

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

Senate Committee on Student Discipline
2013-2014 Annual Report

(Final; Information)

The Senate Committee on Student Discipline (SCSD) met 22 times during the 2014 fiscal year which included training, business meetings and considered a total of 13 appeals from action of its Subcommittees including the Subcommittee on Undergraduate Student Conduct (SUSC), Subcommittee on Graduate Student Conduct (SGSC), and Board of Fraternity Affairs (BFA). Of the 13 appeals, the SCSD affirmed 12, modified one (1) of the hearings. Regarding the one (1) modified hearing, the SCSD determined to make the following changes:

Dismissal was upheld but decision was modified to allow student to petition for readmission one year earlier because the SCSD determined that the sanction imposed by the hearing body was not appropriate for the violation for which the student was found responsible.

Of the 22 meetings, the SCSD met once to consider a college recommendation of dismissal for a violation of academic integrity. The SCSD determined to affirm the recommendation of dismissal.

Fall 2013 – Spring 2014 Senate Committee on Student Discipline Membership:

Faculty Members (9 members are required – 8 served during the academic year):

| | | | |
|-----------------|------|------|---|
| Pat Gill, Chair | LAS | 2014 | |
| Darin Eastburn | ACES | 2015 | |
| Kent Choquette | ENGR | 2015 | (did not serve on SCSD as he remained a member of the SUSC) |
| James Hahn | LIBR | 2014 | |
| Chris Lubienski | EDUC | 2014 | (did not serve during fall 2013 due to sabbatical) |
| Yuan-Xiang Pan | ACES | 2015 | |
| Dana Rabin | LAS | 2015 | |
| Kirk Sanders | LAS | 2015 | |
| Kevin Waspi | BUS | 2014 | |

Student Members (6 members are required):

| | | |
|------------------|------|------|
| Michelle Bolos | LAW | 2014 |
| Ramy Cohen | GRAD | 2014 |
| Preen Dhillon | BUS | 2014 |
| Shao Guo | ACES | 2014 |
| TK (Terra) Peach | LAW | 2014 |
| Rosa Rosas | GRAD | 2014 |

Highlights of 2013-2014

1. **Discipline Committee Training:** OSCR staff members conducted training sessions for all members of the subcommittees and SCSD. The staff created a single training manual for all participants in the discipline process. New subcommittee members attended a four hour training program on due process issues, questioning, sensitivity to social justice issues, sanctioning guidance, and deliberations. All

discipline members attended a four hour mock hearing involving sexual misconduct cases to practice questioning and deliberation as well as to discuss the unique challenges and issues related to sexual misconduct.

2. **Revision of the Student Disciplinary Procedures:** The SCSD conducted a review and significant overhaul of the Student Disciplinary Procedures with the goal of clarifying language and addressing procedural gaps that frequently raise questions. This year long process involved all committee members and staff as we built consensus around both substantive issues and settled on clear language. The updates include:
 - a. **Disciplinary Officer Procedures:**
 - i. The Acceptance of Case Disposition (ACD) was eliminated as it was seldom used by students and staff and sacrificed the respondent's right to later appeal the decision.
 - ii. The new procedures clarify the DO's role if the student admits or contests the violation, explains the DO's role in investigation, and the authority of the DO in making a determination in all cases with the exception of those which may result in suspension or dismissal.
 - iii. This section also encourages the student to make a written response to contested charges, identifying additional witnesses or relevant material, and the deadline by which this material must be submitted for full consideration.
 - b. **Subcommittee Hearing Procedures:**
 - i. Unambiguous instructions are provided to the respondent and the alleged victim to include additional information in the hearing packet and the role of the committee chairperson in excluding irrelevant information.
 - ii. The respondent and alleged victim are permitted to suggest additional relevant witnesses, but they are responsible for securing the presence of those witnesses at the hearing.
 - iii. Committee members may be challenged for objectivity by the alleged victim and respondent for a prior relationship that may result in bias, but may not be questioned for bias by the parties before the hearing.
 - iv. During the hearing, the alleged victim and respondent may suggest additional questions to the chair, but at no time may the parties directly question each other or the witnesses.
 - c. **Actions Possible in Individual Student Discipline Cases:**
 - i. The definition of a dropped charge was changed to clarify that it could be reinstated at any time at the discretion of the Executive Director with a new charge notice (rather than being automatically destroyed after one year). However, a student whose charges are dropped still has no disciplinary history relevant to that offense.
 - d. **Appeals:**
 - i. The second criterion for appeal was removed. The removed criterion was: the decision was not based on substantial information and there was no information in the record of the hearing that would support the committee's finding. This criterion led to significant confusion for appellants and appeal committee members. The SCSD strongly believes that determination of facts and credibility determinations are the responsibility of the original hearing officer or committee. In the event that the hearing was unfair or reached conclusions on no basis other than presumption or bias, the appellant can still cite criteria number one which relates to an unfair hearing.
 - ii. All Notices of Appeal must include at least one of the three criteria for appeal and information which supports that argument.
 - iii. The procedures were clarified to require that an appeal body establish that a criterion for an appeal has been met before any changes are made.
 - iv. The authority of an appeal officer or committee to completely dismiss all charges at the appeal level was curtailed to encourage cases be remanded to correct errors.
 - e. **Access to Records and Record Retention:**
 - i. This new section was added to clarify how and when respondents and alleged victims can access disciplinary records and to clarify that copies will not be made.

- ii. The section also clarifies how long records will be maintained and released if an appropriate release of information is filed by the respondent.
3. **Alcohol Policy Revision:** The SCSD reviewed changes to Section 1-307 of the Student Code (alcohol policy) as proposed by staff. This section included redundant and irrelevant information and was organized in a way that made charging student respondents confusing and difficult. This proposal was submitted to the Conference on Conduct Governance and ultimately adopted into the 2014-2015 Student Code.
4. **Response to Illegal Drug Use and Distribution:** The SCSD response to illegal drug use and distribution has not significantly changed for at least the last 15 years. Staff gathered benchmarking information from Big Ten and other state institutions in Illinois and sought information from campus and community stakeholders regarding potential changes. A task force was created who redrafted Sanctioning Guidance based upon this research and committee feedback. As a result, the SCSD decreased the standard response for a first and second time marijuana consumption offense, but lengthened the period of dismissal for a third offense. In addition, the committee clarified what the campus would consider to be “sharing” drugs as opposed to distributing. Finally, the committee reduced the standard length of dismissal for distribution of illegal drugs while enumerating the aggravating factors which would quickly lengthen the dismissal period. The committee affirmed that no changes would be made to those students previously sanctioned would be made as a result of this change in practice.
5. **Standard of Proof:** The committee considered a member proposal to modify the “preponderance of the evidence” standard of proof. While this standard is required by the Department of Education for all cases involving sexual harassment and sexual violence, the proposal was that a higher standard be used for all other cases (possibly “clear and convincing information”. The committee was reluctant to entertain this change, specifically without direct input from university counsel. This discussion will continue in FY15.
6. **Subcommittee Selection:** OSCRC again lead the effort to advertise for and select the new members of the Subcommittees on Student Conduct. In order to process our cases more quickly, staff began to run two hearing rooms on Friday afternoons which significantly stretched our current membership. As a result, the SCSD hoped to select far more members than we have historically to ameliorate this concern. We revised and enhanced our printed publicity and electronic solicitation and called on campus stakeholders to assist us in identifying qualified candidates. We had an impressive 39 applications and selected 17 undergraduates and three graduate students. . While there were no new faculty applications, 11 of our experienced faculty members will be returning in FY14, joining two returning graduate members and five undergraduate members.
7. **Appeal Process:** Appeal hearings take significant time and effort to implement, but this is a primary responsibility of the SCSD. At the same time, many appeals are not based on the criteria for appeal and are essentially requests for a re-hearing. The SCSD had substantial and productive discussion about the possibility of a vetting committee to review notices of appeal and determine whether or not a formal appeal hearing should be granted. No decision has been made, but this topic will be reintroduced in the fall as we seek input from stakeholders and university counsel.
8. **Discipline Committee Appreciation:** The OSCRC staff hosted an appreciation ceremony for all Subcommittee and Senate Committee student and faculty members at a catered event in the Illini Union. We also used this appreciation as an opportunity to introduce our new student members to the returners.

Student Disciplinary Statistics
Executive Summary

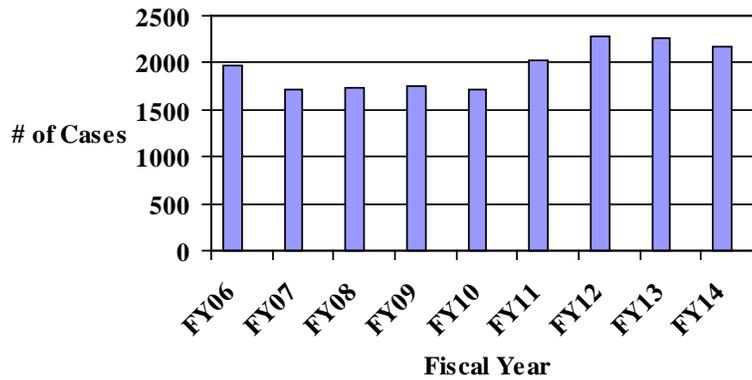
- The Office for Student Conflict Resolution addressed a total of 2165 cases in FY14. This is slightly down from last year's total (-4.07%).
 - 1507 formal hearing officer disciplinary cases (-18.54%)
 - This decrease is primarily due to a decreased number of referrals for illegal downloading from CITES (-60.10%), a reduction in the number of illegal ID confiscations in the local bars (-43.09%), and a reduction in the number of improper use of I-card referrals (due to an agreed philosophical change between our offices) (-94.55%).
 - 89 Subcommittee on Undergraduate Student Conduct cases (+9.87%)
 - In order to move cases through hearing more quickly, OSCR began to run two hearing rooms on Friday afternoons starting in October of 2013.
 - 557 first time academic integrity notices (+73.52%)
 - As the FAIR Academic Integrity Reporting system becomes more widespread to all colleges making accusations, record keeping and reporting of violations easier, the number of faculty confronting and addressing academic integrity violations continues to rise.
- The Senate Committee on Student Discipline heard 13 appeals in in FY14. Of that number, 12 decisions were upheld without changes and 1 was modified. In FY13, the SCSD heard 17 appeals.
- The Subcommittees on Student Conduct heard 38 petitions in FY14. Of that number, 37 petitions were approved and 1 was denied. In FY13, the subcommittees also heard the exact same number of 38 petitions.
- The Subcommittee on Undergraduate Student Conduct heard 6 appeals of Disciplinary Officer decisions in FY14. Of that number, all 6 decisions were upheld without changes. In FY13, the SUSC heard 9 appeals.
- The Executive Director heard 40 petitions for removal of transcript notations in FY14 and all of them were approved. In FY13, he also heard 40 petitions.
- OSCR referred 84 students to AODO in accordance with the Mandatory Assessment policy in FY14. These students were not subject to disciplinary action. We referred 139 students in FY13 (-39.57%). The reason for the significant decline is not readily available, but should be compared to the whole numbers available at AODO.
- In FY14, OSCR staff handled 498 disciplinary background checks (-15.02%) and 170 federal background checks (-23.08%).
- Violations of note. These were violations for which the respondent was found responsible, but does not include those whose charges were dropped or were found not in violation:

| | |
|--|---------------|
| ○ 1-302.a.1 – actions resulting in bodily harm | 25 (-37.5%) |
| ○ 1-302.a.2 – physical contact of an insulting or provoking nature | 48 (+17.07%) |
| ○ 1-302.b.1,2,3,4, or 5, sexual misconduct violations | 17 (+6.25%) |
| ○ 1-302.g – Failure to comply with staff | 31 (-27.91%) |
| ○ 1-302.h. – failure to comply with police | 57 (+14%) |
| ○ 1-302.j – theft or possession of stolen items | 109 (+34.57%) |
| ○ 1-302.k – destruction or damage to property | 58 (+7.41%) |
| ○ 1-302.n – illegal downloading | 83 (-60.10%) |
| ○ 1-305.d – illegal possession of drugs | 239 (+9.13%) |
| ○ 1-305.e – sale or distribution of illegal drugs | 20 (-33.33%) |
| ○ 1-307.a.1 – minor in possession or consumption of alcohol | 646 (+7.13%) |
| ○ 1-307.d – use of a fake ID or another's ID to obtain alcohol | 103 (-43.09%) |
- Educational Sanctions of note:

| | |
|---------------------------------|----------------|
| ○ Alternatives to Violence | 27 (-28.94%) |
| ○ Alcohol and Other Drug Office | |
| ▪ AODO Evaluation | 98 (-20.97%) |
| ▪ CAAP class | 85 (-20.56%) |
| ▪ Marijuana Information class | 183 (+15.82%) |
| ○ eCHUG | 487 (+12.73%) |
| ○ Essays | 534 (+.19%) |
| ○ Ethics in Action Workshop | 81 (-27.68%) |
| ○ Mandated service | 173 (+105.95%) |

TOTAL DISCIPLINE CASES ADDRESSED (BY YEAR)

| 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 1979 | 1716 | 1737 | 1754 | 1714 | 2033 | 2283 | 2257 | 2165 |



The full Statistical Summary of the FY2013 Disciplinary Cases is attached as **Appendix A** to this report.