

Residence Hall Judicial Code

RESIDENCE HALL JUDICIAL CODE UNIVERSITY OF WISCONSIN-EAU CLAIRE

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**UNIVERSITY OF WISCONSIN-EAU CLAIRE
HOUSING AND RESIDENCE LIFE
JUDICIAL CODE**

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Section 1 - Community Conduct System

1.100 Philosophy and Purpose

The college experience presents significant challenges and responsibilities in group living situations. The Residence Life program at the University of Wisconsin-Eau Claire realizes the opportunity for individual growth when a high number of students with different backgrounds, goals and needs share a living space. With this in mind, the Office of Housing and Residence Life has established guidelines, policies and procedures to define standards of behavior and to help residents learn to live together. The Community Conduct System aims to assist residents in their educational and personal development and to foster a sense of community in which everyone prospers.

1.200 Resident Assertion Guidelines

Residents in the halls have the right to live in a comfortable and secure environment, and the Residence Life staff works to ensure this. Residents also have the responsibility of assertively communicating their rights to other residents, which is the first step when problems arise. These quick guidelines can help:

- a. Approach the person whose behavior is disturbing you.
- b. Communicate your request. For example, you might explain to someone whose music is too loud that you're trying to study and politely ask that the volume be turned down.
- c. Remain confident and under control. Remember that a polite, non-threatening communication style will be most successful.
- d. Find your Resident Assistant or the RA on duty if your request is denied. Tell the RA about your request and the steps you have taken.
- e. If someone else's behavior continuously upsets you, talk to your Resident Assistant or Hall Director. Among other options, you can ask that an Incident Report be initiated.

1.300 Incident Reports

Incident Report forms are used to document both residence hall policy violations, such as quiet-hour or alcohol violations, and incidents not involving policy, such as medical concerns or fire alarms.

1.301 RAs, Hall Directors, Desk and Security staff and residents can initiate these reports.

1.302 No verbal warning is required before a report is filed.

1.303 The behavior of guests is the responsibility of their hosts. All guests, like their hosts, must abide by University and Residence Life rules.

1.304 Residents named on Incident Reports will be contacted by their respective Hall Director.

Section 2 - Judicial Council and Judicial Board

2.100 Judicial Council and Judicial Board

The Judicial Council and Judicial Board are to be established in compliance with this code to hear cases arising in or in close proximity to the residence halls of the University of Wisconsin-Eau Claire that are violations of University and/or residence hall rules and regulations.

2.101 The Chancellor of the University of Wisconsin-Eau Claire delegates the supervision of student conduct to the Enrollment Management Vice Chancellor and their staff.

2.102 The Enrollment Management Vice Chancellor and their staff in conjunction with the faculty advisor are responsible for training and supervising the Residence Hall Judicial Board and Council for the efficient operation of the disciplinary process.

2.103 Any case involving a violation of the civil laws may be referred to the civil courts by the proper University authority.

2.104 Duties of the Judicial Council and Judicial Board. The Judicial Board shall function not as a court of law, but rather as a body to review alleged violations and make recommendations to most effectively benefit the resident, as well as, protect the majority of residents.

2.200 Judicial Council

The Judicial Council shall be comprised of one (1) representative from each residence hall, elected by their residence hall constituents, and shall serve as a pool to hear cases.

2.201 Method of electing the representatives will be left up to the Hall Councils of the individual halls and no consistency in method of election is necessary among the halls. It is required, however, that all members be voted upon by their fellow students in the respective halls of residence.

2.202 Student members of the Judicial Council shall be elected before the end of the spring semester or at the beginning of each academic year.

2.203 All student members of the Judicial Council are elected for the academic year, in compliance with other sections of this Judicial Code.

2.204 A student member of the Judicial Council must be a full-time student in good standing, both academically and disciplinary. The member must have a 2.0 overall grade-point average, while the chairperson must have a 2.5 overall grade-point average. They must be living in the residence halls and not serving in a staff capacity such as Hall Director or Resident Assistant.

2.205 The Judicial Council will serve all residence halls.

2.206 If a student member of the Judicial Board is in violation of the Judicial Code, they will be sent directly to the Judicial Board to decide if the member is responsible for the violation, with the exception of Title IX violations which are referred to the Associate Director of Housing. If the member is found responsible, they should receive a sanction and the board decides (by a majority vote) whether to remove that member. If the Judicial Board member is not found responsible, then they remain a member in good standing.

2.207 A student member of the Judicial Council may be impeached upon petition of ten percent

(10%) of the residents they represent. Such a petition should be presented to the Judicial Council stating cause for the action.

- 2.208 After a petition of impeachment, the issue will be submitted to the residents of the hall that the Judicial Council member represents. A majority of the residents they represent must vote for the impeachment for a conviction to result. If the member is convicted, they will be immediately removed from the Council.
- 2.209 The Judicial Council may remove one of its own members for cause by a two-thirds (2/3) vote of the Council, except in cases in which a Council member is in violation of Title IX. If this occurs the Associate Director of Housing holds the sole power to remove the sitting member in lieu of the board's involvement in the event that there is a finding of responsibility.
- 2.210 Replacement for the Judicial Council will be determined by the hall in which the vacancy occurs in compliance with other sections of this code for method of election.
- 2.211 Each Judicial Council member will be responsible for providing feedback to their residence hall regarding possible Judicial Code changes. This includes fielding questions, comments, and suggestions from residents and/or Hall Council members, Resident Assistants, and the Hall Director. This meeting should coincide with normal Hall Council meetings. The Judicial Council member should provide at least a week's notice to their fellow residents of the upcoming feedback meeting through some form of advertising. Each Council member will then bring their information back to the Judicial Council to be reviewed.
- 2.212 The Judicial Council shall have the power to amend this at any time upon a vote of three-quarters (3/4) of those members of the Judicial Council currently in good standing.
- 2.300 The Judicial Board
There shall be one Judicial Board for all residence halls, and it shall be composed of at least six (6) members from the Judicial Council and the Chair.
- 2.301 At all times an attempt shall be made to balance equally men and women at each Judicial Board hearing, consistent with the balance of men and women available on the Council as a whole. Wherever possible there shall be three (3) men and three (3) women. Members of the Board shall be selected from the pool of eligible Judicial Council members on a rotating basis according to their availability.
- 2.302 The Judicial Board shall have jurisdiction on matters pertaining to violations of existing rules and/or regulations of University of Wisconsin and/or University of Wisconsin residence halls if such violations occur within or in close proximity to the residence halls.
- 2.303 There should be a regularly scheduled weekly meeting of the Judicial Board. If no cases are to be heard, it is not necessary that the Board meet.
- 2.304 Before every meeting of the Board, six (6) members of the Judicial Council should be notified by the chair to be present.
- 2.305 If during the proceedings, a challenge is issued against any member of the Board and such challenge is supported by a majority of the remainder of the Board, that member shall be dismissed from that case.

- 2.306 There should always be six (6) members of the Board present for voting. If for any reason, such as absences, disqualification, or late challenges, there are fewer than six (6) members present; a continuance shall be granted until the next regularly scheduled meeting of the Board or until the chairperson calls a special session. If all parties involved agree to be a Board of fewer than six (6) members, the hearing may continue as outlined below.
- 2.307 Procedures of the Board are discussed in Section 5.
- 2.400 Judicial Council Chairperson
The Judicial Council shall have a student chairperson who will conduct all hearings, rule on questions presented at the hearing, and handle all administrative duties.
- 2.401 The Judicial Council at the end of the spring semester will select one single student chairperson for the coming academic year.
- 2.402 The student chairperson will serve for the academic year.
- 2.403 The student chairperson must meet the same qualifications as a Judicial Council member.
- 2.404 The Judicial Council chairperson's duties include, but are not limited to:
- a. Presiding over all Council and Board meetings.
 - b. Selecting Judicial Board members on a rotating basis.
 - c. Serving all summonses.
 - d. Preparing and handling all forms and administrative duties.
 - e. Advising those entitled to know of the decision of the Board.
 - f. Supervising the Judicial Council secretary.
 - g. Ruling on the relevance of questions.
 - h. Ruling on any other procedural questions.
 - i. Being aware of all procedures.
 - j. Performing any other duties associated with conducting a proper hearing.
- 2.405 The Chairperson shall have a vote in Board decisions only in cases of a tie.
- 2.406 The chairperson may be relieved of the position at any time by a two-thirds (2/3) vote of the student membership of the Judicial Council.
- 2.407 Should a student chairperson be removed, a new student chairperson should be selected immediately at a special session of the Council.
- 2.408 The chairperson should participate in an extensive training session before assuming the position, or if this is not possible, as soon as they have assumed the position. The Director of Housing and Residence Life and their staff in conjunction with the Judicial Council advisor should handle training.
- 2.409 The student chairperson, as remuneration for their services, shall be given free room and board in the residence hall (or equivalent stipend) for their term of office.
- 2.410 In cases where the Chairperson has not adequately fulfilled their duties, any student or staff member may file a grievance with the Judicial Council. If a grievance is filed, then the Council will convene a hearing (led by the Secretary) on

the Chairperson's performance.

2.500 Judicial Council Advisors

2.501 The Judicial Council shall have an advisor to be selected from the Housing and Residence Life Staff. The Director of Housing and Residence Life will select the advisor.

2.502 The advisor should be present at all hearings. The advisor shall have no vote at any Judicial Board hearings and shall not be present for the deliberation unless requested by the Board. The advisor should hear the Board's decision prior to the Resident and the Hall Director to ensure there are no decisions conflicting with the Judicial Code.

2.503 There may be a Resident Assistant Council composed of one (1) Resident Assistant from each residence hall. It will have a minimum of two (2) meetings each academic year with the Judicial Council, advisors, and anyone else who may be interested, for the purpose of discussing common concerns. The Judicial Board Chairperson will call these meetings.

2.600 Judicial Council Secretary

The services of the secretary shall be rendered for all Council and Board meetings.

2.601 The secretary will be a student and will be paid for services rendered. The secretary will be elected by the Judicial Council and will not be a voting member.

2.602 The secretary works under the supervision of the Judicial Council chairperson and the faculty advisor.

2.603 The duties of the secretary include, but are not limited to:

- a. Taking minutes of all meetings.
- b. Aiding in the preparation of all forms.
- c. Other duties as assigned by the Judicial Council chairperson, the faculty advisor, and the student advisor(s).
- d. In the event that the Judicial Board Chairperson is unable to attend a case, the secretary will preside as chair for that meeting and either appoint someone to take notes or take them themselves.

2.604 In cases where the Secretary has not adequately fulfilled their duties, any student or staff member may file a grievance with the Judicial Council. If a grievance is filed, then the Council will convene a hearing on the Secretary's performance.

2.700 Authorized Disciplinary Actions

2.701 A member should use their discretion to disqualify themselves from cases that might justify the inference that a party could improperly influence them or unduly enjoy their favor.

2.702 The members shall not discuss cases before or after the hearing.

2.703 The Judicial Board is duly authorized to recommend any one, or combination of, the following disciplinary actions:

- a. Verbal Warning – given to any student by the Judicial Board
- b. Educational Sanction – given to any student by the Judicial Board

- c. Hall Probation – The student is to maintain good behavior, and any violation of hall probation will result in further disciplinary action and consideration of removal from the residence halls.
- d. Change of Room or Floor – Must be approved by the Director of Housing and Residence Life and by the Hall Director.
- e. Change of Residence Hall – Must be approved by the Director of Housing and Residence Life and by the Hall Director.
- f. Removal from Residence Halls – Must be approved by the Director of Housing and Residence Life.

2.704 A student has ten (10) days from the date of the findings in which to complete a sanction, unless the nature of the consequences provides otherwise.

Section 3 - Educational Sanction System

3.100 The Educational Sanction System

The Hall Director activates the Educational Sanction System after a resident is found responsible for a policy violation. This process addresses behavior and aims to help residents learn from the situation by meeting with the Hall Director and/or by completing educational sanctions. The student is responsible for assumption of reasonable direct and administrative costs associated with accomplishing the sanction (i.e. assessments, educational materials, referrals, or educational course or remedial education). **Preponderance of the evidence** is one type of evidentiary standard used in burden of proof analysis. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.

3.101 Students who are found to be responsible for three policy violations within one academic year may be sanctioned with a hearing with the Judicial Board. and removal from the residence hall.

3.102 The Hall Director can refer a resident to the Judicial Board at any time, regardless of the number or nature of violations

3.103 The Hall Director and Resident Assistant staff may call campus police for assistance to deal with violations and disturbances whenever the situation warrants such action.

3.104 When a student has been found to be responsible for a violation of one or more of the following policies the following sanctions may be imposed:

3.200 **Violations and Consequences**

Note: Any Residence Life staff member has the right to call the police for any of the following violations if the situation warrants law enforcement attention. Students may be placed on hall probation for any alcohol violation should the circumstances warrant it. Cases may also be referred to the Judicial Council or the Associate Director of Housing and Residence Life when the severity warrants a more serious response.

When students are placed on probation, a letter will be sent to your parents/guardian notifying them that you are on probation and your housing is at risk. You are encouraged to contact them as well to discuss reasons for probation.

I. Visitation and Escort

Residents in each hall vote from a limited number of options to choose which visitation and escort policies they want for the academic year. This process will occur within the first few weeks of the fall semester. Contact your RA to find out when that meeting will take place.

If 75% of residents in a hall vote for 24-hour visitation for either weekends only or during the entire week, the residents of that hall may have 24-hour visitation privileges and may have guests stay with them on a given night with the approval and consent of roommate(s). Roommates have the right to deny any overnight guest on a particular evening whenever that guest has a negative impact on their sleep and/or study. An overnight guest is defined as any person who is not assigned to live in the room by the Housing and Residence Life Office. In cases where roommates cannot agree, the right of a person to occupy their room without the presence of an overnight guest shall take precedence over the right of a roommate to host overnight guests. All guests must abide by University and Residence Hall regulations.

To comply with escort requirements, the host must accompany the guest in hallways during escort hours. Students are responsible, at all times, for the activities occurring in their room as well as all behavior of their guests throughout the hall. The Housing and Residence Life Staff reserves the right to require any guest to leave at any time. **No guest may spend more than three nights or 72 hours in a seven-day period in a residence hall room.**

Codes and Consequences:

10) Presence of a guest in the visitation area for up to 15 minutes after the close of visitation.

First offense: Meeting with the Hall Director.

Second offense: Meeting with the Hall Director and an Educational Sanction.

11) Presence of a guest in the visitation area more than 15 minutes after the close of visitation.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction.

12) Failure of a student guest to be escorted, and/or appropriately checked in during escort policy hours

First offense: Meeting with the Hall Director.

Second offense: Meeting with the Hall Director and an Educational Sanction.

13) Failure to escort a guest, and/or appropriately check in a guest during escort policy hours

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction.

14) Presence of an unescorted non-student in the residence hall during escort hours.

First offense: Meeting with the Hall Director and/or referral to University Police.

15) Hosting a guest for more than three nights or 72 hours in a seven-day period.

First Offense: Meeting with the Hall Director

Second Offense: Meeting with the Hall Director and an Educational Sanction

II. Courtesy and Quiet Hours

Residents in each hall vote on which quiet hours policies they want for the academic year. More information on this process and on quiet hour options will be available at wing meetings. Doors should be closed and the hallways quiet during quiet hours. Courtesy hours are in effect at all times out of consideration for residents who have the right to study or sleep. During finals week these courtesy hours may have a different name for example, dead hours or extended quiet hours, and residents are still required to follow the courtesy hour policy in their residence hall. When a violation occurs in a particular room, all occupants of that room may receive a sanction.

Codes and Consequences:

20) Failure to observe courtesy or quiet hours.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction.

III. Alcoholic Beverages

An alcoholic beverage is defined as any container that contains, or did contain, alcohol in its original state (i.e. a sealed container). People who are not of legal drinking age (21 years) cannot possess and/or consume alcohol within the residence halls. Possession is defined as being in any environment with alcoholic containers, empty or full. Alcohol containers cannot be used for decorative purposes by underage residents even if the container has been empty of alcohol for an extended period of time.

1. Alcoholic beverages and containers can only be possessed and/or consumed in legal-age resident's rooms with the of-age resident present. If alcohol is being consumed by of-age residents, the hall door must be closed. In the event that one roommate is of legal drinking age and the other is not, alcohol may be present in the room. However, alcohol may only be possessed and/or consumed by the of-age roommate and their of-age guests. While alcohol is being consumed no underage guests may be in the room. In apartment-style housing (with kitchens), where at least one roommate is of-age, alcohol may be present in the common area of the apartment, but it may only be possessed and/or consumed by of-age students.

All alcoholic beverages going to and from individual rooms must be transported in sealed containers by of-age residents. Alcoholic beverages cannot be sold by students, regardless of age. Any alcoholic container exceeding one gallon (3.78 L) – kegs, boxes of wine, trash cans, etc. – is specifically prohibited in the residence halls

Codes and Consequences:

For these violations, Hall Directors have the option to find that a student did not violate this policy if it can be confirmed that the student just entered the room and did not have a chance to make a responsible decision.

30) Consumption of alcohol outside individual rooms.

First offense: Meeting with Hall Director and/or educational sanction.

Second offense: Meeting with Hall Director and educational sanction.

32A) Consumption of alcoholic beverages by an individual under the legal drinking age.

First offense: Meeting with Hall Director and completion of the alcohol education course with the option of additional sanction. The student will be assessed a fee - which covers the cost of and administration of the course. Should it be determined that the student was not choosing to drink, a peer education course may be assigned by HDs and a fee assessed for students.

Second offense: Meeting with Hall Director and referral to the Judicial Board, and if found responsible, may receive probation or may be referred to First Offenders Program and payment of applicable fees, or alcohol education course if not assigned in the first offense. Referral to the Judicial Board at the discretion of Hall Director.

Third offense: Referral to the Judicial Board.

32B) Possession of alcoholic beverages by an individual under the legal drinking age; being in any environment containing alcohol containers empty or full.

First offense: Meeting with Hall Director and completion of the PhD course assigned by HDs with the option of additional sanction. The student will be assessed a fee - which covers the cost of and administration of the course.

Second offense: Meeting with Hall Director and referral to the Judicial Board, and if found responsible, may receive probation or may be referred to Choices course and payment of applicable fees. Referral to the Judicial Board at the discretion of Hall Director.

Third offense: Referral to the Judicial Board.

33) *Alcohol consumption in the presence of underage guests (under-age roommates are not guests)*
First offense: Meeting with Hall Director and completion of the social responsibility course with the option of additional sanctioning.

Second offense: Meeting with the Hall Director and referral to the Judicial Board for sanctioning if found responsible.

Third offense: Referral to the Judicial Board

34) *Selling, dispensing, giving away, or facilitating the consumption of any intoxicating liquor to any underage person.*

First offense: Meeting with Hall Director, may receive probation and/or may be assigned an alcohol education course (with social responsibility). Student will pay a fee for the administration of the course.

Second offense: Referral to the Judicial Board.

35) *Possession of kegs, trash cans, boxes of wine, or other vessels exceeding one gallon (3.78 L) that contain alcoholic beverages such as wapituli.*

First offense: Meeting with Hall Director and completion of the alcohol education course with the option of additional sanction. The student will be assessed a fee - which covers the cost and administration of the course.

Second offense: Meeting with Hall Director, Referral to First Offenders Program and payment of applicable fees, or alcohol education course if not assigned in the first offense. Referral to the Judicial Board at the discretion of Hall Director.

Third offense: Referral to the Judicial Board.

37) *Detoxification* – Incapacitation is defined as a person who, as a result of the use of or withdrawal from alcohol or other drugs, who is unconscious or has their judgment impaired so that he/she is in jeopardy of harming self, others, or property.

Any offense: Referral to the Associate Director of Housing

38) *Alcohol Container Decoration* – Alcohol containers as stated in Policy III, Section 1 may not be used for decoration within the residence halls by underage residents.

First offense: Meeting with Hall Director and educational sanction.

Second offense: Referral to the Judicial Board.

IV. Disorderly Conduct, Sexual Assault and Harassment

Harassment is unwelcome physical, verbal, or visual conduct (including posted literature) that unreasonably interferes with an individual's living environment or creates an intimidating or hostile environment. Harassment directed at residents, resident assistants, or other Housing and Residence Life staff is subject to disciplinary sanction.

Behavior that is disruptive to the residence hall community and learning environment is subject to sanction. Disruptive behavior is defined as any behavior that interferes with another resident or residents' rights to socialize, study, or sleep.

No resident may engage in disorderly conduct which is defined as violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, in a residence hall or on lands adjacent to a residence hall. See UWS 18.06(30), Wis. Admin. Code.

Sexual assault on campus is described as any degree of sexual assault as defined by Wisconsin Statute 940.225, which is also outlined in the Blugold Code.

Codes and Consequences:

74) Behavior Disruptive to the Residence Hall and Learning Environment.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an educational Sanction, or referral to the Judicial Board at the discretion of Hall Director.

40) Disorderly Conduct (i.e., physical aggression).

First offense: Referral to Judicial Board or Associate Director of Housing.

Second offense: Referral to Judicial Board or Associate Director of Housing.

41) Sexual Assault

Referral to University Police (at the discretion of the victim) **and/or Associate Director of Housing and Residence Life.**

42) Stalking

Referral to University Police (at the discretion of the victim) **and/or Associate Director of Housing and Residence Life.**

43) Removal or defacement of posted materials.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

44) Verbal Abuse/Harassment.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

45) Fleeing the Scene.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

46) Failure to comply with a reasonable request from Housing and Residence Life Staff, including failure to present identification or presenting false identification

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

47) Violation of Substance Free Floor Contract

First offense: Meeting with the Hall Director and an Educational Sanction

Second offense: Meeting with the Hall Director and referral to the judicial board for at least sanctioning

Third offense: Referral to Judicial Board

48) Pets: The presence of dogs, cats, and other pets is prohibited in all University buildings at all times except as authorized by the Chancellor. Fish and mollusks are the only pets permitted in the residence halls, with a maximum tank capacity of up to ten (10) gallons per resident.

First offense: Meeting with the Hall Director.

Second offense: Meeting with the Hall Director and an Educational Sanction

49) Violations of Emotional Support Animal (ESA) policies (to maintain the safety and well-being of animals and residents):

First offense: Referral to Associate Director of Housing and Residence Life

V. Community Safety

Codes and Consequences:

50) Use of non-permitted appliances (including but not limited to toasters, frying pans, space heaters, hot plates, grills, waffle irons, George Forman grills, halogen lamps, appliances with open-heating elements, candle warmers, wax melters [scentsy], and plug-in air fresheners) in residence halls is prohibited. Appliances used to cook or heat food may only be used in designated kitchen areas (excluding microwaves and coffee pots). Note violation and sanction 64. Destruction of University Property applies additionally where applicable.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

51) Objects used to cast an open flame, included but not limited to incense and candles are prohibited in all residence halls. These objects are not allowed, even if used for the sole purpose of decoration.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

52) Items in the hallway (including but not limited to shower caddies, welcome mats, umbrellas, and boots) are prohibited.

First offense: Meeting with Hall Director and/or educational sanction.

Second offense: Meeting with Hall Director and an educational sanction.

53) Failure to leave a residence hall during a fire alarm.

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

54) Possession or use of fireworks.

Referral to University Police and Associate Director of Housing and Residence Life.

55) Misuse of fire alarms, fire extinguishers, fire hoses, or any fire-fighting equipment.

Referral to University Police and Associate Director of Housing and Residence Life.

56) Possession of Weapons

An objective of the residence halls is to ensure the safety of students living in these facilities. Therefore, possession of dangerous weapons of any kind (including, but not limited to firearms/guns of any type, illegal chemical sprays, swords, bow and arrows, illegal knives, and knives used to threaten and/or cause harm or whose primary purpose is that of a weapon), and ammunition are not permitted. All firearms, air guns, ammunition, bows and arrows, and swords must be stored with University Police unless an exemption is granted by the Office of Housing and Residence Life.

Referral to University Police and Associate Director of Housing and Residence Life.

Banned Recreational Items

57) To prevent damage to our facilities and the possibility of perceived danger, the following may not be possessed in the residence halls: Metal darts, toy guns that appear to be real firearms, and any device which shoots projectiles.

First offense: Meeting with Hall Director and/or educational sanction.

Second offense: Meeting with Hall Director and educational sanction.

58) *Propping of doors other than your room door and/or unauthorized use of an alarmed door.*

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

VI. Physical Environment

Codes and Consequences:

59) *Smoking, including cigarettes, electronic cigarettes, hookah pens, or any other inhalant device which creates smoke or vapor cannot be used anywhere other than designated smoking zones, as noted on the UWEC website.*

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

60) *Littering in residence halls or on University grounds.*

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

61) *Unauthorized possession of University property: includes cafeteria dishes and utensils*

First offense: Meeting with the Hall Director and an Educational Sanction.

Second offense: Meeting with the Hall Director and an Educational Sanction, or referral to Judicial Board at discretion of Hall Director.

62) *Removal of window screens (excluding damages).*

Each offense: Meeting with the Hall Director, a \$25 administrative service charge for inspection/safety check and an Educational Sanction.

64) *Destruction of University Property - Vandalism or destruction of private or university property including but not limited to wireless routers*

First offense: meeting with hall director, educational sanction, and restitution – for all sanctions

Second offense: meeting with the hall director, an education sanction, restitution, or referral to Judicial Board at discretion of Hall Director

65) *Unauthorized Posting: To prevent damage to our facilities and maintain a welcoming atmosphere in the Residence Halls, residents may not display anything outside of their room, on a balcony, or in a residence hall window*

First offense: Verbal Warning

Second offense: Meeting with Hall Director and/or educational sanction

VII. Other Behaviors Codes and Consequences:

70) *Inappropriate use of the bathroom (i.e. Use of gender inappropriate bathroom, Sexual activity, etc...).*

First offense: Meeting with Hall Director.

Second offense: Meeting with Hall Director and an Educational Sanction, or referral to Judicial Board at the discretion of the Hall Director.

71) *Theft.*

Each offense: Meeting with the Hall Director and referral to University Police and Associate Director of Housing and Residence Life.

72) *Use or possession of illegal drugs or drug paraphernalia.*

Referral to University Police and Associate Director of Housing and Residence Life.

73) *Failure to complete Hall Director and/or Judicial Board Sanctions.*

Referral to Judicial Board or Associate Director of Housing.

75) *Failure to make appointment with Hall Director within 24 hours of the incident report*

Referral to Judicial Board or Associate Director of Housing.

76) *Failure to keep conduct appointment with Hall Director.*

Referral to Judicial Board or Associate Director of Housing.

Unauthorized Hall Sports.

77) *"Hall Sports" is defined as unauthorized activities involving projectiles (balls, Frisbees, etc.), sticks (baseball bats, golf clubs, etc.), rackets, and/or miscellaneous sports equipment inside the Residence Halls.*

First Offense: Meeting with the Hall Director and an Educational Sanction.

Second Offense: Meeting with the Hall Director and an Educational Sanction, or referral to the Judicial Board at the discretion of the Hall Director.

VIII: Enhancements Codes and Consequences

80) *Bias Policy*

This addresses a policy violation that is motivated, in whole or in part, by the offender's bias against a victim. Bias will be deemed to be part of the consideration if it is motivated by protected statuses which include but are not limited to a real or perceived expression of age, race, religion, color, disability, sexual orientation, political affiliations, national origin or ancestry of a person. This policy may only be used if a violation is determined to have occurred without any consideration of bias and provides for the enhancement of the penalties applicable for the underlying policy violation. This policy may only be assigned in conjunction with other policy violations.

Any Offense: Violation of this policy will incur an increased sanction, generally one level above the standard sanction for the violation, and/or increased educational sanctions.

Note: When the Judicial Council is not active (primarily during breaks, summer, and the last week of each semester) cases will be referred to the Associate Director of Housing.

Section 4 – Fundamental Rights of Parties Involved

- 4.100 Fundamental Rights of the Resident
Under the University of Wisconsin-Eau Claire residence hall judicial system, persons accused of violation of rules and regulations of the University and/or residence halls are entitled to the following rights:
- 4.101 All students brought before the Judicial Board must receive a written notice of violation and hearing at least forty-eight (48) hours before the hearing. Included in the summons is a statement of their rights and the date/time/place of the hearing. A complete copy of the Judicial Code is available for review in the Housing and Residence Life Office.
- 4.102 All persons accused have the right to challenge any Board member for cause. All challenges must be made to the chairperson at the time of the hearing.
- 4.103 The resident may present witnesses pertinent to the case.
- 4.104 Through the chairperson, the resident may cross-examine witnesses and/or their accuser, but the resident may not have anyone else conduct the cross-examination for they/them.
- 4.105 The resident is entitled to a statement of violations.
- 4.106 The resident may ask for a postponement of continuance of the hearing for good cause. A request for postponement must be received by the chairperson at least twenty-four (24) hours before the scheduled hearing.
- 4.107 The resident is entitled to written notice of the committee's decision, including the explanation of its reasons for finding responsibility or innocence and in cases where a penalty is imposed, of the rationale for the severity of the sanction.
- 4.108 All hearings are closed to the public except under the following conditions:
a. Unless the resident requests and open hearing and it is approved by the chair.
b. At any time during a hearing, because of disorderly conduct by the public, the chairperson may ask for the remainder of the hearing to be closed or that any individual or individuals creating the disturbance leave the hearing room. The majority of the Board members must approve the action of the chairperson.
- 4.109 The resident is entitled to a prompt hearing.
- 4.200 Fundamental Rights of the Residence Life Staff Member
The Residence Life staff member shall be entitled to certain fundamental rights, including:
- 4.201 The Housing and Residence Life staff member must be informed of the Judicial Board hearing at which their case is being considered at least forty-eight (48) hours before the hearing.
- 4.202 The Housing and Residence Life staff member at the Judicial Board case has the right to counsel of their choice. However, the Housing and Residence Life staff members

counsel may not be present during the Board hearing because the Housing and Residence Life staff member must act on their own behalf.

- 4.203 The Housing and Residence Life staff member has the right to face and cross-examine witnesses who testify against they/them.
- 4.204 The Housing and Residence Life staff member shall have the right to challenge any Board member for good cause to the chairperson at the time of the hearing.
- 4.205 The Housing and Residence Life staff member may ask for a postponement or continuance of the hearing for good cause. A request for postponement must be received by the chairperson at least twenty-four (24) hours before the scheduled hearing.
- 4.206 The Housing and Residence Life staff member is entitled to notice of the Committee's decision, including explanation of its reasons for finding responsibility or innocence and in cases where a penalty is imposed, of the rationale for the severity of the sanction.
- 4.207 The Housing and Residence Life staff member may present witnesses pertinent to the case.

Section 5 – Procedures

5.100 Procedures Before the Judicial Board Hearing

- 5.101 The chairperson of the Judicial Board or their designee will present the following, either in person or by registered mail or receipted email to the resident at least forty-eight (48) hours before the hearing.
 - a. Notice of Violation and Hearing, stating the violations, the date, time, and place of the Hearing, and Notice of Rights.
- 5.102 The chairperson will draft the specific violation and prepare the Witness Summons by receipted e-mail.
- 5.103 One or more students may be named in a particular incident report.
- 5.104 Any challenges of Board members must be for good cause and must be presented to the chairperson at the time of the hearing (unless exceptional circumstances exist).
- 5.105 All challenges will be ruled on by the chairperson.
- 5.106 The chairperson shall summon all witnesses by receipted at least forty-eight (48) hours before the hearing.
- 5.107 The chairperson shall summon the Housing and Residence Life staff member.
- 5.108 The person filing the direct referral must be present at the hearing unless excused by the chairperson.
- 5.109 The chairperson shall notify Council members that they are to serve on the Board at least forty-eight (48) hours before the hearing. Composition of the Board is to be determined on a rotating schedule based on availability.

- 5.110 The Judicial Board retains the right to sanction for violated codes revealed during a case, if the student not met with their hall director prior to the hearing. In this situation, the new violation will be heard as a new case the following week, or immediately if the student agrees by signing a waiver of notice and allowing the board to hear all policy violations at one time.
- 5.200 Procedures at a Judicial Board Hearing
- 5.201 The Board members and the resident shall be introduced to one another, after which the chairperson shall read the statement of violations.
- 5.202 Any Board member who cannot hear the evidence fairly and objectively for any reason is obligated to dismiss themselves from the case.
- 5.203 A Board member must be recognized by the chairperson before directing any questions.
- 5.204 The resident shall plead either responsible or not responsible for any and/or all of the violations.
- 5.205 In the event that the resident pleads not responsible for any and/or all of the violations, all possible relevant evidence shall be obtained by the Board members through the questioning of the person filing violations, the resident, and any witnesses, and through the examination of any other source available.
- 5.206 If two or more students are accused in a single case, any one of them, or the Housing and Residence Life staff member, may request separation so that the case of one, or each of the residents, may be heard individually. This request must be made no later than twenty-four (24) hours before the scheduled hearing.
- 5.207 The Board may order separation at its discretion.
- 5.208 The chairperson has the responsibility of granting, or denying, a request for separation.
- 5.209 The Board's deliberation of a case shall not be recorded, nor shall minutes be taken.
- 5.210 The Judicial Board may consider mitigating circumstances and the prior record of the resident in determining sanctions for direct referrals, even if three months have passed. However, mitigating circumstances and prior record may not be considered in determining responsibility.
- 5.211 The chairperson is responsible for maintaining an orderly discussion throughout the hearing.
- 5.212 The chairperson is the presiding officer of the Board meeting.
- 5.213 The chairperson shall rule on the relevance and materiality of all questions from the Board member and the resident.
- 5.214 After an Initial hearing of all the evidence the Judicial Board shall go into a closed session to deliberate on all evidence and all persons except the Board members, chairperson, and secretary

shall be excused from the hearing room. After deliberation the Judicial Board will return to open session and shall state its conclusions as to facts, and formulate its recommendations.

- 5.215 A simple majority of those voting on the Judicial Board is required for a verdict, as well as, for the prescribed consequences.
- 5.216 Should the resident fail to appear at the hearing a *prima facie* case against they/them is made and s/he may be appropriately sanctioned as though s/he had presented their defense.
- 5.217 Whether the hearing is open or closed, witnesses should be kept outside the hearing room (at the discretion of the chairperson) when not being questioned.
- 5.218 Affidavits and written statements by absent witnesses shall not be admissible as evidence unless accepted by the Board for good cause. If accepted, the Board shall take into account the fact that cross-examination was impossible.
- 5.219 If written evidence is to be presented against the resident, s/he shall be allowed to see the actual signed statement before their hearing.
- 5.220 Unsigned statements shall not qualify as evidence.
- 5.221 Failure of the resident to cooperate may result in further disciplinary action.
- 5.222 Perjury by anyone before the Judicial Board may result in further disciplinary action.
- 5.223 The resident cannot be made to testify against themselves, and such silence may not be imputed as responsibility. However, their failure to introduce any evidence in their defense may leave the weight of evidence favoring responsibility.
- 5.224 A witness has the right to refuse to testify.
- 5.225 It should be remembered at all times that each case is different from all others. Each case should be decided on its own merits and handled accordingly.
- 5.226 Should a minority of the Board wish to file an exception to the finding of the majority, it may do so. Such a report should be attached to the case report.
- 5.300 Procedures after the Judicial Board Hearing
- 5.301 The chairperson or secretary shall draft a case report.
- 5.302 The secretary shall present copies of the case report to the Hall Director, the Judicial Council and to the Housing and Residence Life staff member.
- 5.303 The chairperson, with assistance from the residence hall staff, Student Services Office, and the Judicial Council, shall be responsible for seeing that the recommendation is enforced.
- 5.304 Records of the Judicial Council are accessible to the Judicial Council, Hall Directors, Housing Central Staff members, and the Vice Chancellor of Student Affairs and their designees.

Section 6 – Direct Referrals

- 6.100 Direct Referrals for Responsibility
A student Directly Referred to the Judicial Board for responsibility of an incident will have their case heard by the Judicial Board.
- 6.101 The Judicial Board in these referrals will decide on both the responsibility and sanctioning (if necessary) of the student referred in these cases.
- 6.102 During the sanctioning process, a student’s prior behavior in the Residence Halls will be considered.
- 6.200 Direct Referrals for Sanctioning
A student already found to be responsible for an incident by a Hall Director may still be Directly Referred to the Judicial Board for sanctioning.
- 6.201 In these hearings, the Judicial Board will make decisions on sanctioning alone.
- 6.202 If the student has appealed the Hall Director’s decision, then the case shall be treated as an Appeal.
- 6.203 During the sanctioning process, a student’s prior behavior in the Residence Halls will be considered.

Section 7 – Appeals

- 7.000 Appeals of Sanctions / Findings
- 7.100 Appeals of the Hall Director Sanction:
A resident who disagrees with the finding(s) and/or sanctions of the Hall Director has the right to appeal to the Judicial Board. All appeal requests must be completed using the appeal request form and be submitted within three (3) business days from the date of the Hall Director conference.
- 7.101 Appeals of the Judicial Board Findings:
A resident who disagrees with the finding(s) and/or sanctions of the Judicial Board has the right to appeal to the Director of Housing and Residence life for the purpose of an administrative review. This appeal must be submitted within three (3) business days from the date of the Judicial Board decision. The decision of the Director of Housing and Residence Life is final.

Section 8 – Election Processes for Chair and Secretary

- 8.100 Application Process
- a. Applications will be developed which contain selection and election time-lines, information on how to apply, a general information form, job descriptions, and reference forms.
 - b. Applications will be available by mid-March
 - c. Applications will be due no later than the five weeks prior to the last scheduled J-board hearing date.
 - d. Completed application packets will be distributed to J-Board Selection Committee members

for the final candidate selection.

8.101

Selection of Applicants

- a. A Selection Committee chair will be appointed within the first month of second semester classes. The Judicial Council Chair will hold this role unless s/he is running for the position again for the following year. In case where the present Chair is running again, the RHA president and Advisor(s) will appoint a Selection Committee Chair. The role of this person is to organize selection committee meetings and the election process. The Chair will have a vote in the selection process, but not in the overall election of the Chair and Secretary positions unless they are a member of the Judicial Council.
- b. The Selection Committee Chair will recruit a Hall Director, Resident Assistant, a RHA representative, and two J-board members to participate in the Selection Committee. All members will have one vote.
- c. The J-Board advisor(s) will participate in a non-voting role on the selection committee.
- d. The Selection Committee will be responsible for selecting 2-3 finalists for the Judicial Council Elections for each of the elected positions from the completed applications.
- e. Selected finalists will be given a minimum of four days to prepare for elections.

8.102

Elections will be completed at least two weeks prior to the last scheduled J-Board hearing date allowing newly elected officers to train for their roles. A minimum of six J-Board members and one to five RHA representatives must be present to complete an election process.

8.103

Election Process

- a. The J-board Chair will notify the RHA president at the beginning of the second semester what the date and time of the elections. Selected finalists will be notified by the Selection Committee Chair that they will be continuing into elections and will be given time and date that they will need to present to the board.
- b. Each candidate will be given 5 minutes to present and 5 minutes will be allowed for questions.
- c. After all candidates for a position have presented to the J-board, the board members will discuss the candidates and proceed with an election.
- d. Voting will be by ballot and a simple majority of members present will determine the winner.

8.104

In the event of an unexpected vacancy, the Chairperson shall have the ability to appoint a Secretary rather than holding an election if the Secretary is removed from their duties or resigns from their position anytime after October 1st of that academic year. This appointee must be approved by majority vote of the Judicial Board.

Section 9 – Ratification and Amendment

9.100

Ratification and Amendment

This Judicial Code may be amended by three-quarters (3/4) vote of those members of the Judicial Council currently in good standing.

9.101

All proposed amendments must be:

- a. Written out in formal style.
- b. Presented orally to the Judicial Council.

9.102

The procedure to be followed to amend the Judicial Code may also be as follows:

- a. A formal petition shall be presented in writing to the chairperson.
- b. The Judicial Council shall consider RHA input on all amendments.

Judicial Board Hearing Procedures - Summary

1. Announcement of case number, resident, and Residence Life staff member.
2. Chairperson rules on any special motions.
3. Introduction of Board members.
4. Hearing of any late challenges to Board members.
5. Statement of violation(s).
6. Plea of resident on each violation.
7. Resident enters their case.
8. Housing and Residence Life staff member enters their case.
9. Witnesses of the resident.
10. Witnesses of the Housing and Residence Life staff member.
11. Questioning by Board.
12. Questioning by resident and Residence Life staff member.
13. Closed deliberation by the Board.
14. Resident and Residence Life staff member return for announcement of decision.
15. Resident/Staff member given appeal right.

Office of Housing and Residence Life Violation Code Numbers

10. Presence of a guest in the visitation area for up to 15 minutes after the close of visitation.
11. Presence of a guest in the visitation area more than 15 minutes after the close of visitation.
12. Failure of a student guest to be escorted, and/or appropriately checked in during escort policy hours
13. Failure to escort a guest, and/or appropriately check in a guest during escort policy hours
14. Presence of an unescorted non-student in the residence hall during escort hours.
15. Hosting a guest more than two nights per 7 day period.
20. Failure to observe courtesy or quiet hours.
30. Consumption of alcohol outside individual rooms.
31. Alcohol consumption in the presence of underage guests
32. a. Consumption of alcoholic beverages by an individual under the legal drinking age.
32. b. Possession of alcoholic beverages by an individual under the legal drinking age.
33. Consumption/possession of alcoholic beverages by an individual under the legal drinking age.
34. Selling, dispensing, giving away, or facilitating consumption of intoxicating liquor to underage person.
35. Possession of kegs, trashcans, boxes of wine, or other vessels exceeding one gallon that contain alcohol.
36. Consumption or possession of alcoholic beverages by non-university guests.
37. Detoxification
38. Alcohol container decoration
40. Disorderly conduct.
41. Sexual Assault.
42. Stalking.
43. Removal or defacement of posted materials.
44. Verbal abuse or harassment.
45. Fleeing the scene.
46. Failure to comply with a reasonable request from Housing and Residence Life Staff, including failure to present identification or presenting false identification
47. Violation of Substance Free Floor Contract
48. Pets in Halls
49. Violation of ESA policies
50. Use of non-permitted appliances
51. Open flames of any kind, including candles and incense.
52. Items in Hallway
53. Failure to leave a residence hall during a fire alarm.
54. Possession or use of fireworks.
55. Misuse of fire alarms, fire extinguishers, fire hoses, or any fire-fighting equipment.
56. Possession of Weapons.
57. Banned Recreational Items.
58. Propping of Doors.
59. Smoking/Vaping.
60. Littering in residence halls or on University grounds.
61. Unauthorized possession of University property.
62. Removal of window screens (excluding damages).
64. Vandalism or destruction of private or university property.
65. Unauthorized posting.
70. Inappropriate use of the bathroom.
71. Theft.
72. Use or possession of illegal drugs.
73. Failure to complete Hall Director and/or Judicial Board Sanctions.
74. Behavior disruptive to the residence hall learning environment.
75. Failure to make appointment with Hall Director within 24 hours of the incident report.
76. Failure to keep conduct appointment with Hall Director.
77. Hall Sports.
80. Bias Policy

The link to create IRs is:

<https://publicdocs.maxient.com/incidentreport.php?UnivofWisconsinEauClaire>

The link to complete an appeal is:

<http://www.uwec.edu/Housing/programs/jboard.htm>

The link to refer a case directly to the Judicial Council is:

<http://www.uwec.edu/Housing/programs/jboard.htm>