

# **Residence Hall Judicial Code**

## **RESIDENCE HALL JUDICIAL CODE UNIVERSITY OF WISCONSIN-EAU CLAIRE**

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... Annually Revised

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

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**JUDICIAL BOARD HEARING PROCEDURES**





(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



2.500



- 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.



### **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.

*31) 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

*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.

**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

#### **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

*47) Violation of Substance Free Floor Contract*  
**First offense**

*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.**

*57) Banned Recreational Items*

To prevent damage to our facilities and the possibility of perceived danger, the following may not be possessed in the residence halls:

*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.

*63) Smoking/Vaping*

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**



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.

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

**Referral to Judicial Board**

- 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 rationis i

## 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

- 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



- 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**

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

## **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.





**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>