

Duke University

DURHAM
NORTH CAROLINA
27708-6143

DUKE STUDENT GOVERNMENT
OFFICE OF THE PRESIDENT
BRYAN CENTER 08

BOX 96143
TELEPHONE (919) 684-DUKE
elliott.wolf@duke.edu

MEMORANDUM

TO: Stephen Bryan

FROM: Elliott Wolf

DATE: August 24, 2006

RE: Communication of judicial policies and practices to students

Through my work with the Campus Culture Initiative and the Duke Student Government, I have developed a strong belief that students should accept personal responsibility for addressing violations of Undergraduate Policy and the Duke Community Standard. This sentiment is embodied in the “obligation to act” that is a key component of the newly revised Duke Student Community Standard; DSG, Student Affairs, and the wider Duke community all share the sentiment posted on the Judicial Affairs website that “Duke seeks to create a culture in which students would not stand by silently in the case of [academic and] non-academic violations.”

To that end, having a basic understanding of the process that is currently in place is the first step in students embracing enforcement of policy as an integral aspect of undergraduate culture and the University’s educational mission. Unfortunately, student understanding of and investment in the process is largely absent, and the University’s judicial system is widely perceived as administratively driven. This lack of understanding seriously detracts from the legitimacy of the process and prevents students from ultimately taking some ownership of it.

I fully recognize the benefit in judging incidents on a case-by-case basis with high levels of flexibility, which necessitates some level of ambiguity. There is clearly, however, more that can and should be communicated to students. This fact was dramatically demonstrated by the realization that the Dean of Students’ Office failed to officially communicate to students of the UJB’s decision to suspend students who are arrested for DWI—a lapse that mitigated any deterrent value such a policy might have.

Therefore, I formally request that the following be made available, to both myself and the entire student body, through the Judicial Affairs website and/or the Bulletin of Information and Regulations:

- A complete list of the membership of the Undergraduate Judicial Board, including faculty, staff, students and administrators.

- A detailed description of the process by which members of the Undergraduate Judicial Board are chosen, including the criteria upon which applicants are judged, a description of student involvement in the process, and an accounting of all administrative involvement (from outside of the UJB) in the process.
- A detailed explanation of the “clear and convincing” burden of proof and an explanation as to why the University does not find it necessary to hold itself to the “beyond a reasonable doubt” standard used in criminal cases in the United States.
- A clear statement as to whether evidence collected and used in a case of an alleged on- or off-campus policy violation is subject to any standards of admissibility (primarily, the protections afforded by the 4^h Amendment).
- A detailed description of how changes in undergraduate policy are conceived and who the changes are vetted by before they are incorporated in published regulations.
- The list circulated annually of all changes in undergraduate policy and the justifications for those changes (something similar to this was described in the blast email recently sent by Dr. Moneta, but does not seem to be available on the Judicial Affairs website as of 10:38 pm on 8/24).
- A statement of, generally, what behaviors will result in suspension or expulsion from the University.

I sincerely believe that this information will allow students to better understand the disciplinary process and ask that it be made available as soon as possible. If some of this information is already available, please direct me to it.

CC: Sue Wasiolek
Larry Moneta
Judith Ruderman
Jimmy Soni
Tom Buchanan