

Nineteenth Report of Student Discipline

SUMMARY OF
NON-ACADEMIC STUDENT DISCIPLINARY COMPLAINTS
RESOLVED BY
THE OFFICE OF THE DEAN OF STUDENTS
AND THE DEPARTMENT OF UNIVERSITY HOUSING & DINING

**2012-13
ACADEMIC YEAR**

Prepared by

*Kieran Leopold
Student Conduct Officer*

*Nikki Hodous
Student Conduct Officer*

*Thomas Baker
Associate Dean of Students
& Director, Student Conduct Office*

*Angela Reams
Assistant to the Dean for
Student Care Initiatives*

*Pamela Krogmeier
Office Coordinator*

*The University of Iowa
Student Conduct Office
135 Iowa Memorial Union
(319) 335-1162
<http://dos.uiowa.edu>*

Table of Contents

INTRODUCTION 2

EXECUTIVE SUMMARY3

I. A SUMMARY AND ANALYSIS OF NON-ACADEMIC MISCONDUCT COMPLAINTS RECEIVED BY THE DEAN OF STUDENTS AND THE DISPOSITION OF THOSE CASE4

II. COMPLAINTS ACCUSING STUDENT ORGANIZATIONS RECOGNIZED BY THE UNIVERSITY10

III. DISCIPLINARY COMPLAINTS RESOLVED BY THE DEPARTMENT OF HOUSING & DINING10

IV. LETTERS OF REFERENCE12

V. CRITICAL MASS12

Dr. David Grady, Associate Vice President & Dean of Students, is responsible for administering the Code of Student Life and the Student Judicial Procedure. Thomas R. Baker, the Associate Dean of Students, directs the Student Conduct Office within the Dean of Students’ Office (DOS). Mr. Baker manages the caseload of complaints from day to day and makes recommendations to the Dean of Students regarding the disposition of complaints filed against students. Mr. Kieran Leopold, a Student Conduct Officer for the SCO, interviews students accused of misconduct and resolves minor complaints on behalf of the Associate Dean. Ms. Nikki Hodous, another Student Conduct Officer, investigates complaints and coordinates counseling referrals. All three SCO investigators have the authority to adjudicate non-suspension complaints and represent the University at formal suspension hearings.

Ms. Angie Reams manages student care initiatives, specifically assisting students in crisis and emergency situations, and coordinates the Critical MASS Program. Ms. Pam Krogmeier, DOS administrative coordinator, provides general assistance to DOS and SCO office staff. The Office of the Dean of Students and the Student Conduct Office are both located in 135 Iowa Memorial Union, telephone number 335-1162. In cases involving sexual misconduct, victims are encouraged to contact Ms. Monique DiCarlo, the Sexual Misconduct Response Coordinator for the campus, at 335-6200.

To access the current version of the Code of Student Life and Judicial Procedure for Alleged Violations of the Code of Student Life, go to <http://dos.uiowa.edu/policies/>.

EXECUTIVE SUMMARY OF THE NINETEENTH REPORT ON STUDENT DISCIPLINE

- The 2012-13 academic year (AY) represented the third year of off-campus student conduct jurisdiction. Compared to the previous year, AY 2012-13 was noteworthy for the decreased number of complaints of public intoxication, illegal drugs, and drunk driving (OWI) investigated by the Student Conduct Office (SCO). As a result of the decline, the total number of cases dipped from 1,347 to 1,148 from AY 2011-12 to AY 2012-13.
- Eighteen complaints alleging sexual misconduct were received during the period June 1, 2012 to June 1, 2013. In total, 27 reports of student sexual misconduct were investigated by the SCO or by the EOD. Ten students were accused of unwanted physical contact of a sexual nature while seven students were accused of non-physical sexual harassment. In addition, six cases of domestic abuse (i.e., non-sexual harassment) and one case of stalking were investigated.
- Many of the students accused of sexual harassment, dating violence, or sexual assault denied the allegations. As a result, SCO staff spent considerable time investigating the several reports of a sexual nature. Due to lack of compelling evidence, ten complaints were dismissed with no sanctions imposed. When the accused student was found responsible, sanctions were imposed. In one case, a student was suspended for one year. In another case, an individual who had applied to transfer to the University was not admitted because his actions violated the sexual misconduct policy. In five cases, a student facing a sexual misconduct investigation withdrew from the University. Probation was imposed in nine cases.
- Four students were suspended during AY 2012-13 for non-academic misconduct. The type of misconduct that led to suspension included sexual misconduct, violent threats made against a roommate, and public intoxication. Both public intoxication suspensions involved students on probation for a prior offense.
- Alcohol-related campus health emergencies leveled off in AY 2012-13 compared to the previous year. SCO staff spoke with 52 students transported to a hospital emergency room in Iowa City following a binge of excessive alcohol consumption.
- The Critical Mentoring and Student Support program (aka Critical MASS) successfully completed its third year of operation. The program connects students with alcohol and drug violations with a supportive staff, faculty, or graduate student member. All total, 170 students completed the CMASS program in AY 2012-13, mentored by one of 174 volunteer faculty and staff members. By comparison, 164 students completed CMASS the previous year (AY 2011-12).
- Several complaints revealed that student organization rules had been violated. In ten cases investigated during AY 2012-13, the Dean of Students met with representatives of a student organization recognized by the University. Violations were found in six cases (with one case still pending.) Sanctions imposed on the student organizations ranged from written reprimand to loss of University recognition. One organization lost its recognition in AY 2012-13.

NOTE: The following pages contain summary information about student disciplinary complaints resolved by the Office of the Dean of Students or by University Housing. Because disciplinary complaints are education record information protected by federal law, personally identifiable information contained in non-academic student disciplinary files is not released to the public as general practice. Individual students are not identified in this report, and information is presented in such a manner as to insure confidentiality of the parties.

I. A SUMMARY AND ANALYSIS OF NON-ACADEMIC MISCONDUCT COMPLAINTS RECEIVED BY THE DEAN OF STUDENTS AND THE DISPOSITION OF THOSE CASES

Between June 1, 2012 and June 1, 2013, the Student Conduct Office (SCO) investigated 1,148 reports accusing a student of non-academic misconduct. Some students were involved in more than one infraction. Compared to the previous year’s total, the caseload in AY 2012-13 decreased by 15%. As explained in the text that follows, a decline in the number of police charges largely accounted for the decreased. The number of cases investigated by the University Housing & Dining Department also [declined] slightly from the previous year. The summary of complaints resolved by Housing staff members staff without referral to the SCO is provided in Part IV of this report.

Men represented a disproportionate share of the SCO caseload in AY 2012-13. Of the 1,148 cases investigated by SCO staff during AY 2012-13, 71% of the complaints accused a male student, very similar percent in AY 2011-12 (70%). Female students were named in 300 complaints investigated in 2012-13, or 29% of the cases.

Off-campus complaints derived primarily from charges filed in court by the University of Iowa Police (UIPD). Criminal charges filed by the Iowa City Police Department (ICPD) also generated a significant number of disciplinary investigations. Because of limited staff resources, not every police complaint was investigated by SCO. Consistent with the previous year’s practice, SCO staff in AY 2012-13 investigated Public Intoxication and Possession of Alcohol Under Legal Age (PAULA) complaints filed by police in Iowa City in addition to other types of complaints. The potential caseload might have exceeded 1,600 cases had SCO staff investigated every UIPD and ICPD complaint. The following categories of criminal offense were not investigated unless the charge was filed in conjunction with another charge (such as Public Intoxication or PAULA):

For Disorderly House charges, which represent off-campus noise violations, SCO staff followed a two-step practice. For the first offense of Disorderly House, SCO staff issued a Policy Reminder letter warning the students of a possible SCO investigation in the event of a subsequent violation. A second Disorderly House charge resulted in a Code of Student Life investigation of both incidents.

SOURCE OF COMPLAINTS INVESTIGATED BY S.C.O. STAFF

COMPLAINT SOURCE	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>
University Police Report	58%	50%	48%
Iowa City Police Report	39%	46%	44%
Residence Hall Report	2%	2%	3%
Student Complaint	1%	1%	1%
Faculty/TA Complaint	1%	0%	0%
Staff Complaint	0%	1%	1%
Other Source	0%	1%	1%
ITS (Information Technology)	0%	0%	0%

As in previous years, officers from the University Police witnessed the majority of complaints investigated by the Office of the Dean of Students. Although the total number of complaints declined, the proportion of complaints received from University Police and Iowa City Police remained fairly consistent compared to AY 2011-12.

Non-police complainants came from Residence hall staff, faculty, students, and teaching assistants. In AY 2012-13, the number of residence hall complaints investigated SCO showed a slight increase. Consistent with previous SCO experience, the percentage of non-police complaints remained small (7%) relative to the number of police complaints (93%).

Of the 24 non-academic misconduct regulations listed in the Code of Student Life, 21 were allegedly violated at some point during AY 2012-13. Alcohol-related misconduct (Rules 16 & 17) was the most common category of misconduct investigated by SCO. In the Residence Halls, alcohol was also the most frequent violation reported (see Section IV). The figures included in Table B below do not include Residence Hall violations except for Residence Hall cases referred to the Student Conduct Office.

Of the 1,148 cases investigated by the Student Conduct Office in AY 2012-13, criminal charges were filed in 937 cases (Rule 20). The most common alcohol violation was Possession of Alcohol Under Legal Age (PAULA) followed by Public Intoxication and Operating a Motor Vehicle While Intoxicated (OWI). In a minority of cases, the defendant was charged with an illegal drug offense (such as possession of marijuana). In a small number of cases, a student was charged with illegal drug distribution. SCO also investigated 27 complaints of sexual misconduct in AY 2012-13.

The figures displayed in Table B represent the totality of possible rule violations investigated by SCO in AY 2012-13. Because most cases involved multiple charges (i.e., Rules 16 & 20 in a PAULA case), the total number of charges far exceeds the number of cases investigated. Eighty-two percent of students accused of misconduct were charged with violating Rule 20, the regulation which obligates students to observe criminal laws in Johnson County.

CHARGES

Conduct Code Rule Allegedly Violated	2011-12 AY	2012-13 AY
D.02 Collusion: Assisting Another Student to Violate the	0	0
D.03 Providing False Information to UI Faculty/Staff	2	1
D.04 Bribery: Inappropriately offering favors to UI	0	0
D.05 Failure to Comply with a University Directive	12	19
D.06 Disruption of University Activities	6	6
D.07 Protests/Demonstrations Inside University Buildings	0	0
D.08 Disruption of the Instructional Setting	7	1
D.09 Fire Alarm Tampering/Improper Activation	0	1
D.10 Trespassing/Unauthorized Entry of UI Property	6	11
D.11 Disrupting the Student Judicial Procedures	0	4
D.12 Health/Safety Threat to University Community	221	145
D.13 Violation of University Policy	104	156
Subset: Sexual Misconduct Complaints	17	27
D.14 Misuse of IT Resources	4	4
D. 15 Use or Possession of Weapons	1	1

D.16 Illegal Use or Possession of Alcohol	937	774
D.17 Impermissible Use or Possession of Alcohol	139	81
D.18 Illegal Use or Possession of Drugs	120	91
D.19 Impermissible Use or Possession of Drugs	65	9
D.20 Criminal Conduct	1163	937
D.21 Theft/Vandalism	21	11
D.22 Setting fires on campus without proper authority	0	1
D.23 Assault/Harassment	60	22
D.24 Hazing	2	2
D.25 Unauthorized Audio/Video Recording of Another	2	2

NOTE: Because most cases involved multiple charges, the total number of charges far exceeds the number of cases investigated.

NOTE: Academic misconduct complaints (Rule 1) were resolved by the dean of the college in which the complaint originated. Because cheating and plagiarism cases are not handled by the Student Conduct Office, Table B does not include the number of academic misconduct complaints.

ACADEMIC STATUS OF RESPONDENTS

	ACADEMIC PROFILE OF U OF IA STUDENT BODY (FALL, 2012)	PERCENT OF DISCIPLINARY CASES (2012-13)
UNDERGRADUATES		
First-years	18%	34%
Sophomores	15%	26%
Juniors	17%	21%
Seniors	18%	13%
Unclassified	2%	1%
GRADUATE/PROFESSIONAL STUDENTS		
Prof. Colleges (L, M, P, S & D)	13%	0%
Other Graduates (G)	17%	3%

Analyzing the caseload by academic status shows that first-year students made up one-third of the 1,148 cases investigated by SCO in AY 2012-13 (TABLE C). Although the great majority of students named in disciplinary complaints were undergraduates (97% of the caseload), the percentage of all undergraduates accused of misconduct actually represented five percent of all undergraduates. Of the 21,999 UI undergraduates enrolled in the fall 2012 semester, 5.0% met with the SCO to discuss a disciplinary complaint. For the cohort of first-year students, the percentage charged by SCO fell to 7.0% compared to 10.0% in AY 2011-12.

Misconduct cases investigated by the SCO in AY 2012-13 were assigned to one of the SCO judicial administrators for investigation. The accused student's prior record and the severity of the allegations determined which

administrator was assigned the case. The Dean of Students interviewed students under consideration for possible suspension from the University. Second-time offenders spoke to the Associate Dean of Students or the Student Conduct Officer if they were not under consideration for suspension. In a few cases, the Dean of Students assigned an outside investigator to the case.

The vast majority of cases not dismissed resulted in non-suspension sanctions. In 952 cases resolved in AY 2012-13, the judicial administrator imposed a sanction such as probation or disciplinary warning. In only three SCO cases did the student accused of misconduct appeal the judicial administrator's finding of guilt or the sanction. Appeal outcomes are discussed below in Section H.

Under the Student Judicial Procedure, a student facing a possible University suspension is provided with a formal evidentiary hearing when the allegations are disputed. If the student is found responsible for the alleged misconduct by the administrative hearing officer, the Dean of Students issues the sanction decision after reading the hearing officer's findings of fact.

In AY 2012-13, 64 cases were assigned to the suspension track. Several students were accused of selling illegal drugs and several others were accused of assault and/or harassment. In several cases, a student facing a possible suspension had a prior violation on his/her record (i.e., he/she had earlier been warned or placed on probation).

Criminal charges made up a majority of the 64 cases referred to the Dean of Students for possible suspension. In most cases where criminal charges were filed, the Dean of Students waited until the criminal charges had been resolved in court before resolving the Code of Student Life complaint. In several of the cases, the original charge was dismissed in court. In a number of cases, the accused student pleaded guilty to a lesser charge. In some cases, such as drug distribution, the outcome of the case in court affected the dean's decision to suspend or not suspend the accused student.

FORM OF RESOLUTION

FORM OF RESOLUTION CASES RESOLVED:	2012-13 AY CASES
Case Dismissed by Investigator (no sanctions)	198
Sanctions Imposed by Investigator/DOS	923
Suspension Hearing before Hearing Officer	4
Cases Not Resolved	115

As of June 1, 2013, a total of 115 cases investigated by SCO could not be resolved for one of the following reasons: the incident took place during finals week; the individual accused of misconduct had withdrawn from the University; court charges were currently pending; or the student elected not to re-enroll. To facilitate a prompt resolution of the complaint at the time of re-enrollment, SCO staff placed a restriction on the former student's University record. Permission from the Dean of Students is required to re-register.

The several cases referred to the SCO at the end of the spring semester were scheduled to be resolved in August when the students returned to Iowa City for fall semester classes.

FORMAL HEARINGS & APPEALS

The pool of administrative hearing officers includes several local attorneys. Judi Whetstine, a private attorney in Cedar Rapids, has worked several student disciplinary cases since 2009. Dave Baker and Linda Newman, both of whom are Adjunct Lecturers at the UI College of Law, have adjudicated cases since 2010.

During AY 2012-13, no formal suspension hearings were held. Several students suspended from the University were offered a hearing opportunity if they disputed the allegations, but in each case the student facing suspension elected to withdraw his/her registration or not dispute the charges.

According to the Student Judicial Procedure, the accused student has the option to appeal the sanction decision. The person who filed the complaint also has the opportunity to appeal. In one instance during AY 2012-13, a student suspended for sexual misconduct did not contest the allegations. No hearing was held but the matter was appealed. Appeals in suspension cases are reviewed by the Office of the Provost. On appeal, the Associate Provost imposed a one-year suspension.

Six non-suspension cases resolved by SCO were appealed in AY 2012-13. None of the appeals involved a student suspended from the University. According to the Student Judicial Procedure, the Vice President for Student Life reviews appeals filed by students sanctioned by an SCO judicial administrator but not suspended. On appeal, the Vice President upheld the judicial administrator's decision in all six cases.

SANCTIONS

Status sanctions recommended by the SCO staff in AY 2012-13 ranged from disciplinary warnings to suspension from the University. In determining an appropriate sanction, the investigator assigned to the case took into account the nature of the misconduct and the offender's disciplinary history. In those cases involving alcohol or illegal drugs, the judicial administrator followed the minimum sanction policy spelled out in the Student Judicial Procedure

Of the 1,149 cases resolved by the SCO in AY 2012-13, a status sanction was imposed in 62% (710) of the cases. The least severe sanction – Disciplinary Reprimand – was the most commonly imposed sanction. For students placed on probation, the probation period typically expired at the end of the academic year (i.e., June 1) for fall semester violations. Spring semester violators placed on probation resumed their good standing at the conclusion of the calendar year (January 1) so long as they did not commit a subsequent infraction.

STATUS SANCTIONS IMPOSED

STATUS SANCTIONS IMPOSED	2012-13
Disciplinary Reprimand	455
Probation	251
University Suspension	4
Expulsion	0

In all four suspension cases, the accused students admitted to the allegations. Two of the four cases resulting in suspensions involved students placed on probation for a prior offense. In both cases, a public intoxication offense took place after the student was placed on probation. Both suspensions remained in effect for one full semester. A third student was suspended for threatening to kill her roommate. Because the student did not re-

enroll, the length of the suspension had not been determined. In the fourth case, a student committed sexual misconduct. On appeal, a one-year suspension was imposed.

In many cases resolved in AY 2012-13, an educational sanction was imposed in addition to a status sanction. For example, substance abuse counseling was recommended along with a reprimand or probation in a number of cases. During the course of the academic year, several hundred students were referred to a substance abuse program, usually at Student Health.

ADDITIONAL SANCTIONS APPLIED WHEN RESOLVING CASES

2012-13 AY CASES

COUNSELING SANCTIONS:

Substance Abuse Counseling	349
Personal Counseling (Univ. Counseling Service)	25
Special Referral	19
Refrain from Mood Altering Substances	4

EDUCATIONAL SANCTIONS:

Critical MASS Mentoring (see Section V below)	177
Letter of Apology/Explanation	0
Restitution	2
Reflection Paper	0
Transfer Plan	21

NON-EDUCATIONAL SANCTIONS:

No-Contact Order Remains in Effect	8
Building Prohibition Order	8
Campus Prohibition Order	0
Additional Step Warning	1
Athletic Event Restrictions	0
Co-Curricular Activity Requirement	23
Residence Hall Room Transfer	1
Housing Contract Cancellation	7
Monthly Meeting with SCO Staff Member	27
Grade Point Average Expectations	2
Responsible Action Protocol	1

II. COMPLAINTS ACCUSING STUDENT ORGANIZATIONS RECOGNIZED BY THE UNIVERSITY

The Dean of Students investigated ten reports during AY 2012-13 involving student organizations recognized by the University. All but one of the accused organizations was an undergraduate Greek-letter social fraternity or sorority. The non-Greek organization accused of misconduct was a collective group of students seeking election to student government.

Four of the incidents investigated by DOS involved alcohol consumption. Two of the organizations under investigated had had a prior violation. On one occasion, organization members provided alcohol at a private residence immediately following a chapter ceremony that led to a new member being transported to the hospital for emergency de-tox. In two other instances, students under the legal drinking age consumed alcohol at a chapter house. In two other instances, chapter leaders were accused of hazing. In one hazing case, the chapter was found not responsible. In the other case, the Dean of Students issued a deferred judgment.

Altogether, the dean's investigation confirmed that violations occurred in six of the ten cases. Sanctions imposed on the six organizations ranged from disciplinary warning to loss of charter. Educational sanctions were imposed in several cases, and several organizations had their social privileges restricted. None of the sanctions were appealed. In one instance, the university terminated the organization's recognition after the chapter's Supreme Council suspended the local chapter's charter.

III. DISCIPLINARY COMPLAINTS RESOLVED BY THE DEPARTMENT OF UNIVERSITY HOUSING & DINING

TOTAL CASELOAD	AY 2011-12	AY 2012-13
SANCTIONS IMPOSED	861	749
CASES DEFERRED/DISMISSED	684	860

The most commonly imposed sanction was a Disciplinary Reprimand or Warning Letter. Nineteen residents had their Housing & Dining contracts canceled during AY 2012-13. Seven of the Housing cancellations were imposed by the Student Conduct Office (SCO) staff. Twelve were canceled by Housing & Dining.

STATUS SANCTIONS APPLIED IN HOUSING CASES	AY 2012-13
Disciplinary Warnings	296
Disciplinary Reprimand	318
Disciplinary Probation	66
Building Transfer/Probation	4
Housing Contract Cancellation in Abeyance	22
Housing Contract Cancellation	12
TOTAL CASES WHERE STATUS SANCTIONS WERE IMPOSED BY HOUSING STAFF	718

EDUCATIONAL SANCTIONS APPLIED IN HOUSING CASES	AY 2012-13
---	-----------------------

Substance Abuse Program:	
at Student Health	211
Online	108
Bystander Course	90
Monetary Restitution (non-fine)	36
Community Service Work	0
Apology	19
Counseling (UCS)	8
Research Essay/Reflection Paper	13
Present Floor Program	0
Critical Mass	4
Other Educational Sanction	97

NON-EDUCATIONAL SANCTIONS	AY 2012-13
--------------------------------------	-----------------------

Monetary Fines	326
Building Prohibition Order	0
No-Contact Order	5

IV. LETTERS OF REFERENCE

The Office of the Dean of Students provides a number of services to students in addition to resolving disciplinary complaints. Reference letters or verification forms signed by the Dean are required in a number of situations, including transfer outs and federal employment applications. Although it is not a universal practice, some institutions require a signed reference letter before they will consider a transfer application from a UI student. In addition, every UI student who applies to enroll in Study Abroad through the UI Study Abroad office is screened to ensure the applicants are in good standing. The Semester at Sea program also requires a signed verification form. Two medical colleges in the Midwest require a reference letter from every applicant. DOS also processes forms for law students and former law students applying to take a bar exam in another state.

Just as a UI student must submit to a background check as part of the transfer application process at some institutions, the UI Office of Admissions asks every incoming transfer applicant if he or she was ever sanctioned by their previous institution for violating disciplinary rules. DOS works with the Office of Admissions in processing the “yes” applications.

V. Critical MASS

Program Design

The Office of the Dean of Students Critical Mentoring and Student Support Program (Critical MASS) strives to increase student success at The University of Iowa by connecting students found responsible for violating the Code of Student Life (alcohol or drug violations) with a supportive staff, faculty member, or graduate student. These trained staff and faculty members use Motivational Interviewing principles, program expectations, campus resources, and a referral process to aid their students. The Motivational Interviewing theoretical framework encourages the student to change their behavior and engage in positive opportunities for growth and development.

The Critical MASS program’s four goals are to:

- Provide a connection between referred students and a knowledgeable, caring faculty or staff member.
- Create a “check-in” system to increase accountability for personal behavior on the student’s part.
- Implement an early intervention system to facilitate referrals for academic and other support services.
- Reduce recidivism rates for alcohol or drug violations.

In order to meet the program goals, a student (mentee) is paired with a staff, faculty member, or graduate student (mentor), whom they meet with an average of four times over a semester. During the one-on-one meetings, the mentee and mentor develop a relationship which focuses on: student engagement, healthy choices, academic success, examination of social situations from different perspectives, and student success at Iowa.

Personalized matching was once again used during the 2012-2013 academic year. Mentors and mentees completed interest forms and were matched based on personal, academic, or professional interests. Intentional matching allowed for the mentor and mentee to increase the likelihood of a positive initial encounter.

To access the most recent CMASS report and data, <http://dos.uiowa.edu/assistance/critical-mass/>.