

Residence Dean's Handling of a 2012-2013 Residence Agreement Issue – A 2013 Violation of Student Rights

A central problem identified by the Case Study in the 2011 handling of cases by the Office of Judicial Affairs was the attitude toward witnesses. In the initial communication, charged students were told they could not contact witnesses, essentially precluding them from defending themselves. Then, when they identified percipient witnesses, every effort was made to preclude the trier of fact from hearing what they had to say.

In 2012-2013, a similar situation arose in a case handled by a Stanford Residence Dean. This case involved Michelle Voigt, the Residence Dean for the Row and related houses. This incident involved a physical altercation at a residence between two individuals, one associated with the residence and the other a guest who had come to a party at the residence.

The guest actually self-reported the incident to Row Dean Voigt within approximately two days of the incident. When she finally investigated the matter, weeks later, Voigt initially told the student *he was precluded from speaking to any witnesses*. While she did this verbally, it was the exact same communication the Office of Judicial Affairs has put in writing.

As a result, the student, believing Voigt, did not contact any witnesses to assist him. About two months later, Dean Voigt told the student he was being kicked out of Stanford housing for a year, claiming he had violated his housing agreement with Stanford.

The student was stunned. He knew of at least three percipient witnesses to the incident, and knew none of them had been contacted by Voigt. He raised this issue with her. Belatedly, after she had already made her decision, Voigt said she would talk to the three witnesses. The student provided the names. One was his girlfriend who attended Stanford; the other two were students at Pepperdine University and Loyola Marymount.

Voigt then emailed the student, telling him she would not speak with any of his percipient witnesses. One was his girlfriend and she believed the girlfriend would be biased. With respect to the other students, she stated they were not Stanford students and therefore, had “no stake” in the matter.

Voigt failed to interview the three percipient witnesses. She reaffirmed the decision she had already made. He was kicked off campus for a year.

The student wanted to appeal. He retained an attorney and successfully overturned Dean Voigt's one-year housing ban. Had he been banned, the student would have been precluded from living or eating in his residence, attending meetings at his residence, or attending social or other events at other residences. It would have had a dramatic impact on his junior and senior years at Stanford.

The University Counsel's Office, consistent with how they handled the issues in the Case Study, communicated that Stanford “preferred” that students not retain attorneys in these matters.

However, once properly advised by his private attorney, the student learned he was able to contact witnesses and that it was his absolute right. Michelle Voigt had deprived him of this right. Within a week, he had contacted and obtained declarations from *over 60 witnesses*, all of whom provided assistance to overturning Dean Voigt's decision.

Included in the 60 witnesses were the three percipient witnesses Voigt had refused to interview. Additionally, all of the students at the house where the incident occurred supported the student's appeal. The student had been unable to contact them previously because of Dean Voigt's directive.

During this process, the charged student uncovered an internal email prepared by Dean Voigt after learning of the student's three percipient witnesses, including the students from Pepperdine University and Loyola Marymount University. In justifying her refusal to speak with these two students, Dean Voigt wrote:

“I indicated [to the student] that students not at Stanford would not have a stake in this situation, and *no reason to tell the truth.*”
[Emphasis added]

This case raises serious student due process issues that are consistent with what was observed in the case described in the Case Study:

1. The students were discouraged from retaining counsel.
2. They were told they could not talk to witnesses.
3. They were precluded from having their witnesses heard.

In this case, *because the student received adequate representation*, he was able to ultimately overcome what appears to be intentional interference with his rights by the Residence Dean.

The Residence Dean who states that non-Stanford students have no reason to tell the truth has apparently not been disciplined as a result of her conduct. When the student was perceived to have violated a rule, Dean Voigt was willing to turn his life upside down by kicking him off campus for a year. Dean Voigt violated the student's rights, but was not even placed on a 30-day suspension.