

Fifteenth 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

**2008-2009
ACADEMIC YEAR**

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STUDENT MISCONDUCT RESOLUTION SYSTEMS

<p>NON-ACADEMIC MISCONDUCT</p> <p>Includes: Theft Assault Harassment Classroom Disruption</p> <p><i>Resolved by</i> DEAN OF STUDENTS</p>	<p>ACADEMIC MISCONDUCT</p> <p>Includes: Plagiarism Cheating</p> <p><i>Resolved by</i> DEAN OF COLLEGE</p>
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SANCTIONS

Disciplinary Warning
Disciplinary Probation
Suspension from Classes
Expulsion

Counseling	Limited Exclusion	Educational Sanctions	Restitution
<ul style="list-style-type: none"> • Health Iowa • Univ. Counseling Services (UCS) 	<ul style="list-style-type: none"> • No Contact Order • Building Prohibition • Bar from Class • Bar from Univ. Activity 	<ul style="list-style-type: none"> • Research Project • Enroll in Class • Provide Service • Sexual Harassment Workshop 	<ul style="list-style-type: none"> • Cost to Repair • Apology Letter • Community Service

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**EXECUTIVE SUMMARY
OF THE FIFTEENTH REPORT ON STUDENT DISCIPLINE**

- **Student conduct rules in effect in academic year 2008-09 included several new regulations and procedures:**
 - **The revised policy on student sexual misconduct went into effect in December, 2008. Persons victimized by a student were directed to contact the campus Sexual Misconduct Response Coordinator and file a complaint with the Office of the Dean of Students (ODOS). The initial investigation into sexual misconduct complaints was undertaken by the Dean's office, which was also responsible for determining the appropriate sanctions and assigning staff members to adjudicate complaints taken to the formal hearing stage.**
 - **Alleged violations of the copyright protection act during AY 2008-09 were handled by the Office of Information Technology Services (ITS) in lieu of a formal investigation by the ODOS. Students accused of illegal uploading or downloading on a subsequent occasion after talking with the HELP desk staff were referred to the ODOS for sanctions.**
- **The ODOS received more than 1,000 inquiries during the period June 1, 2008 to June 1, 2009 regarding student discipline. In addition to formal complaints received (243 in AY 2008-09) and parent notice letters sent out (520 in AY 2008-09), the ODOS received many telephone calls and e-mails from housing staff, students, parents, police, ITS, Student Health counselors, academic advisors, and instructors. ODOS staff met with a student on more than 500 occasions in AY 2008-09 regarding a disciplinary matter and sent out more than 1,000 e-mail or campus mail communications to students.**
- **42 students were suspended from the University for non-academic misconduct during the two-year period June 1, 2007 to June 1, 2009. Most suspensions followed a second violation (p.21).**
- **In University Housing, the number of minor infractions resolved by Housing staff rose slightly in AY 2008-09 after falling significantly in AY 2007-08 from the AY 2006-07 total (p.29).**
- **The number of notification letters sent to parents leveled off after rising for several years. In 86 cases in AY 2008-09, the Dean of Students wrote to a student's parents following an episode of self-destructive behavior (such as an ambulance trip to the hospital or a student found sleeping in public under the influence of alcohol). In other cases involving possession of alcohol or illegal drugs, 434 parents were notified in AY 2008-09 (p.31).**
- **During AY 2008-09, four complaints accusing a student of sexual misconduct were investigated by the ODOS. In two of the cases, both of which involved sexual fondling, the accused student withdrew from the University after the ODOS intervened. In a case involving voyeurism, a sanction of University disciplinary probation and mandatory counseling was imposed by ODOS. In the fourth case, which involved child pornography, the accused student withdrew from the University.**
- **Public Intoxication was the most common complaint investigated by the ODOS in AY 2008-09, followed by possession of marijuana. In the majority of the Public Intoxication cases, a student was arrested by University Police between the hours of one a.m. and three a.m. after consuming a**

considerable amount of alcohol at an off-campus bar or party. About half of the students lived in the residence halls.

- Many of the students who were arrested for Public Intoxication or taken to the hospital had a blood alcohol concentration greater than .20% (by comparison, the Operating While Intoxicated definition is .08% or higher). An off-campus bar was the location of consumption for 46% of the students interviewed by the dean in academic year 2008-09 while 30% drank the alcohol at an off campus apartment. Eight percent of students drank at both an apartment and a bar. Four percent consumed alcohol at a football tailgate and 4% consumed alcohol in the residence halls.
- Personnel changes in the ODOS affected the number of complaints investigated during AY 2008-09. Following the temporary closing of the Iowa Memorial Union in June, 2008 and the resignation of the file manager, the Associate Dean of Students assumed responsibility for completing all student discipline office functions through January, 2009. As of October 5, 2009, the following personnel were assigned to Code of Student Life responsibilities:
 - Mr. Thomas Baker, the Associate Dean of Students & Director of the Student Conduct Office, interviews students accused of major violations, represents the University of Iowa at formal disciplinary hearings, and attends weekly Threat Assessment Team meetings along with Public Safety staff and Human Resources intervention team members.
 - Ms. Monique DiCarlo, the full-time Sexual Misconduct Response Coordinator for the campus, is responsible for managing the complaint process for sexual harassment and sexual assault incidents involving staff members and for incidents involving students.
 - Ms. Valerie Heffernan, Project Assistant, manages the Code of Student Life complaint records and assists in drafting correspondence.
 - Mr. Kieran Leopold, the Student Conduct Officer for the ODOS, interviews students accused of misconduct and resolves minor complaints, among other responsibilities.
 - Dr. David Grady, Associate Vice President for Student Services & Dean of Students, supervises the enforcement of non-academic student discipline rules and procedures.
- A new response plan for illegal copyright violations reduced significantly the number of copyright complaints investigated by ODOS in AY 2008-09. The delay in filling the file manager position in the ODOS combined with the new response plan for illegal copyright violations resulted in a substantial decline in the number of minor disciplinary complaints investigated by the ODOS in AY 2008-09 (p. 30).

The Basis of the Code of Student Life (Excerpts from the Introduction)

Academic institutions exist for the advancement of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop a capacity for critical judgment and to engage in a sustained and independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students are expected to exercise their freedom to learn with responsibility and to respect the general conditions conducive to such freedom. Accordingly, the University has developed the following general regulations pertaining to student conduct that provide and safeguard the right of every individual student to exercise fully freedom to learn without undue interference by others.

The Code of Student Life is applicable whether or not the University is in session and pertains to all persons registered for a University of Iowa course, all persons admitted to any academic program, and all persons attending a University-sponsored program. In addition, conduct in breach of the Code of Student Life and engaged in prior to admission or after withdrawal from the University may be taken into account in the admissions decision and may be grounds for filing disciplinary charges after admission or acceptance into a program. For purposes of the conduct regulations and judicial procedures, a student is any person fitting one or more of these descriptions.

It is the duty and responsibility of all students to acquaint themselves with all provisions of the Code and particularly with the rules and regulations pertaining to personal conduct, and every student will be conclusively presumed to have knowledge of all rules and regulations contained in the Code from the date of his or her initial registration at the University...

An Abbreviated Version of the General Conduct Regulations of the 2008-09 Code of Student Life

Any student who commits any of the following acts of misconduct shall be subject to disciplinary action by the University...

1. **Academic misconduct:** defined as any dishonest or fraudulent conduct during an academic exercise, such as cheating, plagiarism, or forgery, or misrepresentation regarding the circumstances of a student's non-attendance, late assignment, or previous work or educational experience, or aiding or abetting another person to do the same...Resolution of academic misconduct complaints will be handled within the college or department concerned, with provision for review (see Part C, Academic Misconduct).
2. **Willful misrepresentation** of any material fact to any member of the faculty or staff of the University or to any office, department, or committee thereof...Willful misrepresentation includes forgery, alteration, or misuse of any University record, form, document or student I.D. card.
3. **Willful failure to comply** with a proper order or summons of any member of the faculty or other University official, properly identified -- by stating his or her name and title if requested by a student -- and acting within the scope of his or her authority, or willful failure of a student to identify himself or herself by stating his or her name to such faculty member or official...
4. **Willful failure to comply** with a reasonable directive of the classroom instructor or other intentional conduct that has the effect of disrupting University classroom instruction or interfering with the instructor's ability to manage the classroom. When disruptive activity occurs, a University instructor has the authority to determine classroom seating patterns and request that a student exit the classroom, laboratory, or other area used for instruction immediately for the remainder of the period. Instructors who impose a one-day suspension are asked to report the incident to appropriate departmental, collegiate, and Student Services personnel.
5. **Intentionally disrupting** (a) the orderly processes of the University, or (b) intentionally obstructing or denying access to services or facilities by those entitled to use such services or facilities, or (c) intentionally interfering with the lawful rights of other persons on the campus, or (d) inciting others to do acts proscribed by paragraphs (a), (b), or (c) of this section.
6. **Willful demonstrations** within the interior of any University building or structure, except as specifically authorized and subject to reasonable conditions imposed to protect the rights and safety of other persons and to prevent damage to property.
7. **Unauthorized entry** into or occupation of any University room, building, or area of the campus, including such entry or occupation at any unauthorized time, or any unauthorized or improper use of any University property, equipment, or facilities.
8. **Intentional setting of fires** in any University building or on the campus without proper authority, or tampering or activation of a **fire alarm** without justification or improper use of fire prevention **equipment** in any University building or on the campus.

9. **Misuse or misappropriation of University property or private property** on or off campus in connection with University activities, including but not limited to, **theft or attempted theft**, burglary, willful possession of stolen property, and willful destruction, **damage**, defacement, or mutilation of property belonging to or in the custody of the University or another member of the community.
10. **Assaulting**, threatening, physically abusing, **unduly harassing**, or endangering in any other manner the health or safety of (a) a University student, staff, or faculty member if such conduct relates to the official business of the University or (b) any person on the campus or at any University-sponsored or supervised function or event.
11. **Use or possession of serviceable firearms, ammunition, explosives, fireworks, or other dangerous articles** on campus or within any University building on the campus, or at any University-sponsored or supervised function or event, except in authorized facilities.
12. **Possession or consumption of an alcoholic beverage on campus**, within any University building, or at any University sponsored or supervised function or event off-campus, except as permitted under the Policy Regarding the Use of Illegal Drugs and Alcohol, Code of Student Life, the Residence Hall Guidebook, or as authorized by other University regulations.
13. **Use or possession of any narcotic drug, marijuana, or any other addictive, dangerous, or controlled substance on campus.**
14. Sale, manufacture, distribution, or administration of any drug described in Section 12 or 13 on campus, or criminal conviction of any **illicit drug distribution** offense on campus or off campus.
15. ...using University **computer equipment** to interfere with the lawful rights of others by such activities as falsifying or altering records or documents, creating false or fraudulent documents, damaging programs belonging to another, sending harassing or threatening material, or duplicating copyrighted software unlawfully, or (e) assisting another person to do any act proscribed under this section.
16. Violation of any other University rule, regulation, or policy...[such as] the Policy on **Human Rights**, the **Sexual Misconduct** Policy, and the Policy on **Violence**...
17. Any conduct or action in which the University can demonstrate a clear and distinct interest as an academic institution and which seriously threatens (a) any educational process or other legitimate function of the University or (b) the health or safety of any member of the academic community.
18. Violent conduct committed anywhere in Johnson County if the same conduct committed on UI property would violate UI conduct regulations. Conviction for Operating While Intoxicated (i.e., operating a motor vehicle while under the influence of alcohol or drugs) is considered to fall within this rule.
19. Student misconduct as defined in Regulations 1-18 that occurs on property governed by the State of Iowa Board of Regents is considered within the scope of this regulation. This includes the campuses of Iowa State University and the University of Northern Iowa. Misconduct committed on college campuses not governed by the State Board of Regents may also violate this regulation.

To obtain a complete version of the Code of Student Life and the Judicial Procedure for Alleged Violations of the Code of Student Life, click on the Student Services website at <http://student-services.uiowa.edu/>

I. INTRODUCTION

A. THE OFFICE OF THE DEAN OF STUDENTS

Dr. David Grady, Associate Vice President for Student Services & Dean of Students, is responsible for administering the judicial procedure for alleged violations of the Code of Student Life. Thomas R. Baker, the Director of the Student Conduct Office & Associate Dean of Students, 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, the Student Conduct Officer for the ODOS, interviews students accused of misconduct and resolves minor complaints on behalf of the Associate Dean. Both Mr. Baker and Mr. Leopold have the authority to resolve complaints informally and represent the University at formal disciplinary hearings.

Ms. Valerie Heffernan, the Code of Student Life Project Assistant for the ODOS, manages the student discipline record system. The Office of the Dean of Students is located in 249 Iowa Memorial Union, telephone number 335-3557. In cases involving sexual misconduct, victims are encouraged to contact Ms. Monique DiCarlo, the Sexual Misconduct Response Coordinator for the campus at 335-6200.

B. THE PURPOSE AND SCOPE OF THE CODE OF STUDENT LIFE

The University adopted the Code of Student Life in 1968. The Code regulates student conduct primarily on University property and at University-sponsored events. The rules have remained essentially the same, with minor revisions, since the Board of Regents first approved the Code of Student Life. The specific list of enumerated behavioral prohibitions in the Code of Student Life addresses misconduct that directly affects the University's function as an academic institution. Academic dishonesty, misuse of University records or facilities, and failure to cooperate with University officials are among the types of misconduct explicitly prohibited in the Code of Student Life. Assaults and threats made against a member of the University community are also proscribed by the Code of Student Life, as are disruptive demonstrations, theft, and arson. Violations of the University Drug and Alcohol Policy are specifically prohibited, and the Sexual Misconduct Policy is incorporated by reference. Although the Code of Student Life primarily governs on-campus infractions, the Violence Policy extends the scope of the Code to cover threatening behavior off campus. Misconduct not specifically defined but clearly detrimental to the University's academic mission is actionable under Section 17 of the Code.

The University may not, of course, regulate activity protected by the federal constitution or state constitution. Student comments made in a newspaper, for example, would not ordinarily be subject to disciplinary action under the Code of Student Life. Because an overemphasis upon controlling behavior might corrupt an environment designed to foster self-expression and scientific inquiry, the Code of Student Life aims to impose disciplinary sanctions in those cases where a student's conduct violates another community member's rights to such an extent as to undermine the academic mission of the University. Consistent with the University's mission, sanctions are imposed as a means of taking corrective action and educating the offending students.

C. UNIVERSITY DEPARTMENTS VESTED WITH DISCIPLINARY RESPONSIBILITIES

A number of University departments play a role in enforcing non-academic conduct regulations. In campus residence halls, the Department of University Housing investigates complaints and imposes sanctions upon residents found in violation of the Residence Halls Guidebook. Hall Coordinators are authorized to place students on housing probation and recommend that a resident be evicted from University Housing. Eviction cases are heard by an Area Coordinator, Assistant Housing Director of Housing, Director of Housing, or the Associate Dean of Students. A complete summary of disciplinary complaints resolved by the Department of University Housing is contained in Part III of this report.

Other University department heads responsible for enforcing regulations include the Registrar, who imposes registration restrictions for failure to pay a U-bill on time; the Chief Information Officer, who revokes computer privileges; the Director of Parking and Transportation, who issues parking tickets; the library directors, who impose fines on overdue books; and the Director of Recreational Services, who is authorized to suspend the intramural privileges of intramural participants.

Also subject to discipline are student organizations, whose University recognition may be revoked. The Vice President for Student Services regulates student organizations in conjunction with University of Iowa Student Government (UISG). As of August, 2009, all student organizations which operated housing facilities were Greek-letter fraternities or sororities. The Office of the Dean of Students (ODOS) investigates the most serious complaints of misconduct involving undergraduate social fraternities and sororities, while minor complaints are resolved by the student representatives of the Interfraternity Council and Panhellenic Council who sit on the Greek Standards Board.

Complaints of academic misconduct (Section 1 of the Code of Student Life) are handled within each college. For example, the Dean of the College of Liberal Arts & Sciences is responsible for imposing sanctions upon students enrolled in Liberal Arts & Sciences classes who are found to have cheated on a test or plagiarized a term paper. Because the collegiate dean does not have the authority to sanction students guilty of violating sections 2 through 17 of the Code of Student Life, complaints of disruptive behavior in the classroom are referred to the Office of the Dean of Students for resolution.

D. OVERVIEW OF THE COMPLAINT RESOLUTION PROCESS ADMINISTERED BY THE OFFICE OF THE DEAN OF STUDENTS

At the start of every fall semester, students are notified via electronic mail by the Office of the Dean of Students (ODOS) about the student conduct regulations in effect for the academic year and about the judicial procedures used to resolve complaints. The mass e-mail includes the website addresses of the Sexual Misconduct Policy, the Policy on Violence, the Drug and Alcohol Policy, the Campus Security Act policy and statistics, and the Acceptable Use of Information Technology Policy.

The Code of Student Life procedure provides that any person may file a complaint against a student for violating the Code of Student Life. A complaint should be in writing, should identify the accused student by name, and should provide a description of the incident that led to the complaint. In AY 2008-09, complaints investigated by the ODOS included police arrests, referrals from faculty members, and individual reports related by parents, students, and others concerned with the campus community. Some complaints investigated by University Housing were forwarded to the ODOS for further action. Most complaints received by the ODOS addressed out of classroom behavior, although classroom misconduct was alleged in a few cases.

Before a determination is made regarding sanctions, a staff member designated by the Dean of Students conducts an investigation. The investigation process typically begins with a notice of complaint letter sent to the accused student by designated investigator. In most cases during AY 2008-09, a meeting with the accused student was arranged, and the student given an opportunity to respond to the allegations. Depending upon the response of the accused, witnesses were interviewed in some cases. A full investigation was undertaken if the student denied the allegations. The judicial hearing process is spelled out at: <http://student-services.uiowa.edu/students/policies/2b.php>.

During the investigation stage of the complaint resolution process, interim sanctions may be imposed upon the accused student in some cases. For example, a student accused of harassment may be prohibited from entering the complainant's residence hall, attending a particular class, or contacting the complainant. Interim sanctions, which are in effect temporarily, discourage further incidents of misconduct while the investigation proceeds. In serious cases, a student may be suspended from the University on an interim basis if the continued presence of the accused is likely to cause harm to students, staff, or faculty. A student suspended on an interim basis may appeal the sanction by meeting with the Dean of Students. Students given a Building Prohibition Order or a No-Contact Order are warned that breach of the Dean's order may result in an interim suspension from the University.

In cases where criminal charges are filed, interim sanctions often remain in place until the court case is resolved. If the student is dissatisfied with the interim sanction and prefers to resolve the disciplinary complaint as soon as possible, the University will arrange in some cases to hold a formal disciplinary hearing prior to the resolution of the police charge. A formal hearing is conducted by an Administrative Hearing Officer appointed by the University President. The Hearing Officer determines the facts of a contested case and interprets University rules to resolve the question of whether a Code of Student Life violation occurred. In those cases where the student is found responsible for violating the Code of Student Life, the Dean of Students determines the sanctions. Because criminal laws and court procedures vary in purpose and substance from University disciplinary regulations, the actions taken by the University vary from court judgments or jury verdicts.

A complaint may be resolved without a formal hearing if the accused student and the investigator agree: 1) that the facts alleged are true, 2) that the Code of Student Life was violated, and 3) that a particular disciplinary sanction is appropriate. On the other hand, if evidence uncovered in the investigation shows there to be no reasonable basis for pursuing formal charges, the complaint is usually dismissed without a hearing.

Sexual misconduct, domestic violence, or stalking is resolved using a different investigation process and different hearing process. Sexual Misconduct Enforcement Officers (SMEOs) are assigned to investigate allegations of sexual misconduct, domestic violence, and stalking. In addition, the campus Sexual Misconduct Response Coordinator manages the complaint process by keeping the victim and the accused student informed of developments in the investigation and answering any procedural questions. As of July 1, 2009, the Sexual Misconduct Response Coordinator was appointed to a full-time position with a separate office to ensure confidentiality. Several University staff members (including the Associate Dean of Students and the Student Conduct Officer) had undergone training on investigating sexual misconduct complaints as of July 1, 2009. The sexual misconduct procedures are spelled out at: <http://student-services.uiowa.edu/students/policies/2b1.php>

When a suspension is under consideration for cases of sexual misconduct, domestic violence, and stalking, a specially trained Sexual Misconduct Adjudicator (SMA) is assigned to conduct a formal evidentiary hearing and determine the merits of the allegations. As of July 1, 2009, a retired appeals court judge had been assigned to serve the role of Sexual Misconduct Adjudicator. In non-sexual cases,

formal hearings are conducted by administrative hearing officers when the accused student disputes the allegations at a Code of Student Life hearing. Traditionally, persons appointed to serve as hearing officers have legal training and work for the University in a department that is separate from the Office of the Dean of Students. A list of all hearing officers who served during the period 2006 to 2008 is contained in Part II, Section H of this report.

At Code of Student Life hearings, a staff member appointed by the Dean of Students represents the University and presents evidence against the student charged with violating the Code of Student Life. After the complainant, respondent, and witnesses testify, the hearing officer determines whether the Code of Student Life was violated as alleged. If the student is found not guilty of all charges, the complaint is dismissed and no sanctions are imposed.

When the student is found guilty by the hearing officer, sanctions determined by the Dean of Students go into effect. The student is notified of the likely sanctions in advance of the hearing. A student found guilty may appeal the outcome to the University Provost or designee, who has the authority to modify the hearing officer's decision and the sanction imposed by the Dean of Students. The appeal petition to the Provost must be submitted within ten class days following the hearing officer's decision. Rather than conduct a new hearing on appeal, the entire record from the original hearing is reviewed. If the finding of guilt is upheld on appeal, the Provost may affirm or modify the sanction imposed by the Dean of Students.

In those cases where the student does not contest the merits of the charges but disagrees with the sanction imposed by the Dean of Students, the appeal process can be expedited. Sanctions are subject to review on appeal without a hearing as long as the student pleads guilty during the pre-hearing investigation and waives his or her hearing rights. In such an event, the Provost reviews the student's disciplinary file and evaluates the propriety of the sanction imposed by the Dean of Students.

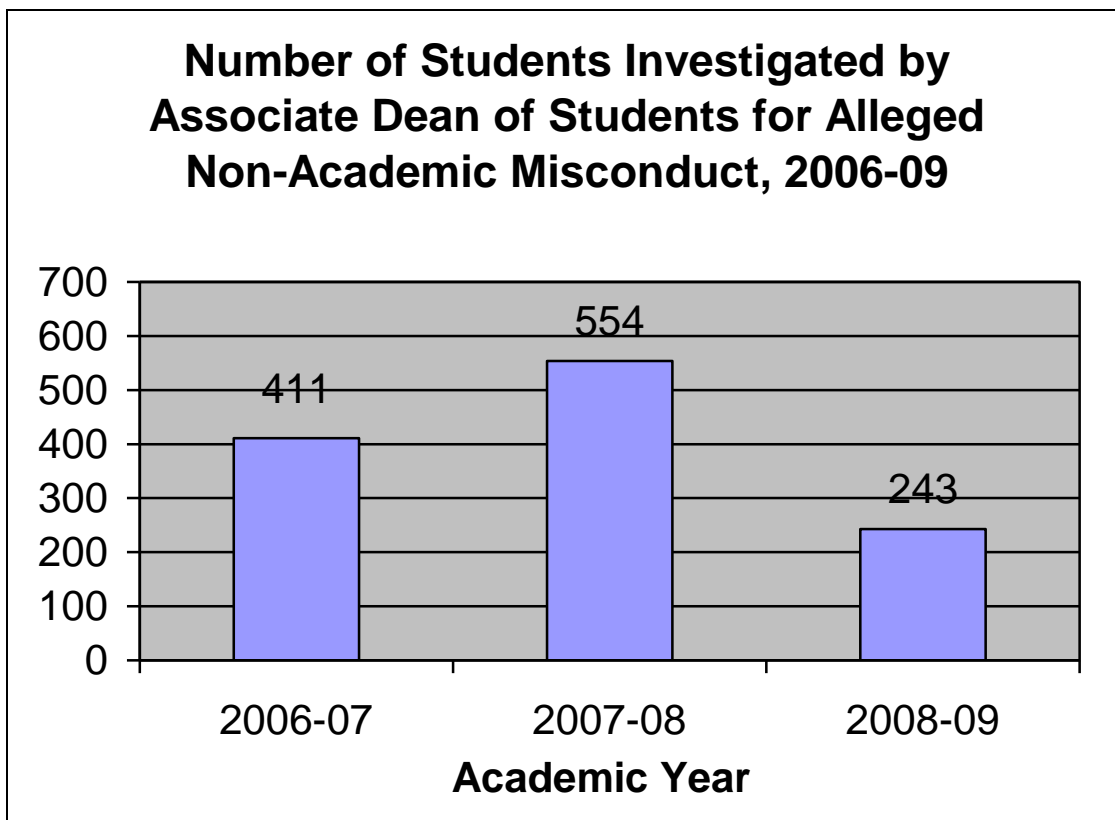
In the event that a student charged is found not guilty by a hearing officer, the Dean of Students may appeal the hearing officer's interpretation of the Code of Student Life to the University Provost. In such an event, the University Provost would resolve the question of the proper interpretation of the Code of Student Life. In cases involving sexual misconduct, the student who filed the complaint has the option to appeal the SMA's decision and appeal the sanction imposed by the Dean of Students. Depending upon the Provost's judgment regarding the case, the decision of the SMA and/or the Dean's sanction decision may be modified.

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 a general practice. Individual students are not identified in this report, and information is presented in such a manner as to preclude student identification and the disposition of a particular complaint.

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

Between June 1, 2008 and June 1, 2009, the Office of the Dean of Students received reports accusing 243 students of non-academic misconduct. Some students were involved in more than one infraction. The AY 2008-09 caseload figure represents a decrease compared to the previous academic year. Residence hall complaints during the 2008-09 academic year saw an increase in the number of alcohol violations compared to the previous academic year. For a summary of complaints resolved by University Housing staff members without referral to the Office of the Dean of Students (ODOS), see Part III of this report.

In the description and analysis that follows, the term "cases" refers to the total number of students named in complaints to the Office of the Dean of Students. Of the 243 cases investigated during the 2008-09 academic year, 81% of those accused were male students. Female students were named in 45 complaints, or 19% of all cases.



A. DEPARTMENTS FILING COMPLAINTS

TABLE A – COMPLAINTS INVESTIGATED BY O.V.P.S.S.

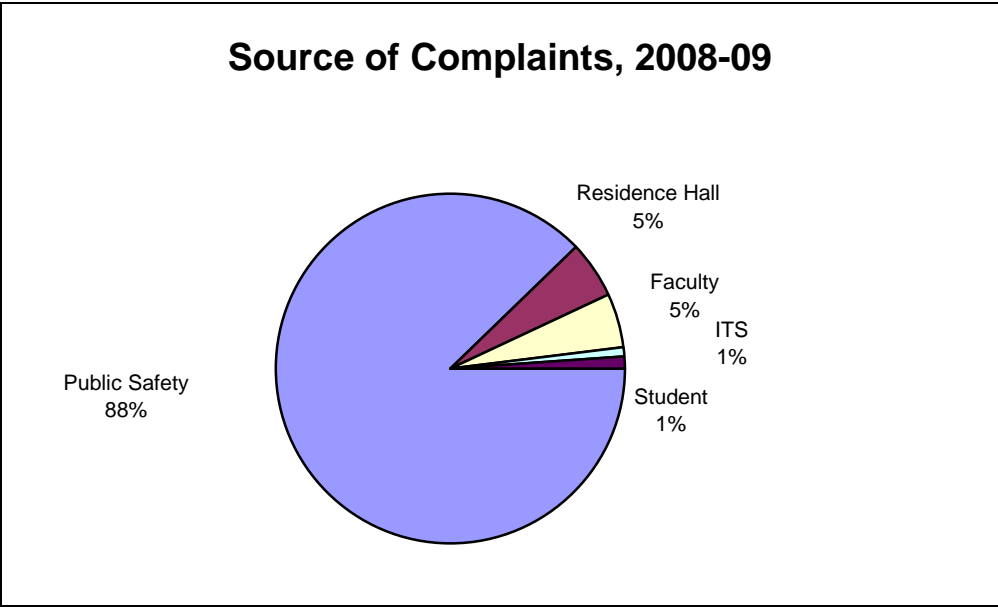
CASE SOURCE	2006-07	2007-08	2008-09
Public Safety Report	309	376	212
Residence Hall Report	31	10	11
Student Complaint	5	3	3
Faculty/TA Complaint	4	8	13
Staff Complaint	6	3	0
Other Source	20	29	1
EOD report	0	3	0
EOD report & DPS report	0	0	0
ITS (Information Technology)	35	122	3

As in previous years, officers from the Department of Public Safety (DPS) witnessed the majority of complaints investigated by the Associate Dean. In AY 2008-09, 88% of the 243 complaints originated from DPS. Other sources of complaints included residence hall staff, ITS staff, faculty, students, and teaching assistants. Several complaints received during the period up to December, 2008 were referrals from the Office of Equal Opportunity & Diversity (EOD), which investigated complaints alleging student sexual misconduct during the fall 2008 semester.

AY 2008-09 witnessed a substantial decline in illegal copyright infringement cases as a result of an agreement with ITS to change the investigation protocol. A different protocol was developed because the number of illegal copyright complaints filed with the ODOS by ITS had risen significantly in AY 2007-08. It was agreed that ODOS would investigate only in cases of multiple offenses after July 1, 2008. Following the change, ITS handled more than 125 first-time complaints of illegal copyright infringement during AY 2008-09 but only two students were accused of illegal filesharing following the student's conversation with ITS staff.

The number of Public Safety complaints investigated in AY 2008-09 dropped in part because of limited Student Services staff time available to investigate complaints in the fall of 2008. Facility restrictions caused by Iowa River flood damage delayed the re-appointment of a Code of Student Life File Manager until December, 2008. During the five months preceding the File Manager's appointment, the Associate Dean of Students investigated only the most serious DPS complaints. As a result, 74 minor DPS referrals that ordinarily would have been investigated by ODOS did not result in sanctions. The reports not investigated by the Associate Dean included Possession of Alcohol Under Age (PAULA) charges and Public Intoxication arrests involving students living in off-campus housing.

The temporary drop in DPS referrals, in combination with the new ITS protocol for copyright violations, largely accounted for the substantial reduction in total complaints from AY 2007-08 to AY 2008-09. Because ODOS returned to its old office in the IMU following five months of temporary relocation in the fall of 2008, it is expected that the number DPS complaints investigated by ODOS in AY 2009-10 will return to the previous high levels.



B. TYPES OF MISCONDUCT ALLEGED

Classifying each case under one code rule for comparative purposes shows that a wide variety of misconduct was reported to the ODOS (TABLE B). Sixteen of the nineteen non-academic misconduct regulations were allegedly violated at some point during the 2008-09 academic year.

Alcohol-related offenses (Rule 12) continued to be the most frequent type of misconduct investigated by the Associate Dean. In 2008-09, 101 alcohol complaints were investigated by ODOS. The number of illegal drug cases (Rule 13) decreased slightly in 2008-09. Seven students were accused of drug trafficking (Rule 14), a most serious offense. With regard to dangerous conduct (Rule 10 complaints), the number of reports decreased significantly compared to 2007-08, from 56 to 16 complaints. The decline in Rule 10 complaints was the result of a major drop in OWI cases, which are classified as Rule 10 violations. In Fiscal Year 2007-08, the Office of Equal Opportunity & Diversity (EOD) investigated complaints filed against three students who allegedly committed sexual assault, and in AY 2008-09 the ODOS investigated four complaints of sexual misconduct. No students were accused during the three-year period of conducting a political demonstration in a manner that violated the rule prohibiting disruptive demonstrations.

The profile of Residence Hall misconduct for the same period is provided in Part III, figures not included in Table B. During the three-year period, 1865 residents were cited for alcohol policy violations and 172 residents were sanctioned for possession or consumption of illegal drugs or drug paraphernalia.

TABLE B

RULE ALLEGEDLY VIOLATED		2006-07 CASES	2007-08 CASES	2008-09 CASES
1)	Academic Misconduct*	N/A	N/A	0
2)	Misrepresentation	0	1	2
3)	Failure to Cooperate	3	0	1
4)	Classroom Misconduct	0	1	3
5)	Disrupt Orderly Process	2	2	2
6)	Unreasonable Demonstration	0	0	0
7)	Improper Use of Univ. Property	0	0	1
8)	Arson, Misuse of Fire Equipment	0	0	1
9)	Theft & Vandalism	11	13	6
10)	Assault, Threat, Harassment, and Dangerous Conduct (inc. OWI)	31	58	17
11)	Firearms, Explosives	0	3	1
12)	Alcohol Possession/Consumption	218	218	101
13)	Drug Possession/Consumption	61	64	50
14)	Drug Sales/Manufacture	11	9	7
15)	Computer Misuse	42	125	3
16)	Violation of other regulations	9	18	8
17)	Other misconduct	21	36	40
18)	Violent Conduct in Johnson County	N/A	5	1
19)	Misconduct on other state universities	N/A	1	0

*Rule 1 complaints (academic misconduct) are resolved by the dean of the college in which the complaint originates.

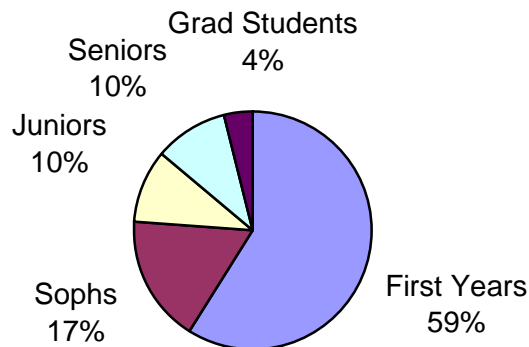
C. ACADEMIC STATUS OF RESPONDENTS

TABLE C

	ACADEMIC PROFILE OF U OF IA STUDENT BODY (FALL, 2008)	PERCENT OF DISCIPLINARY CASES (2008-09)
UNDERGRADUATES		
First-year (1)	20%	60%
Sophomores (2)	14%	17%
Juniors (3)	17%	10%
Seniors (4)	17%	10%
GRADUATE STUDENTS		
Prof. Colleges (L, M, P, S & D)	14%	3%
Other Graduates (G)	18%	1%

Analyzing the caseload by academic status shows that first-year students were accused in more than half of the 243 cases investigated by the Associate Dean in the 2008-09 academic year (TABLE C). Although the great majority of students named in disciplinary complaints were undergraduates (96%), the overall percentage of undergraduates accused of misconduct was very small. During 2008-09, approximately 1% of the 20,823 UI undergraduates met with the Associate Dean of Students to discuss a disciplinary complaint. In choosing which cases to investigate in the fall of 2008, the Associate Dean prioritized first-year students over upper class students accused of minor offenses. As a result, the 2008-09 profile of cases shows an increase in the proportion of first-year students facing disciplinary complaints. First-year students made up about 60% of the total ODOS caseload in 2008-09, compared to 43% in 2007-08.

Academic Profile of Students Accused of Misconduct, 2008-09 Academic Year



D. SEASONAL NATURE OF REPORTED MISCONDUCT

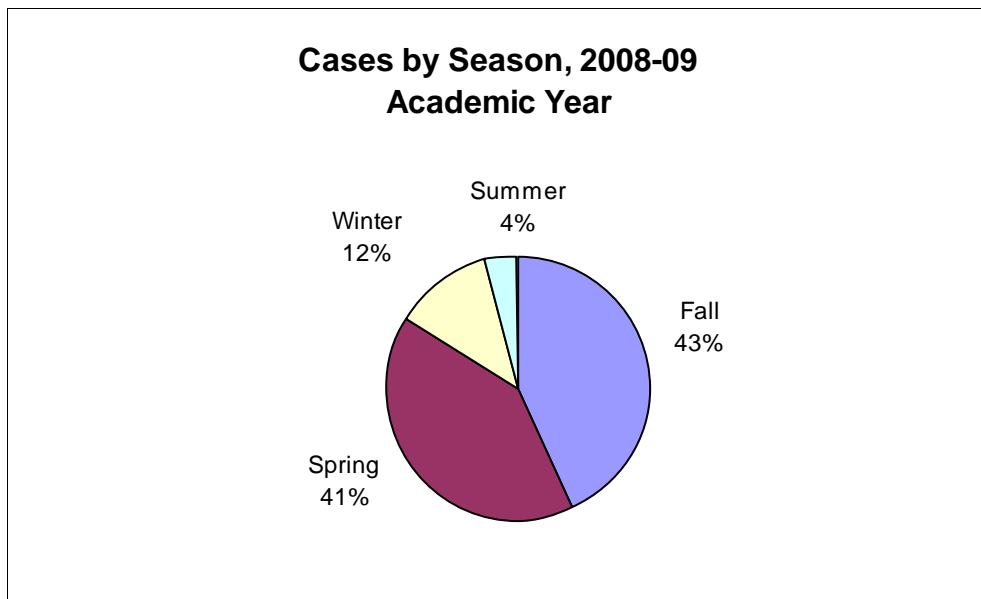
TABLE D

INCIDENT DATE *	2007-08 CASES	2008-09 CASES
June	9	2
July	14	7
August	35	21
September	79	38
October	62	32
November	42	13
December	48	17
January	29	12
February	38	24
March	45	18
April	92	36
May	59	23

*Month the incident allegedly occurred

As in previous years, the bulk of disciplinary complaints investigated in AY 2008-09 arose during the fall semester. The Office of the Dean of Students received an average of 20 cases each month, although the actual number filed ranged from 2 to 38. Relatively few cases arose during the summer months (June and July) or during the mid-winter months. Many of the autumn month infractions occurred on home football game weekends.

Compared to AY 2007-08, the month to month figures for AY 2008-09 showed a decline in every month. The positive impact of the new ITS protocol for handling illegal copyright violations was particularly apparent during the spring 2009 semester, which showed a considerably lower number of complaints compared to the spring 2008 semester.



E. LOCATION OF REPORTED MISCONDUCT

TABLE E

LOCATION OF ALLEGED MISCONDUCT	2006-07 CASES	2007-08 CASES	2008-09 CASES
Residence Halls*	63	56	73
Campus Grounds	196	214	93
Parking Lot/Ramp	10	28	19
Univ. Apartments (ex-Family Housing)	2	2	6
Fraternity/Sorority (off-campus)	1	3	0
Other Off Campus	29	40	20
Administration Buildings	4	20	7
Stadium or Arena	50	50	4
Classroom Buildings	11	10	15
University Hospitals	0	2	1
Recreation Building	2	1	2
Libraries	0	0	0
University computer equipment	43	128	3

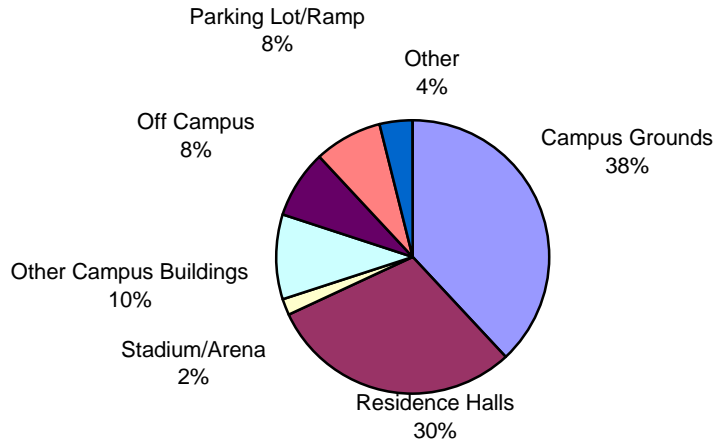
*Includes only residence hall violations investigated by the Office of the Dean of Students.

Most disciplinary violations occurred in the residence halls. During the three-year time period, residence hall staff members wrote to nearly four thousand residents accused of misconduct. Only a small percentage of dormitory infractions were referred to the Associate Dean of Students for investigation. Cases resolved by residence hall staff members without referral to the Associate Dean are analyzed in Section III.

Almost 50% of all cases investigated by the Associate Dean involved misconduct on the grounds of campus (including parking lots and ramps). Many of the outdoor campus incidents occurred near a residence hall and involved alcohol possession or consumption. As in previous years, relatively few cases of off-campus misconduct were reported in AY 2008-09.

Classroom buildings were the site of a handful of complaints (15 in 2008-09). Seven incidents took place in an administrative building or in the Iowa Memorial Union. More common building locations included Kinnick Stadium and the residence halls. Twenty complaints accused a student of misconduct off campus. Developing a new ITS protocol for handling illegal copyright violations decreased substantially the number of complaints involving University computers and networks.

Location of Reported Misconduct, 2008-09 Academic Year



F. RESIDENCE OF RESPONDENTS

While 92% of disciplinary incidents occurred on campus in AY 2008-09, 35% of the students investigated by the Associate Dean lived off campus (TABLE F). On-campus residents under investigation were often accused of misconduct near a residence hall building. As in previous years, relatively few residents of University Apartments (formerly Family Housing) were accused of misconduct in 2008-09.

TABLE F

RESIDENCE OF ACCUSED	2006-07 CASES	2007-08 CASES	2008-09 CASES
Residence Halls	212	255	155
University Apts. & Tenant Properties	4	7	3
Off Campus	191	292	85

G. FORM OF RESOLUTION

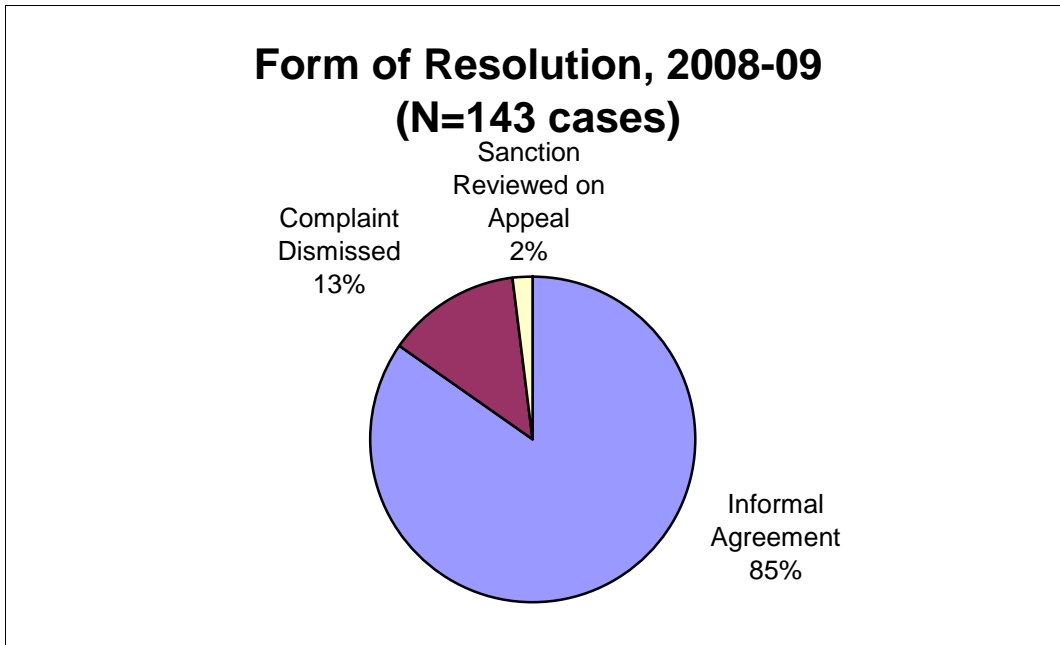
If the evidence gathered in the course of the investigation failed to verify the allegations, the Associate Dean dismissed the complaint. If the allegations were verified, the Associate Dean took action to resolve the complaint, either by concluding an informal agreement or charging the student at a formal hearing. In some cases, a complaint could not be resolved because the student had withdrawn from the University.

TABLE G

FORM OF RESOLUTION	2006-07 CASES	2007-08 CASES	2008-09 CASES
RESOLVED:			
Informal Agreement (no appeal)	327	396	120
Formal Hearing	3	0	0
Complaint Dismissed/No Sanctions	45	78	19
Sanction Reviewed on Appeal	2	5	4
NOT RESOLVED:			
Accused Not Registered	22	16	1
Accused Withdrew	8	37	15
To Be Resolved After 6/1/09	0	7	26
Accused Academically Ineligible	1	4	5
Still Completing Educational Assignment as of 6/1/09	3	11	53

Of the 143 cases resolved during the 2008-09 academic year, the Associate Dean dismissed 19 cases during the investigation stage. In some cases, jurisdictional problems led to the dismissal (in other words, the alleged misconduct did not fall within the scope of the Code of Student Life). Other complaints were dismissed because the evidence uncovered in the investigation did not corroborate the allegations. In a small number of cases, a resolution was reached without the imposition of sanctions. In 120 cases, the Associate Dean reached an informal agreement with the student which included one or more sanctions. In not a single case during AY 2008-09 did a student accused of misconduct request a formal evidentiary hearing and dispute the allegations. In four cases where the sanction was in dispute, a student acknowledged the rule violation and waived his/her hearing right but asked that the Office of Provost impose a more lenient sanction. The outcome of the appeals is discussed below in Section H.

During the 2008-09 academic year, 21 cases investigated by the Associate Dean could not be resolved because the individual accused of misconduct was a former student or a student who withdrew from the University after the alleged misconduct took place. Several of these unresolved cases involved students referred to a substance abuse program at Student Health who was suspended for low grades. To facilitate counseling at the time of re-enrollment, the Associate Dean placed a restriction upon each former student's University record. Permission from the Office of the Dean of Students is required to re-register.



Twenty-six cases not resolved as of June 1, 2009 included complaints filed near the end of the spring semester or cases postponed by concurrent criminal charges. These late-semester complaints will be investigated during the fall 2009 semester after the student accused of misconduct returns to Iowa City for fall semester classes. Fifty-three students who had agreed to complete an educational program had not done so as of June 1, 2009. These students will be required to complete the program during the fall 2009 semester in order to remain enrolled in University classes.

H. FORMAL HEARINGS

During the three-year period under examination, four formal disciplinary hearings were held. A scheduled hearing was canceled in several other cases investigated during the three-year period at the request of the student accused of misconduct. The length of the hearings ranged from one-half hour to five-and-a-half hours. In all cases, only one student faced charges.

Four different hearing officers conducted hearings during the three-year period. Ordered alphabetically, the group of hearing officers included Dave Bergeon, University of Iowa Hospitals & Clinics Human Resources (formerly of Employee Relations); Professor Lelia Helms, College of Education; James Jorgensen, graduate student; Michael Valde, UI Environmental Compliance Office; and Jan Waterhouse, College of Nursing (formerly of the Office of Equal Opportunity & Diversity). All four hearing officers have J.D. degrees.

In one instance during the three-year period, the student elected not to attend his hearing. In this case, the hearing officer followed University protocol and proceeded to conduct the hearing by taking evidence from the witnesses who appeared and testified. After reviewing all of the testimony presented at the hearing, the hearing officer found the student guilty.

TABLE H

DATE OF INCIDENT	HEARING OFFICER	DATE OF HEARING	HEARING LENGTH
09/14/06	Helms	09/29/06	4.5 hrs.
01/25/06	Valde	01/12/07	5.5 hrs.
03/02/07	Jorgensen	04/24/07	2.5 hrs.
03/31/07	Waterhouse	04/27/07	0.5 hrs.

In two cases heard during the three-year period the students appealed the hearing officer's decision to the University Provost. One decision was reversed by the Associate Provost due to questions regarding the applicability of the Code of Student Life to events occurring on another college campus. The other decision was upheld by the Associate Provost.

Eleven students waived their evidentiary hearing right during the three-year period and appealed the sanction imposed by the Dean of Students. In all 11 cases, the student's appeal letter to the Provost admitted responsibility for the violation and asked for leniency. The Associate Provost reviewed each of the cases carefully and decided to uphold the Dean's sanction decision in every case.

I. SANCTIONS

Status sanctions recommended by the Associate Dean ranged from disciplinary warnings to suspension from the University. In determining an appropriate sanction, the Associate Dean took into account the nature of the misconduct and the offender's disciplinary history. In many cases, an educational sanction (for example, substance abuse counseling) was recommended in addition to a status sanction (e.g., probation). As a result of the high percentage of alcohol-related complaints, several hundred students were referred to a substance abuse program at Student Health during the three-year period.

Of the 243 cases filed in AY 2008-09, a status sanction was imposed in 87% of the cases that were resolved. A total of 160 students were issued a disciplinary warning, placed on non-academic probation, or suspended from the University as a result of misconduct prohibited by the Code of Student Life. Because the Associate Dean prioritized arrest cases above non-arrest cases during the fall 2008 semester, probation sanctions predominated and relatively few warning letters were issued in AY 2008-09 (TABLE I -1). The length of probation varied depending upon the gravity of the infraction. In 2008-09, 16 students were suspended from the University for one semester or longer.

A "one-strike" policy continues to be implemented with regard to illegal drug trafficking and sexual assaults. Three students charged with drug trafficking were suspended from the University in AY 2008-09. With regard to Public Intoxication, the most common criminal charge on campus, ODOS continued to enforce a "two-strikes" sanction policy. First-time Public Intoxication offenders were placed on probation and warned that a subsequent arrest for Public Intoxication, OWI, or illegal drug possession would result in separation from the University. The two-strikes policy was first instituted in 1999-2000.

Compared to the previous year, fewer students were suspended in AY 2008-09. Most of the suspensions resulted from a second violation.

TABLE I-1

DISCIPLINARY SANCTIONS IMPOSED	2006-07 CASES	2007-08 CASES	2008-09 CASES
Disciplinary Warning	34	117	6
Probation:			
One Semester	145	182	26
One Year	62	72	104
More than One Year	2	0	3
Until Graduation	9	3	5
Suspension	12	26	16
Expulsion	0	0	0

TABLE I-2: ADDITIONAL SANCTIONS APPLIED*

EDUCATIONAL SANCTIONS:	2006-07 CASES	2007-08 CASES	2008-09 CASES
Substance Abuse Counseling	229	268	158
Personal Counseling (Univ. Counseling Service)	5	6	12
QUASI-EDUCATIONAL:			
Letter of Apology/Explanation	0	0	0
Restitution	4	2	0
Book Essay	0	1	0
Residence Hall Floor Activity/Poster	0	0	1
NON-EDUCATIONAL:			
No-Contact Order Remains in Effect	8	2	5
Building Prohibition Order	7	4	5
Campus Prohibition Order	0	1	1
Suspension from Residence Halls (not UI suspension)	1	18	16
Athletic Event Restrictions	8	14	0
Loss of Computer Privileges	7	4	0
Substance Abuse Class if 2nd Violation	0	0	0
Withdrawal from Intramural Sports	0	0	0
Grade Point Average Expectations	1	4	1
Suspension from Extra Curricular Activity	1	2	1
Not Eligible for UI Employment	0	1	0
Community Service	0	1	0

* Educational, Quasi-Educational and Non-Educational sanctions were often imposed along with the Disciplinary Sanctions listed in Table I-1.

In 39 cases investigated during AY 2008-09, an interim sanction was imposed during the investigation. Two interim suspensions were issued. When a suspension was under consideration, the accused student ordinarily met with the Dean of Students. In cases where the allegations were later verified, interim sanctions often became permanent as part of the final resolution of the complaint.

TABLE I-3

INTERIM SANCTION	2006-07 CASES	2007-08 CASES	2008-09 CASES
University Suspension	2	4	2
Suspension from one Class	1	1	2
Res. Hall Suspension	8	17	16
Building Prohibition	4	6	2
No-Contact Order	8	4	6
Computer Restrictions	0	0	0
Graduation Hold	3	0	0
Campus Prohibition Order	2	0	3
Mandatory Counseling	0	0	6
Registration Restriction	0	0	1
Work Suspension	0	1	1

III. DISCIPLINARY COMPLAINTS RESOLVED BY THE DEPARTMENT OF UNIVERSITY HOUSING

A. INTRODUCTION

The process established for resolving disciplinary complaints that arise within the University of Iowa Residence Hall system consists of three separate stages: investigation, adjudication, and appeal. In most cases, the complaint process begins when a Resident Assistant files a written report following an incident. When a resident is accused of misconduct, the Hall Coordinator responsible for the building which was the site of the misconduct ordinarily meets with the accused resident and investigates the complaint. In some cases, the complaint will be delegated to the Assistant Hall Coordinator or referred to the Neighborhood Area Coordinator or the Director of University Housing.

Under the procedure set forth in the University Housing Guidebook, all professional Housing staff members are authorized to impose written warnings, probation, and other sanctions short of suspension upon residents found guilty of misconduct. Decisions to suspend a resident are made by the Director of University Housing, the Assistant Director, a Neighborhood Area Coordinator, or the Dean of Students. A resident suspended by Housing may appeal the decision to the Office of the Dean of Students. Beginning in the fall of 2006, Hall Coordinators were given authority to impose monetary fines for alcohol possession violations in addition to status sanctions.

Depending upon the gravity of a given complaint, the Associate Dean of Students or the Student Conduct Officer in the ODOS may be called upon to commence the investigation. Where a resident is accused of very serious misconduct, residence hall staff members refer the complaint to central administration in anticipation of a Code of Student Life hearing.

During the 2008-09 academic year, Ms. Kate Fitzgerald the Assistant Director of Residence Life, supervised enforcement of the residence halls conduct regulations. Three Neighborhood Area Coordinators, eight Hall Coordinators and one Assistant Hall Coordinator investigated residence hall complaints and imposed sanctions in non-eviction cases. Von Stange, the Director of University Housing, investigated cases warranting eviction.

Mr. William Mattera managed the East Side Neighborhood of Burge, Daum, Currier and Stanley Halls for AY 2008-09; Mr. Greg Thompson managed the North Side Neighborhood of Mayflower and Parklawn Halls; and Mr. Wolfgang Homolka managed the West Side Neighborhood, which includes Hillcrest, Slater, Rienow and Quadrangle Halls. The Hall Coordinators for the 2008-09 academic year included Ms. Amy Baccei (Burge Hall); Ms. Nicole Sexton (Daum Hall); Ms. Jacque McKenna (Currier and Stanley Halls); Ms. Libby Spotts (Parklawn Hall); Mr. Ben Parks (Hillcrest Hall); Mr. AJ Lutz (Slater Hall); Ms. Shelby Van Egdom (Rienow Hall); Mr. Ryan Cohenour (Quadrangle Hall); and Ms. Mary Coughlin-Julian and Mr. Ben Black for Mayflower Hall.

B. TYPE OF MISCONDUCT REPORTED

Hall policies and regulations are listed in the University Housing Guidebook, a copy of which is provided to each resident at move-in. The Guidebook prohibits disruptive activity and unauthorized demonstrations in the halls; harassment and physical abuse; failure to cooperate with staff; open flames; tampering with fire prevention equipment; possession and consumption of illegal drugs; possession and consumption of alcohol; theft and vandalism; dangerous weapons; misuse of building keys; failure to follow emergency procedures; and excessive noise. In August of 2000, the Residence Halls became substance free. Use of tobacco products is not permitted, and possession of alcoholic beverages is prohibited in all rooms regardless of the age of the residents.

During the three years under consideration, the eight Residence Hall Coordinators collectively received almost four thousand cases of alleged violations of the University Housing Guidebook. Formal sanctions were imposed in almost three thousand cases. Consistent with Part II of this report, the term “cases” below refers to the number of individual residents accused of misconduct rather than the number of incidents reported. For instance, when five residents are present in a single room where alcohol is discovered, Hall Coordinators record it as five separate case violations.

More than half (55%) of all complaints received by Hall Coordinators in AY 2008-09 involved a violation of the Alcohol Policy. At the start of the fall semester 2008, over 95% of the 5,546 residents were under the legal drinking age of 21. Consistent with the “substance free” policy, alcohol is prohibited in all rooms regardless of the age of the resident. When staff members identified an Alcohol Policy violation, the alcohol was confiscated and poured down a drain. An incident report was forwarded to the Hall Coordinator for further investigation and disciplinary sanctions. Generally speaking, the reports of misconduct were spread throughout the system rather than concentrated in one or two buildings. Some Hall Coordinators received a higher percentage of complaints per capita than others.

Many of the alcohol cases involved a “presence” violation in which a resident was not guilty of possessing or consuming alcohol but was present in another student’s room where alcohol was found. Of the 649 alcohol policy violations investigated by Housing staff in AY 2008-09, a resident was charged with alcohol possession in over 50% of the cases. In four cases, a resident over the age of 21 was found in possession of alcohol.

In a relatively small but significant number of cases, Neighborhood Area Coordinators or Hall Coordinators met with a resident taken to a hospital following a deliberate act of self-injury or a night of alcohol binging (see rule 17B totals above). In each case, a post-hospital report was prepared by the Hall Coordinator and referred to the Dean of Students, who sent a health and safety notification letter to the resident’s parents after reviewing the file.

RESIDENCE HALL INFRACTIONS*

TYPE OF OFFENSE**	2006-07 CASES	2007-08 CASES	2008-09 CASES
1) IMPROPER ENTRY/USE	24	23	32
2-3) BLOCK ACCESS	0	0	0
4A) HARASSMENT	5	5	14
4B) PHYSICAL ABUSE	17	4	11
5) NON-COMPLIANCE	23	14	14
6) DISRUPT EVENT	22	14	9
7) TAMPER FIRE EQUPT.	11	5	4
8A) ILLICIT DRUGS	53	48	71
8B) UNDERAGE ALCOHOL	647	518	649
8B-3) <i>Underage alcohol possession</i>	(303)	(205)	(328)
8B-4) <i>In the presence of alcohol</i>	(269)	(177)	(208)
8C) ALCOHOL & NOISE	45	6	0
9A) THEFT	7	6	2
9B) VANDALISM	35	22	23
10) WEAPONS/GUNS	1	2	3
11) MISREPRESENTATION	4	11	2
12) MISUSE OF KEY	3	4	0
13) EMERGENCY DRILL	2	5	4
14) NOISE/QUIET HOURS	225	112	95
15) FLAME/FIRE HAZARD	17	13	9
16A) PETS	7	6	0
16B) FURNITURE MISUSE	0	9	0
16C) SMOKING	20	17	10
16D) WINDOWS/SCREENS	14	16	6
16E) HALL SPORTS	7	3	1
17A) SEXUAL HARASSMENT	0	2	2
17B) SELF-DEST. BEHAV'R	36	24	44
17C) OTHER	596	123	130
<i>ResNet Violations – see page 32</i>	425	454	261
TOTALS	2246	1466	1396

*The totals do not include the most serious types of cases reported (drug trafficking and assault, e.g.) because they were investigated by the Associate Dean of Students for possible University suspension.

**The numerals refer to the disciplinary rules in the University Housing Guidebook. NOTE: Staff counted only cases where an individual student was suspected of misconduct. Because misconduct of unknown origin was not included in these figures, the case totals do not include every false fire alarm, for instance. Also, cases dismissed by University Housing staff as unfounded are not included in these totals.

C. DISCIPLINARY SANCTIONS IMPOSED IN THE RESIDENCE HALLS

A student accused of misconduct ordinarily met with a full-time residence hall staff member following an incident. Over the three-year period, staff members interviewed approximately 3,500 residents accused of misconduct. The great majority of the interviews were conducted by Neighborhood Area Coordinators or Hall Coordinators. In housing suspension cases, the Director of University Housing or his designee met with the accused student several days following the student's meeting with the Hall Coordinator. During the process of investigation, residence hall staff members discovered that some allegations were unfounded or could not be verified. System-wide, 219 cases were dismissed by staff members following investigation in AY 2008-09.

TOTAL CASELOAD	2006-07 CASES	2007-08 CASES	2008-09 CASES
SANCTIONS IMPOSED	1221	793	955
REMINDER LETTERS ISSUED	600	673	441
CASES DISMISSED	203	241	219

As an alternative to formal investigation, staff members in some cases issued a policy reminder letter in lieu of meeting with the resident and imposing sanctions. Reminder letters are kept on file as evidence that the resident has been formally notified of University policy in the event that a subsequent complaint is reported. Residents accused of being present in a room where alcohol was found were sometimes issued reminder letters as a means to deter future violations. The number of reminder letters issued in AY 2008-09 (441) represented a decrease from AY 2007-08 (673).

SANCTIONS APPLIED IN ALL CASES	2006-07 CASES	2007-08 CASES	2008-09 CASES
Disciplinary Warnings	833	616	646
Disciplinary Probation	360	157	281
Building Transfer/Probation	1	0	3
Res. Hall Suspension	27	20	25
TOTAL SANCTIONS	1221	793	750

When determining sanctions, staff members weighed the nature of the offense, evaluated the student's disciplinary history, and considered comments made by the student during the interview. During AY 2008-09, staff members issued written disciplinary warnings in 646 cases and placed 281 residents on residence halls probation. On three occasions, a resident was placed on probation and transferred involuntarily to another building. In 25 cases, a resident was suspended from the residence halls system by the Director of University Housing. The number of evictions in AY 2008-09 represented an increase over the AY 2007-08 eviction total (20).

Alcohol violations in AY 2008-09 rose by approximately 20% from the previous year. As a result, the number of monetary fines imposed on residents increased from 332 to 392 between AY 2007-08 and 2008-09. The amount of the fine varied from \$200 to \$500 depending upon the circumstances of the incident. Despite the increase in first-time violators, the number of repeat violations remained low in AY 2008-09. Only two residents were suspended from the halls for alcohol possession after a second or third offense.

RESIDENCE HALL ALCOHOL POLICY SANCTIONS

SANCTIONS APPLIED IN ALL CASES	2006-07 CASES	2007-08 CASES	2008-09 CASES
Disciplinary Warnings	447	428	486
Disciplinary Probation	165	80	141
Building Transfer/Probation	1	0	0
Res. Hall Suspension	2	0	2
TOTAL SANCTIONS	615	508	629
REMINDER LETTERS	32	16	20
CASES DISMISSED	75	152	124
Alcohol Fines	346	332	392

A “one-strike” sanction policy for illegal drug violations remained in effect during the 2008-09 academic year. Residents were warned at the beginning of the academic year that a housing suspension would be imposed if they were found guilty of consumption of illicit drugs in the residence halls. Residents took notice of the policy, and only a small percentage of residents refused to take the policy seriously. The number of drug suspensions in AY 2008-09 (19) happened to match the previous year’s total. Probation (i.e., non-eviction) sanctions did, however, increase substantially over the AY 2007-08 figure. The increase resulted from a rise in the number of reports of residents in AY 2008-09 caught with drug paraphernalia and/or marijuana in their possession.

RESIDENCE HALL ILLICIT DRUG SANCTIONS

SANCTIONS APPLIED ILLICIT DRUG CASES	2006-07 CASES	2007-08 CASES	2008-09 CASES
Disciplinary Warnings	2	9	4
Disciplinary Probation	21	18	42
Building Transfer/Probation	0	0	2
Res. Hall Suspension	21	19	19
TOTAL SANCTIONS	44	46	67
REMINDER LETTERS	9	2	4
CASES DISMISSED	17	14	26

Practically every illicit drug case involved marijuana. As in previous years, staff members in AY 2008-09 who suspected illegal drug use in a building called Public Safety officers to the scene to investigate. Some police calls led to the filing of criminal charges. Nearly all residents charged by Public Safety with Possession of a Controlled Substance were suspended from housing by the Director of University Housing. In those cases where Public Safety officers declined to file criminal charges, Hall Coordinators investigated further to determine if sanctions were warranted under the University Housing Guidebook.

Residents accused of marijuana possession typically did not dispute the charges filed by Public Safety when they met with the Director of University Housing. Cases of suspected use often led to disputed allegations when the police did not have evidence to charge a resident with a criminal violation. Administrative investigations were undertaken in those cases where the accused student disputed the police allegations. Because it was difficult in some cases to determine which residents actively participated in illicit drug consumption, staff members dismissed a significant number of drug cases or issued policy reminder letters after determining that the evidence was insufficient to prove a violation.

In addition to status sanctions, substance abuse counseling was required for every drug violation. In AY 2008-09, 144 residents were required to complete a substance abuse class in order to remain in good standing, many of whom were drug violators. To ensure timely completion of substance abuse education and counseling, the Associate Dean of Students monitored student compliance in cooperation with Student Health staff.

EDUCATIONAL SANCTIONS	2006-07 CASES	2007-08 CASES	2008-09 CASES
Substance Abuse Program			
at Student Health	183	139	144
at Residence Hall	232	241	257
Online	n/a	110	77
Monetary Restitution	10	18	16
Community Service Work	5	0	4
Apology	29	4	16
Counseling (UCS)	12	8	15
Research Essay	344	131	153
Present Floor Program	15	26	67
Other Educational Sanction	79	70	115

Other types of education sanctions besides counseling referrals were imposed by staff members. Apology letters, research essays, monetary restitution, or community service work was required of some residents. In a small percentage of cases, residence hall staff members issued building prohibition orders or no-contact orders.

NON-EDUCATIONAL SANCTIONS	2006-07 CASES	2007-08 CASES	2008-09 CASES
Building Prohibition Order	20	13	13
No-Contact Order	7	5	8
Other Non-Educ. Sanction	9	4	9

Mandatory attendance at University Counseling Services (UCS) was required in a few exceptional cases. Hall Coordinators routinely referred residents to UCS for assistance in coping with personal and family issues. Many residents did utilize the services available at UCS, however, most referrals to UCS were not mandatory requirements. Experience has shown that professional therapy works for students who consent voluntarily to therapy.

D. STUDENT APPEALS OF RESIDENCE HALL SANCTIONS

All residents sanctioned for misconduct by the Director of University Housing were given an opportunity to appeal the decision to the Associate Dean of Students. Of the 25 residents suspended by the Director in AY 2008-09, six filed appeals. All six appeals followed a drug policy violation. In the appeal petitions, residents usually asked for sanction leniency.

RESIDENCE HALL APPEALS	2006-07 CASES	2007-08 CASES	2008-09 CASES
Evictions Imposed by the University Housing Director	27	20	25
Resident Did Not Appeal	23	14	19
Resident Appealed	4	6	6
Decision by Associate Dean:			
Dismissed (no sanction)	0	0	0
Sanction Upheld	4	5	4
Sanction Modified	0	1	2

In every case appealed, the Associate Dean examined the incident reports, correspondence, and statements included in the student's disciplinary file. After review, the Associate Dean upheld the eviction sanction in four cases and modified the residence hall eviction sanction in two cases.

Of the hundreds of minor (i.e., non-suspension) sanctions imposed each year by Hall Coordinators, a small percentage were appealed within University Housing. Under the Residence Halls Judicial Procedure, a resident disciplined for misconduct by a Hall Coordinator is entitled to appeal the decision to the Assistant Director of Residence Life. During AY 2008-09, the Assistant Director received forty appeals. By comparison, forty-nine appeals were filed in AY 2007-08. The group of forty appeals in 2008-09 included cases where the appellant disputed the Hall Coordinator's finding of guilt as well as cases where the appellant acknowledged the misconduct but argued for a more lenient sanction. In every case, the appellant had been found guilty and sanctioned by the Hall Coordinator but was not evicted from the halls.

Of the forty minor cases appealed to the Assistant Director in AY 2008-09, in fourteen cases the findings of fact were upheld and the sanctions imposed by the Hall Coordinator were upheld. In seventeen cases, the Assistant Director found the student guilty but modified the sanction originally imposed. In five cases the complaint was dismissed with no sanctions imposed. Four cases remained under review by the Assistant Director as of June 1, 2009.

E. RESNET VIOLATIONS

As part of the ResNet system, all students living in residence halls are provided a fast, direct Ethernet connection to the campus network and Internet. ResNet connections are available in every student room in every residence hall. University Housing offers this service in conjunction with UI Information Technology Services (ITS), the same department which receives complaints from off-campus agencies alleging misuse of ResNet technology. During the 2008-09 academic year, representatives of the entertainment industry accused more than 250 UI residents of illegally downloading copyrighted material through a port connection. In addition, a small number of copyright violations involving use of campus wireless network services were referred to the Office of the Dean of Students for resolution.

Over the three years covered in this report, the procedure for handling violations of the ResNet Acceptable Use Policy has changed each year. In AY 2006-07, all ResNet Acceptable Use Policy violations were heard by an individual Housing staff member. The total caseload for AY 2006-07 was 425.

Following the high volume of cases in AY 2006-07, University Housing distributed the case load by neighborhood for ResNet violations in AY 2007-08. Under this arrangement, residence hall staff met with residents violating the policy in their own neighborhood (East, North, or West Neighborhood). The case load increased in AY 2007-08 to 454 cases.

For AY 2008-09, each neighborhood continued hearing ResNet Acceptable Use Policy violations based on the location of the violation. By spring semester of 2009 a new procedure was implemented in the West Neighborhood in which students who violated the ResNet Acceptable Use Policy received a letter notifying them of their data port disconnection. The letter included a brief form and a pamphlet explaining how to clean their computer of illegal materials and offending software. Students were expected to return the form to the Area Coordinator's office once they had cleaned their machines. Their room data port was then reconnected once the form had been filled out and returned.

The total number of cases in AY 2008-09 dropped drastically (43%) from the previous year. An explanation is not immediately apparent, although two factors may account for the drop in ResNet caseload. The decrease may be an artifact from the entertainment industry scaling back their pursuit of copyright infringement violations. Or, it may be a result of students becoming more informed of the risks of illegal downloading.

IV. PARENT NOTICE LETTERS

Federal law governing student education records generally defines information in discipline records as confidential. One exception to the general rule permits disclosure of discipline file information in cases of health or safety emergencies. In addition to emergency communications, a 1998 amendment to the federal law allows post-secondary institutions to notify parents of students not yet 21 years of age in any disciplinary violations that involve alcohol or illegal drug violations. For students living in the residence halls, the University of Iowa utilizes both of these exceptions to communicate with parents following minor violations and major violations.

During the 2008-09 academic year, a total of 520 letters were sent to parents of University of Iowa students under the signature of the Dean of Students. Many of these letters (303), reported minor alcohol violations in the Residence Halls. Form letters were relied upon for the most part to complete the task of parent notice. A sample form letter is included in Appendix A. In a few cases, the telephone was utilized to contact parents.

In 86 cases investigated during AY 2008-09, the student's conduct was so severe as to raise substantial health and safety concerns. In these cases, an original letter to the parents was composed detailing the circumstances of the incident. Excessive alcohol consumption was involved in 70 of the 86 cases, such as a student taken to the Emergency Treatment Center with a high blood alcohol concentration or a student found passed out in public under the influence of alcohol. There were no instances in AY 2008-09 of multiple emergencies involving the same student. Compared to AY 2007-08 totals, fewer parent notice letters were generated during AY 2008-09 for non-emergency alcohol and drug violations.

Suicidal behavior in the Residence Halls resulted in 16 letters sent to parents in AY 2008-09. Reported behavior included deliberate cutting of the skin or swallowing a quantity of pills, for example. Such reports of intentional injury ordinarily led to a trip to the hospital. In some cases, the resident who engaged in self-destructive conduct was under the influence of alcohol. In every instance, the resident was interviewed by Residence Hall staff members following the resident's release from the hospital, and an emergency notification letter was sent to the student's parents.

The parents, after receiving the letters, rarely contacted the Office of the Dean of Students regarding their student. Of the 86 emergency letters sent out in AY 2008-09, in only seven cases did the parents communicate with the Office of the Dean of Students after receiving the notice letter. Even in the most severe cases where the student was hospitalized, parents did not ordinarily respond to the Dean's invitation to provide information in writing or by telephone about the student.

Despite their reluctance to contact ODOS directly, parents appreciated receiving the letters. Anonymous data gathered from parents in the late spring of 2009 revealed a high approval rating for the UI notice policy. Of the 121 parents who responded to the Dean's survey (out of 497 contacted), 70% of the respondents strongly agreed with the statement "I am glad that the University contacted me about my son/daughter's alcohol incident." Ninety-six percent said they discussed the issue of alcohol use with the student after receiving the letter, and 87% expressed to the student their expectations regarding alcohol use. Seventy percent agreed that the University's policy of copying the student on the letter sent home had a positive impact on the student.

Parent Notice Letters	2006-07 AY	2007-08 AY	2008-09 AY
Health & Safety Emergency Letters			
Alcohol-Related Incident	83	77	70
Deliberate Injury/Threatened Suicide	6	10	16
	89	87	86
Non-Emergency Letters (to residents under 21)			
Alcohol in the Residence Halls	304	543	303
Illegal Drugs in the Residence Halls	29	68	64
Alcohol on the Grounds of Campus	68	74	49
Illegal Drugs on the Grounds of Campus	13	26	18
	454	711	434

V. ALCOHOL CONSUMPTION PATTERNS

Since 2004, discipline data has been analyzed to determine alcohol consumption patterns in Iowa City by residence hall students. The findings presented below were based upon information gleaned from 141 cases of alcohol intoxication investigated by the ODOS in AY 2008-09. During the interviews, the Associate Dean or another staff member asked students to name the locations where they consumed the alcohol. The self-disclosed information was then placed into a spreadsheet for further analysis. The alcohol consumption patterns revealed by the spreadsheet data show some consistent patterns from year to year and some changing patterns of drinking behavior since 2004.

Compared to AY 2007-08 figures, a similar number of students were arrested in AY 2008-09 for Public Intoxication or taken to the emergency room with a severe case of alcohol intoxication. Of the 141 cases analyzed in AY 2008-09, 48 students were taken to the hospital. The remaining students were charged with Public Intoxication or some other serious alcohol-related offense.

Approximately 70% of the intoxicated students interviewed in AY 2008-09 were residence hall residents. All 141 students provided Student Services staff with some information about the location of their alcohol consumption. As in AY 2007-08, the majority of students in AY 2008-09 went off campus to drink. An off-campus bar was the location of consumption for almost half of the students found intoxicated on campus and taken to jail or to the hospital. Meanwhile, 30% drank alcohol at an off-campus apartment or party. Several students drank at more than one location, such as an apartment party followed by a bar visit. Only one of the 141 students consumed alcohol in a fraternity chapter house. Only five students consumed alcohol in the residence halls the night police intervened, a very low figure considering that most students arrested or hospitalized lived in the halls.

University Police routinely measure blood alcohol concentration (BAC) when they come upon a person who appears to be severely intoxicated. BAC levels were measured in 96 of the 141 cases examined in AY 2008-09. All 96 students who submitted to the breath test blew higher than .08% alcohol, the definition of OWI (Operating a Motor Vehicle While under the Influence). Significantly, 88% of those tested blew higher than .15%. One student tested at .35%, the highest reading in this group, and a substantial number (41%) measured above .20%.

Practically all of the students who drank off-campus in the 2008-09 AY did so late at night. University Police intervened between midnight and 8:00 a.m. in 122 of the 141 cases. The majority of complaints which came during the daylight hours involved consumption at a football tailgate party.

The relatively young age of the students reflected the fact that so many of the most severe cases involved residence halls residents. Of the 141 students arrested on campus by University Police or hospitalized in AY 2008-09, only eighteen (13%) were 21 years of age or older, the legal drinking age. Seventy-six percent of the students had not yet reached the age of 20. The group of 141 students included 54 18-year-olds.

LOCATION OF ALCOHOL CONSUMPTION

Location	All Cases ¹			Residence Hall Residents			18-year-olds ²		
	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>
<i>Number of Cases</i>	<i>N=233</i>	<i>N=270</i>	<i>N=141</i>	<i>N=135</i>	<i>N=165</i>	<i>N=96</i>	<i>N=59</i>	<i>N=92</i>	<i>N=54</i>
Off-campus Bar	78	124	68	45	57	40	13	21	18
Off-campus Apt	70	69	39	51	56	34	24	43	23
Tailgate Party	38	29	6	11	11	4	6	7	2
Dorm Room	2	5	5	2	5	5	1	3	2
University Apt.	0	0	0	0	0	0	0	0	0
Fraternity House	1	0	1	1	0	1	1	0	1
Apt/House and Bar ³	16	29	20	9	35	12	6	16 ⁴	8
Other	0	0	2	0	0	0	0	0	0
Unknown	28	14	0	16	1	0	8	2	0

¹includes off-campus residents as well as residence hall students arrested on campus for Public Intoxication or taken to the hospital or found passed out from excessive consumption.

²most but not all 18-year-olds lived in the residence halls.

³An increase in the number of students reporting multiple locations of consumption was observed over the years studied. These cases were counted separately beginning with the 2006-07 academic year.

⁴This number includes one 17-year old.

Students who consumed alcohol at a bar often identified the specific bar during the meeting with the dean. Of the 236 students arrested on campus or hospitalized during the 2007-08 and 2008-09 academic years after consuming alcohol at a bar, a total of 30 different bars were identified as the location of consumption. All are bars located in downtown Iowa City. Four bars (The Summit, One-Eyed Jake's, The Airliner, and The Union) accounted for over forty percent of the cases (59) in 2008-09. Bars mentioned by at least five different students in 2006-07, 2007-08, and 2008-09 are listed below:

Bars Identified in 2006-07	Bars Identified in 2007-08	Bars Identified in 2008-09
N = 94	N = 153	N = 88
Summit Bar (20 Students)	One-Eyed Jake's (34 students)	Summit Bar (29 Students)
Brothers' Bar (11 Students)	Summit Bar (34 students)	One-Eyed Jake's (11 Students)
Sports Column (11 Students)	Sports Column (23 students)	The Airliner (10 Students)
One-Eyed Jake's (11 Students)	Vito's Bar (21 students)	Union Bar (9 Students)
	Brother's Bar (13 students)	Sports Column (7 students)
	Union Bar (12 students)	Pints (5 students)
	808 (10 students)	
	Field House (6 students)	
	The Airliner (5 students)	
	ETC Bar (5 students)	

APPENDIX A

SAMPLE PARENT NOTICE LETTER

September 22, 2008

John & Jill Doe
123 Main St
Anywhere, IA 12345

Dear Mr. & Mrs. Doe:

On September 10, 2008, University Housing staff members cited Jane Doe for violating the Substance-Free Residence Halls Policy. The Policy prohibits the possession and consumption of alcoholic beverages. Jane was asked to meet with a residence hall professional staff member to discuss the allegations. As a result of the complaint, a residence hall disciplinary sanction was imposed, as well as a mandatory fine. Jane is eligible to continue living in the residence halls, but you need to be aware that a subsequent violation would lead to more serious sanctions, including the possibility of eviction from the residence halls or suspension from University classes.

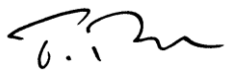
I am concerned that Jane was cited for possession or consumption of alcohol. Under-age drinking and heavy, high-risk drinking often go hand-in-hand. Students who drink alcohol often miss morning classes, fail to keep up with homework assignments, and disturb other residents who have chosen not to drink. We know from our research that excessive use of alcohol leads to lower grade point averages, which can have an impact on students' admission to competitive admissions programs (for example, Business, Education, and Nursing) here at The University of Iowa.

I have a policy of writing to a student's parents when he or she is sanctioned for violating the Alcohol Policy in the residence halls. I do this because we need your help in keeping Jane healthy and safe. College, particularly early on, is a challenging time for students. Even as young people are developing a new sense of independence, they continue to look to their parents for guidance and support. As it happens, I, too, am the parent of college age children. I know it is hard to talk about alcohol use and the other challenges our students face as they begin college, but I encourage you to make the effort. We have some ideas about how to have that hard talk on our web site at http://www.uiowa.edu/~shs/health_iowa/substance_abuse/parents.shtml#07

The University of Iowa's Alcohol and Drug Assistance Program provides individual and group programs to help students make informed decisions about alcohol use. Parents concerned about a student's alcohol or other drug use may also consult with Health Iowa staff. For more information, please call 319-335-8392.

If you have questions about residence hall policies or services, please contact the Office of the Director of University Housing at 319-335-3000. Residence hall staff can provide you with more specific information about the nature of the disciplinary violation if Jane signs an information release form, available at the 24-hour desk.

Sincerely,



Tom Rocklin
Vice President for Student Services
and Dean of Students

cc: Jane Doe, Room #1 Any Residence Hall
Residence Hall Building Coordinator