hours of community service for Students A and B.

**Regulation 6 - Misuse of Documents:**

*Forgery, alteration, or the unauthorized possession or use of university documents, records or instruments of identification is prohibited.*

**Regulation 7 - Tampering with Locks and Duplication of Keys:**

*Tampering with locks in university buildings, unauthorized possession or use of university keys, and alteration or unauthorized duplication of university keys are prohibited.*

**Regulation 8 - Fire Protection Systems:**

*Tampering with fire extinguishers, fire alarm boxes, or smoke or heat detectors anywhere on university property is prohibited.*

**Regulation 9 - Restricted Items/Fire Hazards:**

*The following are considered fire hazards and are prohibited within any university-owned or -operated facility:*

### **Section 9a - Starting a fire anywhere on university property without explicit permission.**

In a simplified hearing, the SJB heard allegations that person A had violated Regulation 9a of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which the student was reportedly setting cards on fire in his house. The student pled not-responsible. The board found the student was responsible and recommended a disciplinary warning, along with ten hours of community service and an educational essay.

### **Section 9c - Student Residential Facilities**

In a simplified hearing, the Board considered an alleged violation of Section II, Regulations 9c and 13a of the Code of Non-Academic Conduct. Specifically, it was alleged that Students A and B had drugs and drug paraphernalia and other restricted items in their room that were found during a fire safety inspection. The Board found that Student A was responsible for 9c and Student B was found responsible for 9c and Student B was found responsible for 9c and 13a. As a sanction, both students were given a disciplinary warning.

### **Section 9e - Lethal Weapons**

In a simplified hearing, the Board considered an alleged violation of Regulation 9e. Specifically, it was alleged that Student A was in possession of an air pistol that was discovered during a routine fire inspection. The Board found the Student responsible for violating Regulation 9e and the Student was given a warning.

In a simplified hearing, the board considered a case where a student was alleged to have violated Regulation 9e of the Code of Non-Academic Conduct. Specifically, the board considered a student who was found in possession of a BB gun in his room. The board found the student in violation of the Code as the student indeed was in possession of the BB gun that he admitted to the possession. The board recommended that the student receive a disciplinary warning and ordered to perform 10 hours of Community Service.

### **Regulation 10 - Reckless Endangerment:**

*Creating condition(s) or an environment that endangers, or has the potential to endanger, other members of the community or property is prohibited. Failure to take reasonable constructive action to remedy such conditions may also constitute a violation.*

In an interim-administrative hearing, the Board considered an alleged violation of Section II, Regulation 10 of the Code of Non-Academic Conduct. Specifically, it was alleged that the residents of a wood frame house had organized a boxing match in which one student received facial trauma. The Board determined that the residents of the wood frame, as well as the students involved in the boxing match, were all responsible for the infraction due to their participation in creating a dangerous atmosphere. As a sanction, all students received disciplinary warnings.

### **Regulation 11 - Pets:**

*Pets are not allowed in any university facility, including residential facilities, classrooms, libraries, laboratories, studios, sports facilities, food service areas, administrative offices, and public meeting areas. Fish in 10 gallon tanks or smaller are permitted.*

### **Regulation 12 - Disruptions:**

*The following "ground rules" for political freedom on campus are excerpted from the booklet "Academic Freedom and Civil Liberties of Students in College and University," published by the American Civil Liberties Union in 1970.*

### **Regulation 13 - Drugs and Alcohol:**



*The University prohibits underage and unlawful possession, use, or distribution of illicit drugs and alcohol. The prohibition includes, but is not limited to, the following:*

### **Section 13a - Possession, use, manufacture, distribution or dispensing of illegal drugs**

In a simplified hearing, the Board considered an alleged violation of Section II, Regulations 13a and 14 of the Code of Non-Academic Conduct. Specifically, it was alleged that Students A and B were smoking marijuana and ran from public safety. The Board found that Students A and B were not responsible.

In a full hearing, the Board considered an allegation that a student had violated Section II, Regulation 13a, b and g of the Code of Non-Academic Conduct. Specifically, it was alleged that the student consumed and possessed alcohol while underage and had smoked marijuana. He was also alleged to have operated a motor vehicle while under the influence. The Board found the student had indeed violated Regulations 13a, b but not 13g. The student took full responsibility for consuming alcohol and marijuana. It was found that the student had not been operating a vehicle under the influence. As a sanction, the Board recommended that the student be placed on disciplinary probation for a full academic year effective immediately and referred to the Office of Behavioral Health.

In an interim hearing, the Board considered an alleged violation of Section II, Regulation 13a of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A was found in possession of marijuana on Foss Hill. The Board found that Student A was responsible, and recommended disciplinary probation, a consultation at OBHS and the prohibition from attending senior week events.

In a simplified hearing, the board considered an alleged violation of Section II, Regulations 13a, 14, 15 and 8 of the Code of Non-Academic Conduct. Specifically, it was alleged that Students A, B, C, D and E had people in their home, even after the fire alarm went off. Furthermore, there were unregistered guests, the fire alarm was taken off the ceiling, there was an odor of marijuana and there had been people drinking hard liquor. The board found that the house is responsible for all alleged violations because the representatives of the house told the board that everything in the Public Safety report was true. The board recommended a disciplinary warning and ten (10) hours of community service for the entire house because of the extent of the violations.

In a simplified hearing, the board considered a case where four students were alleged to have violated Regulation 13a of the Code of Non-Academic Conduct. Specifically, the board considered that four students were smoking marijuana on Foss Hill during a large university gathering. The board found the students in violation as there was sufficient evidence that the students had smoked marijuana, as they did admit to the reported actions. The board recommended that all students receive a disciplinary warning and do two hours of community service.

In a simplified hearing, person A was alleged to have violated Regulation 13a. Specifically, the allegations derived from an incident in which person A was found to be smoking marijuana by a Public Safety Officer. Person A pleaded responsible for all the charges. We found person A in violation of 13a. The board recommended a warning, an educational essay and a referral to the Office of Behavioral Health Services.

In a simplified hearing, the SJB heard allegations that seven students had violated Regulation 13a of the Code of Non-Academic Conduct. Specifically, the board considered that these seven students were in a room with marijuana. The board found two students responsible for violating 13a, as they claimed the marijuana. The board found the five other students not responsible for violating 13a, as they had not been smoking the marijuana.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulations 13a and 14 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which the smell of marijuana smoke was coming from the student's room. The students pled not responsible to

both charges. The board found the student responsible for violating Regulation 13a and 14. The board recommended a disciplinary warning and five hours of community service.

In a simplified hearing, the SJB heard allegations that three students had violated Regulation 13a of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which Public Safety found drug paraphernalia in a public space. Middletown Police Department was called and confiscated the paraphernalia. The board found the students not responsible for violating Regulation 13a, as it was found that it did not belong to any of the three students in front of the board.

### **Section 13b - Underage possession or consumption of alcohol**

In a simplified hearing, the Board considered an alleged violation of Regulations 13b, 14 and 5. Specifically, it was alleged that student A was documented drinking and when prompted for identification by Public Safety, refused to provide any. Student A continue to be defiant, provided false identification and ultimately provided his real information. Student A was found responsible for 13b, 14 and 5. Student B was alleged to have violated Regulation 5. While being confronted by Public Safety, Student B corroborated Student A's false information. Student B was found responsible for violating Regulation 5. The Board recommended that Student A receive a warning and complete the CHOICES workshop. Student B was also given a warning.

In a simplified hearing, person A and person B were alleged to have violated 13b and 13c. Specifically, the allegations derived from a gathering the two had in their room. They both pleaded responsible for all the charges. The board found them in violation of all charges. The board recommended a disciplinary warning and ten hours of community service.

In a simplified hearing, person A was alleged to have violated 13b and 13c. Specifically, the allegations derived from a gathering person A had in her room and she admitted to distributing alcohol. Person A pleaded responsible for all the charges. We found person A in violation of 13b and 13c. The board recommended a disciplinary warning and is required to fulfill the CHOICES workshop.

In a simplified hearing, person A was alleged to violate 13b. Specifically, the allegations derived from an incident in which person A was seen by a Public Safety officer with a red cup. When asked what was inside, Person A responded that it was red wine. Person A pleaded responsible for all the charges. We found person A in violation of 13b. The board recommended a disciplinary warning.

In a simplified hearing, person A, B, C, and D were alleged to have violated 13b. Specifically, the disciplinary allegations derived from a gathering person A had in his room and he admitted to consuming alcohol. Person A pleaded responsible for all the charges. We found person A in violation of 13b. Person B and person C both admitted to having consumed alcohol as well. The board found them in violation. Person D denied having consumed alcohol and this was verified by the others involved. Person D was found not responsible. The board recommended disciplinary probation for person A, five hours of community service, a loss of hosting privileges and CHOICES workshops for person B and C.

In a simplified hearing, the SJB heard allegations that a group of 11 underage students had violated Regulation 13b of the Code of Non-Academic Conduct and another student was alleged to have violated Regulation 13c of the Code. Specifically, the charges related from an incident in which the students were found in a room where alcohol was present. The board found 9 of the students to not be in violation because there was no evidence of them possessing alcohol. The board found one student in violation of 13b because this student was found in possession of alcohol. Another student was found in violation of 13b because this was the student's room.

In a simplified hearing, the board considered a case where two students were alleged to have violated Regulation 13b of the Code of Non-Academic Conduct. Specifically, the board considered two underage students holding bottles of beer. The board found the students in violation, as they admitted to

possessing and consuming alcohol. The board recommended that the student receive a disciplinary warning.

In a simplified hearing, person A was alleged to have violated regulation 1, 13b and 13c. Specifically, the allegations derived from a gathering person A had in their room the first night in which this person said they were not distributing alcohol. Person A pleaded responsible for all the charges. We found person A in violation of regulation 1 and 13b, but not 13c because he never distributed alcohol. It was brought in by his friends who came into the room later. The board recommended a disciplinary warning.

In a simplified hearing, the SJB heard allegations that a student had violated Regulation 13b of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which the student was transported to the ER for a second time. The board found the student responsible and recommended that the student be put on disciplinary probation until February 1, 2010 and go to an OBHS assessment.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulation 13b and 14 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident which a ResLife staff member saw an empty alcohol bottle on student A's cupboard. The student A complied with ResLife staff member and threw out the bottle. Regulation 14 was related to when Student A slept through a scheduled judicial conference. The student pled not responsible for 13b and responsible for 14. The board found student A responsible for violation of Regulation 14, and not responsible for violation of Regulation 13b as the bottle was empty and he was compliant with the ResLife staff member. The board recommended a disciplinary warning.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulation 13b, 13c and 14. Specifically, the charges related to an incident in which the student had a box of wine in her room with a few friends, all underage. The student pled responsible for 13b, and not responsible for 13c and 14. The board found Student A responsible for violation of 13b, and not responsible for 13c and 14 as it was clear the students were not drinking and that there was confusion surrounding the judicial conference.

In a simplified hearing, the SJB heard allegations that Students A and B had violated Regulation 13b and 14 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident in which the fire safety personnel found half a bottle of beer in their room. In regards to Regulation 14, Student A missed his scheduled judicial conference and Student B failed to respond to a scheduling email. The board found the students responsible for both allegations because it was their room and they are responsible for what is in their room and they are responsible for replying and going to judiciary conferences. The board recommended a disciplinary warning to each because it is their first violation.

In a simplified hearing, the board considered a case where Student A had violated Regulation 13b and 14. Specifically, the board considered that the student had a bottle of vodka in the student's room and the student did not schedule a judiciary conference. The board found the student responsible for 13b and not responsible for 14 because she acknowledged that the bottle was hers, and that she had the flu, which was going around at the time. The board recommended a disciplinary warning, a 3-page essay and 5 hours of community service because she had a previous violation of 13b.

In a simplified hearing, the board considered a case where a student was alleged to have violated Regulation 13b. Specifically, the board considered that the student had been medically transported to the hospital due to excessive intoxication. The board found the student responsible for 13b and recommended a disciplinary warning and a 3-page paper on the risks of alcohol. The reasoning was that this was the student's second medical transport but he had an understanding of the seriousness of the situation and how it affects the people around him.

In a simplified hearing, the SJB heard allegations that 9 students had violated Regulation 1 and 13b of the Code of Non-Academic Conduct, Student A had violated sections 1, 13b, 13c and 5 of the Code and Student B had violated Regulation 1, 13b, 13c and 14 of the Code. Specifically, the charges related from

an incident in which public safety responded to a loud gathering of students in a dorm room and several of the students fled the area. The students pled not-responsible to all charges. The board found the 9 students responsible of violating Regulation 1. The board found Student A responsible for violating Regulations 1, 13b and 5 of the Code and the board found Student B responsible of violating Regulation 1, 13b and 14 of the Code. The board recommended a disciplinary warning for the 9 students, a disciplinary warning and ten hours of community service for Students A and B.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulations 13b and 14 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which fire inspection found alcohol in Student A's room. The students pled not responsible to both charges. The board found the student responsible for violating Regulations 13b and 14. The board recommended a disciplinary warning and five hours of community service.

### **Section 13c - Distribution of alcohol to underage persons**

In a simplified hearing, the Board considered an alleged violation of Regulations 13c and 15. Specifically, it was alleged that Students A, B, C and D were alleged to have hosted a party at their home in which alcohol was served to underage students and the departmental regulation for hosting was violated. The Board found Students A, B, C and D responsible for violating Regulations 13c and 15. The house was given a warning.

In an interim hearing, the Board considered an alleged violation of Section II, Regulations 13c and 13f of the code of Non-Academic Conduct. Specifically, it was alleged that a program house had served alcohol to a minor who was later transported. The Board found that the program house was not responsible for violating 13c and 13f.

In an interim hearing, the Board considered an alleged violation of Section II, Regulations 13c and 15 of the Code of Non-Academic Conduct. Specifically, it was alleged that Students A and B had served alcohol at an event that they had registered as a dry event. The Board found that Students A and B were not responsible for serving alcohol to minors, but were responsible for violating Regulation 15. As a sanction, both students were given a disciplinary warning.

In a simplified hearing, person A and person B were alleged to have violated 13b and 13c. Specifically, the allegations derived from a gathering the two had in their room. They both pleaded responsible for all the charges. The board found them in violation of all charges. The board recommended a disciplinary warning and ten hours of community service.

In a simplified hearing, person A was alleged to have violated 13b and 13c. Specifically, the allegations derived from a gathering person A had in her room and she admitted to distributing alcohol. Person A pleaded responsible for all the charges. We found person A in violation of 13b and 13c. The board recommended a disciplinary warning and is required to fulfill the CHOICES workshop.

In a simplified hearing, person A was alleged to have violated regulation 1, 13b and 13c. Specifically, the allegations derived from a gathering person A had in their room the first night in which this person said they were not distributing alcohol. Person A pleaded responsible for all the charges. We found person A in violation of regulation 1 and 13b, but not 13c because he never distributed alcohol. It was brought in by his friends who came into the room later. The board recommended a disciplinary warning.

In a simplified hearing, the SJB heard allegations that a group of 11 underage students had violated Regulation 13b of the Code of Non-Academic Conduct and another student was alleged to have violated Regulation 13c of the Code. Specifically, the charges related from an incident in which the students were found in a room where alcohol was present. The board found 9 of the students to not be in violation because there was no evidence of them possessing alcohol. The board found one student in

violation of 13b because this student was found in possession of alcohol. Another student was found in violation of 13b because this was the student's room.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulation 13b, 13c and 14. Specifically, the charges related to an incident in which the student had a box of wine in her room with a few friends, all underage. The student pled responsible for 13b, and not responsible for 13c and 14. The board found Student A responsible for violation of 13b, and not responsible for 13c and 14 as it was clear the students were not drinking and that there was confusion surrounding the judicial conference.

In a simplified hearing, the SJB heard allegations that 9 students had violated Regulation 1 and 13b of the Code of Non-Academic Conduct, Student A had violated sections 1, 13b, 13c and 5 of the Code and Student B had violated Regulation 1, 13b, 13c and 14 of the Code. Specifically, the charges related from an incident in which public safety responded to a loud gathering of students in a dorm room and several of the students fled the area. The students pled not-responsible to all charges. The board found the 9 students responsible of violating Regulation 1. The board found Student A responsible for violating Regulations 1, 13b and 5 of the Code and the board found Student B responsible of violating Regulation 1, 13b and 14 of the Code. The board recommended a disciplinary warning for the 9 students, a disciplinary warning and ten hours of community service for Students A and B.

**Regulation 14 - Failure to Comply:**

*Members of the community are expected to comply with requests made by university personnel acting within the capacity of their responsibilities, including requests for adequate identification. Public Safety officers should be allowed to enter private residential spaces to address suspected policy violations. Officers may enter private residential spaces without residents' permission only with the approval of the vice president for student affairs (or designee).*

In an interim hearing, the Board considered an alleged violation of Section II, Regulations 14 and 15 of the code of Non-Academic Conduct. Specifically, it was alleged that Students A and B were on the roof of a building, and that they failed to turn over their IDs when asked by public safety. The Board found that both students were responsible for violating Regulation 15, and that Student A was not responsible for 14, while Student B was, in fact, responsible. As a sanction, Student A was issued a disciplinary warning, while Student B was placed on disciplinary probation and received five hours of community service.

In a simplified hearing, the SJB heard allegations that a student had violated Regulation 14 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which the student decided not to follow directions to exit a location from the Middletown Fire Department. The board found the student to be in violation on this count. The board recommended that the student receive a disciplinary warning and community service hours.

In a simplified hearing, person A was alleged to have violated Regulation 14. Specifically, the allegations derived from an incident in which person A interfered with a Public Safety Officer who was attempting to transport an intoxicated student. Person A pleaded not responsible for all the charges. We found person A in violation of Regulation 14. The board recommended a disciplinary warning.

In a simplified hearing, the SJB heard allegations that one student had violated Regulation 1 and 14 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident in which the student left loud music playing in her room during quiet hours and then failed to comply with notices from her area coordinator. The student pled responsible for both violations. The board found her responsible for both violations of the CNAC.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulation 13b, 13c and 14. Specifically, the charges related to an incident in which the student had a box of wine in her room with a few friends, all underage. The student pled responsible for 13b, and not responsible for 13c and 14.

The board found Student A responsible for violation of 13b, and not responsible for 13c and 14 as it was clear the students were not drinking and that there was confusion surrounding the judicial conference.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulation 13b and 14 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident which a ResLife staff member saw an empty alcohol bottle on student A's cupboard. The student A complied with ResLife staff member and threw out the bottle. Regulation 14 was related to when Student A slept through a scheduled judicial conference. The student pled not responsible for 13b and responsible for 14. The board found student A responsible for violation of Regulation 14, and not responsible for violation of Regulation 13b as the bottle was empty and he was compliant with the ResLife staff member. The board recommended a disciplinary warning.

In a simplified hearing, the SJB heard allegations that Student A had violated Regulation 13b, 13c and 14. Specifically, the charges related to an incident in which the student had a box of wine in her room with a few friends, all underage. The student pled responsible for 13b, and not responsible for 13c and 14. The board found Student A responsible for violation of 13b, and not responsible for 13c and 14 as it was clear the students were not drinking and that there was confusion surrounding the judicial conference.

In a simplified hearing, the SJB heard allegations that Students A and B had violated Regulation 13b and 14 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident in which the fire safety personnel found half a bottle of beer in their room. In regards to Regulation 14, Student A missed his scheduled judicial conference and Student B failed to respond to a scheduling email. The board found the students responsible for both allegations because it was their room and they are responsible for what is in their room and they are responsible for replying and going to judiciary conferences. The board recommended a disciplinary warning to each because it is their first violation.

In a simplified hearing, the board considered a case where Student A had violated Regulation 13b and 14. Specifically, the board considered that the student had a bottle of vodka in the student's room and the student did not schedule a judiciary conference. The board found the student responsible for 13b and not responsible for 14 because she acknowledged that the bottle was hers, and that she had the flu, which was going around at the time. The board recommended a disciplinary warning, a 3-page essay and 5 hours of community service because she had a previous violation of 13b.

In a simplified hearing, the SJB heard allegations that five students had violated Regulations 1, 14 and 15 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which Public Safety saw many people in the street in front of a woodframe house and heard loud music coming from the house. The public safety officer asked the members of the woodframe house to turn the music down. Public safety returned to the house two more times to ask the house to keep the noise level down. The board found the five students not responsible for these violations.

In a simplified hearing, the Board considered an alleged violation of Section II, Regulations 14 of the Code of Non-Academic Conduct. Specifically, it was alleged that Student A was trying to get into a party for which he did not have an invitation and the student was uncooperative with Public Safety Officers, refusing to leave. The student reported drinking heavily that night but that the student had been to Choices since, and the student said that the Public Safety report was accurate. The Board found that Student A was responsible for the violation due to the student's validating the Public Safety report. As a sanction, the Board recommended that Student A complete ten(10) hours of community service because of the student's prior violations and because failure to comply is a violation the university takes seriously.

**Regulation 15 - Department Regulations:**

*Members of the community are expected to abide by duly established and promulgated non-academic regulations. This is intended to cover the operating regulations of all university programs and facilities.*

*These include, but are not limited to, the policies outlined later in this booklet and available at [www.wesleyan.edu/studenthandbook/3\\_univpolicies.html](http://www.wesleyan.edu/studenthandbook/3_univpolicies.html)*

In a simplified hearing, the SJB heard allegations that five students had violated Regulations 1, 14 and 15 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which Public Safety saw many people in the street in front of a woodframe house and heard loud music coming from the house. The public safety officer asked the members of the woodframe house to turn the music down. Public safety returned to the house two more times to ask the house to keep the noise level down. The board found the five students not responsible for these violations.

In a simplified hearing, the SJB heard allegations that a fraternity had violated Regulation 15 of the Code of Non-Academic Conduct. Specifically, the charges related from an incident in which the fraternity had an unregistered event with more than 50 people present. The board found the fraternity not responsible because they took all the steps that they could to limit the number of people at the event, and because the event took place during orientation, when there was no system available to register parties.

In a simplified hearing, the SJB heard allegations that 5 students had violated Regulation 15 of the Code of Non-Academic Conduct. Specifically, the charges related to an incident in which an unregistered party grew large and Public Safety had to come break it up. The students plead not-responsible. The board found the students responsible. The students took adequate steps towards helping Public Safety clear the party.

In a simplified hearing, the SJB heard allegations that a group of 5 students were alleged to have violated Regulation 15 of the Code of Non-Academic Conduct. Specifically, the board considered that the students had a small gathering in which people started smoking on the second floor of their home. The fire alarm went off. The board found the students in violation due to the fact that it is their home and they are responsible for what goes on in it. The board recommended that the house be issued with a disciplinary warning because they have an understanding now of host responsibilities.