

2017 CAB Case Study

University Police officers responded to a loud party occurring in a University residence hall. As the Police and Housing staff arrived, 15 students were observed in the common room of the suite. All of the individuals appeared to have consumed alcohol considering the various signs of intoxication observed, blood shot eyes and unsteady walking. 10 of the 15 students were under the legal drinking age. 45 blue solo cups and 25 empty beer bottles were counted in the room.

The Police heard a noise coming from bedroom #####. Officers Smith and Rogers knocked, identified themselves as officers, and waited for about two minutes before being allowed to enter. A strong smell of marijuana is immediately noticeable along with an open window with a fan blowing out. The officers received consent to search the room by the occupants. Home-made paraphernalia were viewed on the far left desk; one half-full beer bottle and a small amount of marijuana located in the window sill. There were four students in this back room; two were residents of the suite but only one was assigned to the room. Police cited the individual assigned to that room with possession of drug paraphernalia, possession of drugs, and illegal possession of alcohol however the three other occupants of that room were not criminally cited.

Stephen is one of the 3 students the Police chose not to cite. You are a Community Adjudication Board member that will hear Stephen's incident today. Stephen has been charged with the following violations of the Code of Student Conduct by the University:

1. Possession, use, manufacture, distribution, or sale of alcohol in violation of university policy or law, impairment which can be attributed to the use of alcohol, possession of alcoholic beverages in designated "dry areas", or other violation of the University Alcohol Policy;
2. Possession, use, distribution, manufacture, or sale of drugs, narcotics, chemicals and/or drug paraphernalia in violation of university policy or law, or other violation of the University Drug Policy;

Stephen admits to being present, but states that he has smoked marijuana off campus earlier in the day, but was not smoking when the officer arrived to the room. Citing his 'Constitutional rights', Stephen refuses to acknowledge whether anyone else in the room was smoking marijuana, or had the intent to smoke. Stephen states that all he knows is that he was not smoking at the time the Police knocked on the door; he and his partner were just in the room because it was a private place.

Using any available resources, including the Code of Student Conduct and the Alcohol & Drug Policy, please arrive prepared to discuss your decision in this case at your interview. Your answer should include if the student could be found responsible or not responsible for each of the above violations, your rationale for your decision and, if applicable, the sanctions you would recommend in this case.