

1 September 2010

To: Thomas F. Rosenbaum  
From: Harry Davis and Ingrid Gould, co-chairs  
In re: Student disciplinary procedures review  
CC: Kevin Cherry, Greg Hillhouse, Susan Levine, Martina Munsters, Michele Richardson, Anna Sarfaty, and Ted Stamatakos

The faculty-student-staff committee that you appointed met five times over the course of Spring Quarter to consider four specific student disciplinary questions:

- How ought the University to handle discipline of groups?
- While ensuring compliance with Federal law, to what extent and under what circumstances may the individual alleging a violation occurred be involved in and apprised of the disciplinary process and its outcome?
- Should sexual assault cases be heard by a central disciplinary committee? If yes, should domestic violence complaints be heard by that centralized structure, too?
- Where should the University consider complaints against admitted students who have not yet matriculated?

We reviewed policies and practices at several peer institutions and discussed in detail the shortcomings and advantages of our own policies and practices on these four dimensions. The committee members were dedicated and thoughtful, and the group coalesced quickly, leading to candid and creative discussions. We consulted extensively with the staff responsible for putting such policies into action so that our ultimate recommendations to you would reflect their knowledge and foresight and better ensure a workable policy.

Below we summarize our recommendations, which, where appropriate and pending your approval, we have incorporated into the current text of the disciplinary procedures. As you will see, a couple of our recommendations fall outside the specific text of the disciplinary procedures.

#### Group Discipline

- The committee spelled out the circumstances in which groups (whether formal or informal), not just individual students, may be subject to discipline. Specifically, when group members and/or group leadership:
  - knew about the intended misconduct and failed to take appropriate steps to prevent it;
  - should have anticipated the misconduct and taken appropriate steps to prevent it; or
  - failed to disclose all information relevant to an investigation of misconduct of a group member or guest.
- Where appropriate and permitted by law, the area Deans of Students may disclose allegations of misconduct and the outcomes of disciplinary proceedings to third-parties, including to external organizations.
- A range of sanctions to discipline groups parallel the range of sanctions available to discipline individual students.

#### Involvement in Disciplinary Process and Information regarding Outcome

- Area Dean of Students may request that the accused student authorize the release of their statement and, in some instances, the disciplinary outcome of the complaint.
- Upon consultation with Campus and Student Life, the area Dean of Students may request that the accused authorize release of additional documents, such as witness statements. (The purpose of these two provisions is to try to equalize the process for the complainant, changes some students and others care about particularly in cases of sexual assault. These two changes will also serve a faculty member

who accuses a student of cheating or plagiarism. Right now, that faculty member cannot be informed of the disciplinary outcome.)

### Centralizing Sexual Assault Cases

- When a complaint of sexual assault is to be heard by an Area Disciplinary Committee, the chair of the College Disciplinary Committee or his or her faculty designee serves on that committee.
  - The College is the only unit with a standing disciplinary committee, so expertise develops over time.
  - The College Disciplinary Committee hears more complaints of sexual assault than any other unit, so it has the most experience with that sensitive issue.
- An Area Disciplinary Committee be augmented by a student.
- In such cases, neither the faculty member nor the student should be from the division or school of the complainant or the accused.

### Post-admission/Pre-student Discipline

- Current policy calls for these “in between” cases to be handled by the Area Student Disciplinary Committee.
- Effective upon adoption of this change, each school and division and the College will establish an Admission Review Committee composed of the area senior admissions officer, the cognizant academic dean (or is or her designee), and a representative from Campus and student Life.
  - This committee, which contains someone tapped by the cognizant dean, will be charged with handling discipline at this “in between” stage.
  - Once the admitted student takes on the role of a student on campus, the Area Disciplinary Committee will be responsible for discipline.
- Going forward, admissions materials and the applications will state that candidates have an affirmative duty to notify the admissions office of any matter for which they have been disciplined at their previous school or in the criminal courts before and after their Chicago admission.

Lastly, the committee recommends that in five years another committee, including a faculty member and a student from one of the smaller schools, be formally constituted to examine how our substantive policy revisions actually work and what changes might be beneficial.