

# Sixteenth 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

**2009-2010  
ACADEMIC YEAR**

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# STUDENT MISCONDUCT RESOLUTION SYSTEMS

<p><b>NON-ACADEMIC MISCONDUCT</b></p> <p>Includes: Theft Assault Harassment Classroom Disruption</p> <p><i>Resolved by</i> DEAN OF STUDENTS</p>	<p><b>ACADEMIC MISCONDUCT</b></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"> <li>• Health Iowa</li> <li>• Univ. Counseling Services (UCS)</li> <li>• Office of Diversity and Enrichment</li> </ul>	<ul style="list-style-type: none"> <li>• No Contact Order</li> <li>• Building Prohibition</li> <li>• Bar from Class</li> <li>• Bar from Univ. Activity</li> </ul>	<ul style="list-style-type: none"> <li>• Research Project</li> <li>• Enroll in Class</li> <li>• Provide Service</li> <li>• Sexual Harassment Workshop</li> </ul>	<ul style="list-style-type: none"> <li>• Cost to Repair</li> <li>• Apology Letter</li> <li>• Community Service</li> </ul>

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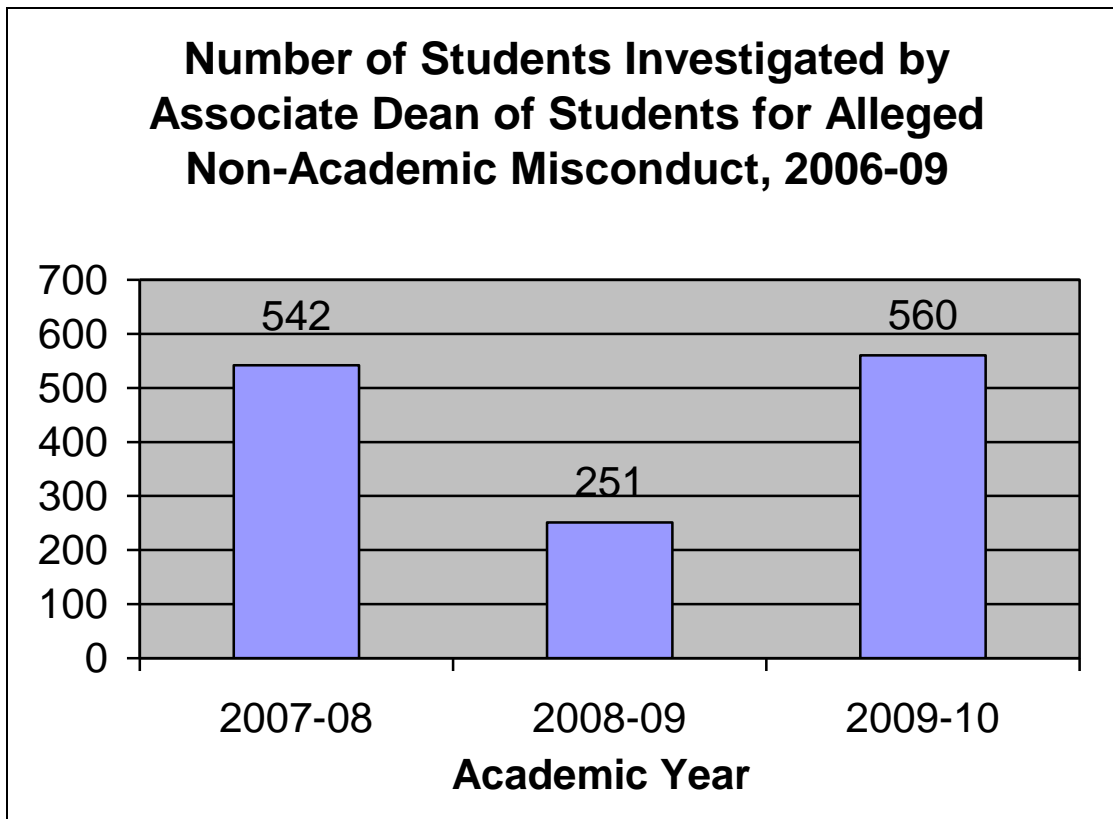
- This academic year 2009-10 report analyzes student discipline data for the year prior to the implementation of the expanded Code of Student Life jurisdiction. On August 12, 2010, new Code of Student Life rules went into effect. The new rules governed off-campus behavior in Johnson County as well as on-campus behavior. The expanded jurisdiction represented a substantial change from the 2009-10 rules, which limited University jurisdiction for the most part to University property. The 2009-10 AY was also the last year the Office of the Dean of Students (ODOS) staff operated under a single-track negotiation model of complaint resolution. Starting in August, 2010, a dual-track system authorized ODOS staff to impose sanctions in non-suspension cases.
- AY 2009-10 was first year in which Dr. David Grady, the Associate Vice President for Student Life, served as the Dean of Students. It was also the first year two full-time investigators worked for the Office of the Dean of Students. With the additional full-time staff, the ODOS investigated a larger number of campus complaints in AY 09-10. Alcohol violations and marijuana violations on University property represented a large percentage of the caseload.
- Fewer disciplinary suspensions were imposed by the Dean of Students in AY 2009-10 compared to the previous year. A higher percentage of students suspended by the Dean of Students filed appeals to the Office of the Provost.
- Residence Hall residents cited for alcohol-related violations typically consumed the alcohol at an off-campus venue before returning to campus and drawing attention to themselves. A number of alcohol violations involved excessive drinking, and in some cases the degree of excess rose to a dangerous level. Many of the students arrested for Public Intoxication on campus or taken to the hospital in AY 09-10 had a blood alcohol concentration greater than .20% (by comparison, the Operating While Intoxicated definition is .08%).
- Campus health emergencies related to self-destructive behavior increased in AY 2009-10 compared to the previous year. The city ordinance prohibiting under 21-year-olds from entering bars after 10:00 p.m. did not take effect until June 1, 2010, and during the year prior to the advent of the ordinance a record high number of residence hall residents were transported to the emergency room under the influence of alcohol.
- Eleven complaints of sexual harassment involving students were investigated by ODOS in AY 2009-10. Four of the 11 students were accused of unwanted physical contact of a sexual nature and the remaining seven cases involved non-physical sexual harassment. In addition to these 11 cases, ODOS investigated two cases of domestic abuse involving students and three cases of stalking. Many of the respondents denied the allegations, and ODOS spent considerable time investigating this relatively small number of complaints. All three formal hearings held during AY 2009-10 involved sexual misconduct or stalking allegations.
- The following ODOS personnel managed the Code of Student Life enforcement system in AY 09-10.
  - Ms. Valerie Heffernan, Program Assistant, coordinated the Code of Student Life record system and assisted in drafting correspondence.
  - Mr. Kieran Leopold, Student Conduct Officer, interviewed students accused of misconduct and resolved minor complaints, among other responsibilities.

- **Mr. Thomas Baker, the Associate Dean of Students & Director of the Student Conduct Office, interviewed students accused of major violations, represented the University of Iowa at formal disciplinary hearings, and attended weekly Threat Assessment Team meetings with Public Safety staff.**
- **Dr. David Grady, Associate Vice President & Dean of Students, supervised the enforcement of non-academic student discipline rules and procedures.**
- **In addition, Ms. Monique DiCarlo, the full-time Sexual Misconduct Response Coordinator for the campus, managed the complaint process for sexual harassment and sexual assault incidents involving students.**

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

Between June 1, 2009 and June 1, 2010, the Office of the Dean of Students (ODOS) received reports accusing 560 students of non-academic misconduct. Some students were involved in more than one infraction. The AY 2009-10 caseload figure represented a major increase compared to the previous academic year which was affected significantly by the logistical obstacles imposed by the flood and the water damage to the building which housed the ODOS. By contrast, residence hall complaints during the 2009-10 academic year saw a decrease 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 II 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 560 cases investigated during AY 2009-10, 78% of those accused were male students. Female students were named in 125 complaints, or 22% of all cases.



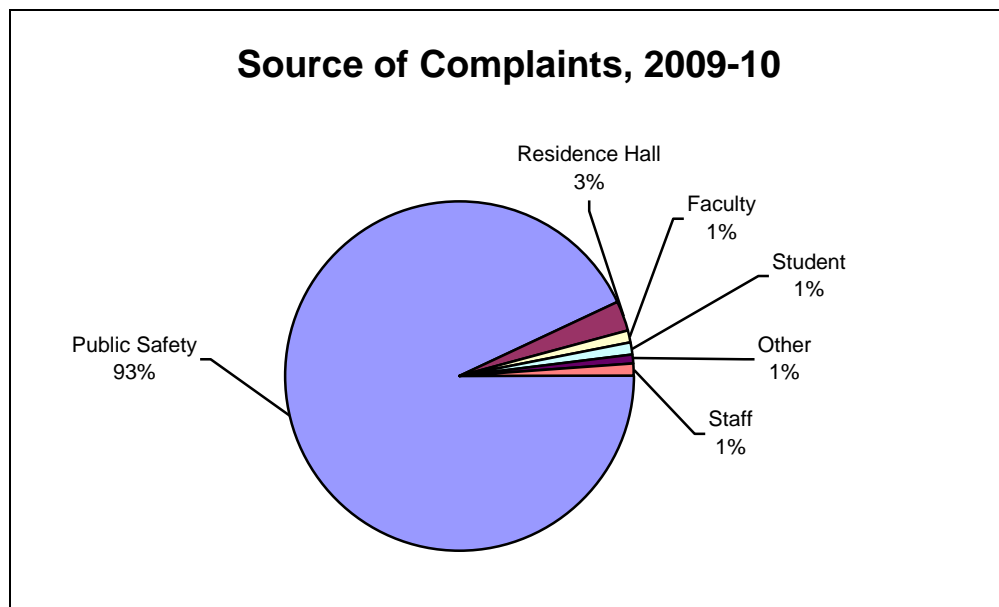
## A. DEPARTMENTS FILING COMPLAINTS

**TABLE A – COMPLAINTS INVESTIGATED BY O.D.O.S.**

CASE SOURCE	2007-08	2008-09	2009-10
Public Safety Report	377	217	517
Residence Hall Report	10	11	16
Student Complaint	3	3	7
Faculty/TA Complaint	8	13	7
Staff Complaint	15	2	4
Other Source	17	2	9
EOD report	3	0	0
EOD report & DPS report	0	0	0
ITS (Information Technology)	109	3	0

As in previous years, officers from the Department of Public Safety (DPS) witnessed the majority of complaints investigated by the Associate Dean. In AY 2009-10, 92% of the 560 complaints originated from DPS. Other sources of complaints included residence hall staff, ITS staff, faculty, students, and teaching assistants.

Two major factors contributed to increase the number of Public Safety complaints investigated in AY 2009-10. Starting in July, 2009, a second full-time investigator (the Student Conduct Officer) was added to the ODOS staff. This hiring, combined with the retention of the ODOS File Manager's position, boosted the capacity of the ODOS to process complaints. During the fall 2008 semester the Associate Dean of Students was the only staff member administering the Code of Student Life system. The low production numbers during AY 2008-09 reflect the delay in the hiring of the new File Manager due to flood damage to the Iowa Memorial Union in 2008. With the addition of the Student Conduct Officer and the File Manager, ODOS was able to investigate minor as well as major University Police reports in AY 2009-10.





## B. PROFILE OF ALLEGED MISCONDUCT

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 2009-10 academic year.

Alcohol-related offenses (Rule 12) continued to be the most frequent type of misconduct investigated by ODOS. In AY 2009-10, 262 alcohol complaints were investigated by ODOS. The number of illegal drug cases (Rule 13) was also substantial. Eight students were accused of drug trafficking (Rule 14), a most serious offense. With regard to dangerous conduct (Rule 10 complaints), 55 reports were investigated by ODOS, most of them OWI (drunk driving) cases. 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 ODOS investigated 11 complaints of sexual misconduct in AY 2009-10 (four sexual assault and seven non-physical sexual harassment cases). In addition, two cases of domestic abuse were investigated and three complaints of stalking by an ex-boyfriend. The profile of Residence Hall misconduct for the same period is provided in Part III, figures not included in Table B.

**TABLE B**

RULE ALLEGEDLY VIOLATED	2007-08 CASES	2008-09 CASES	2009-10 CASES
1) Academic Misconduct*	N/A	0	1
2) Misrepresentation	1	2	2
3) Failure to Cooperate	0	2	2
4) Classroom Misconduct	1	3	0
5) Disrupt Orderly Process	2	2	4
6) Unreasonable Demonstration	0	0	0
7) Improper Use of Univ. Property	0	2	1
8) Arson, Misuse of Fire Equipment	0	1	0
9) Theft & Vandalism	13	6	20
10) Assault, Threat, Harassment, and Dangerous Conduct (inc. OWI)	58	20	55
11) Firearms, Explosives	3	1	2
12) Alcohol Possession/Consumption	218	102	262
13) Drug Possession/Consumption	65	50	90
14) Drug Sales/Manufacture	9	7	8
15) Computer Misuse	112	3	1
16) Violation of other regulations	18	8	17
17) Other misconduct	36	40	85
18) Violent Conduct in Johnson County	5	2	1
19) Misconduct on other state universities	1	0	2
Sexual Misconduct		4	7

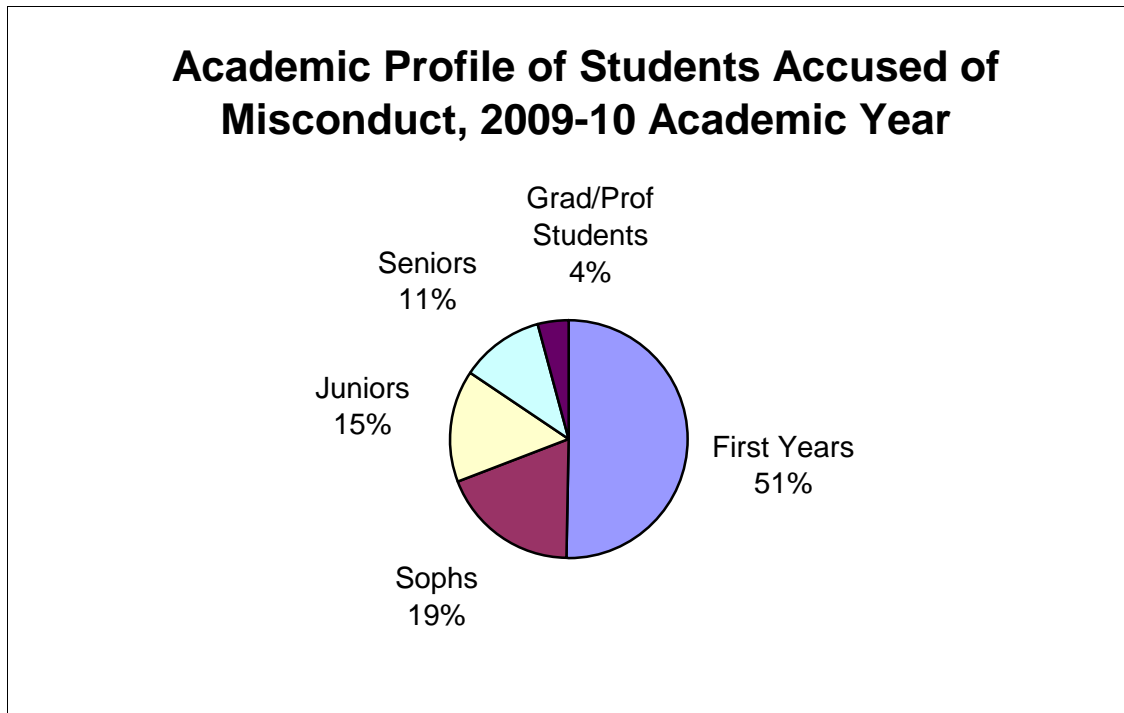
\*Rule 1 complaints (academic misconduct) are resolved by the dean of the college in which the complaint originates.

**C. ACADEMIC STATUS OF RESPONDENTS**

**TABLE C**

	ACADEMIC PROFILE OF U OF IA STUDENT BODY (FALL, 2009)	PERCENT OF DISCIPLINARY CASES (2009-10)
<b>UNDERGRADUATES</b>		
First-year (1)	17%	51%
Sophomores (2)	14%	19%
Juniors (3)	16%	15%
Seniors (4)	18%	11%
<b>GRADUATE STUDENTS</b>		
Prof. Colleges (L, M, P, S & D)	13%	2%
Other Graduates (G)	19%	2%

Analyzing the caseload by academic status shows that first-year students were accused in half of the 560 cases investigated by ODOS in AY 2009-10 (TABLE C). Although the great majority of students named in disciplinary complaints were undergraduates (95%), the overall percentage of undergraduates accused of misconduct was very small. During AY 2009-10, 2.6% of the 20,574 UI undergraduates met with the ODOS to discuss a disciplinary complaint.



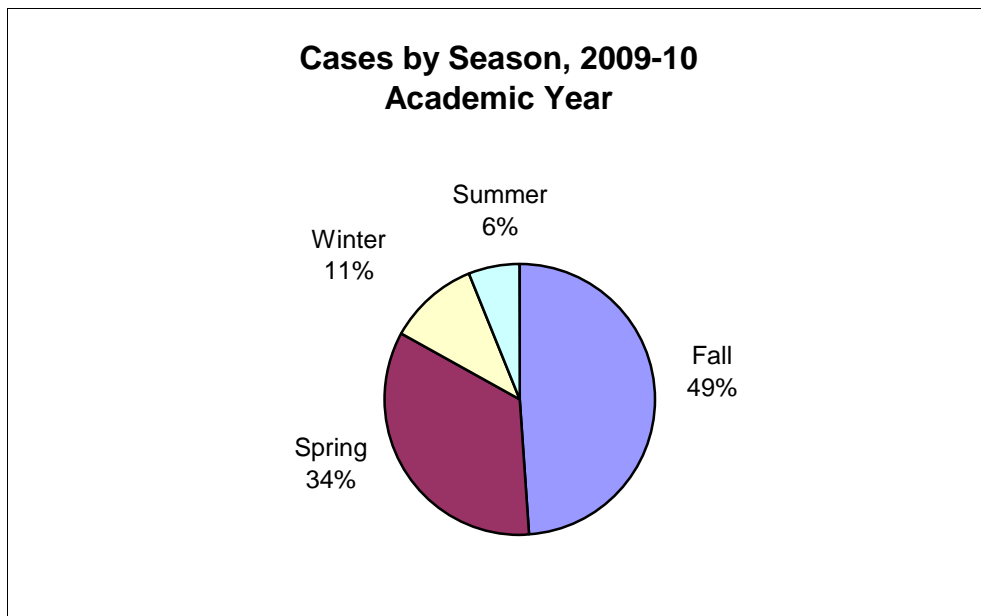
**D. SEASONAL NATURE OF REPORTED MISCONDUCT**

**TABLE D**

INCIDENT DATE *	2009-10 CASES
June	19
July	14
August	26
September	91
October	112
November	44
December	25
January	39
February	28
March	65
April	56
May	40

\*Month the incident allegedly occurred

As in previous years, the bulk of disciplinary complaints investigated in AY 2009-10 arose during the fall semester. ODOS received an average of 47 cases each month, although the actual number filed ranged from 14 to 112. 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.



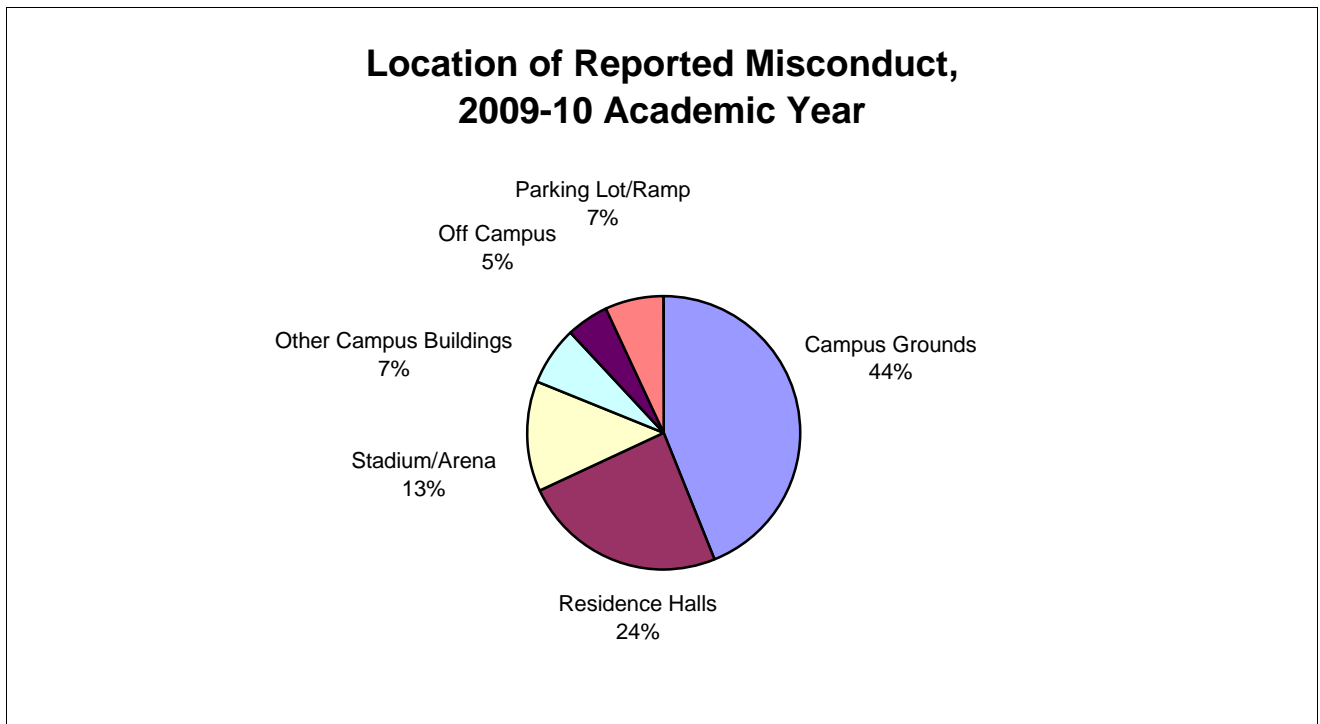
**E. LOCATION OF REPORTED MISCONDUCT**

**TABLE E**

LOCATION OF ALLEGED MISCONDUCT	2009-10 CASES
Residence Halls*	132
Campus Grounds	252
Parking Lot/Ramp	41
Univ. Apartments (ex-Family Housing)	4
Fraternity/Sorority (off-campus)	1
Other Off Campus	28
Administration Buildings	9
Stadium or Arena	72
Classroom Buildings	10
University Hospitals	4
Recreation Building	5
Libraries	0
University computer equipment	2

\*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 ODOS for investigation. Cases resolved by residence hall staff members without referral to the Associate Dean are analyzed in Section III.



Forty-five percent of all cases investigated by ODOS in AY 2009-10 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 investigated in AY 2009-10.

Classroom buildings were the site of a handful of complaints (10 in 2009-10). Nine 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-eight complaints accused a student of misconduct off campus.

## F. RESIDENCE OF RESPONDENTS

While 95% of disciplinary incidents occurred on campus in AY 2009-10, 57% of the students investigated by ODOS 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 2009-10.

**TABLE F**

RESIDENCE OF ACCUSED	2007-08 CASES	2008-09 CASES	2009-10 CASES
Residence Halls	256	157	319
University Apts. & Tenant Properties	7	3	2
Off Campus	279	91	239

## G. FORM OF RESOLUTION

When the evidence gathered in the course of the investigation failed to verify the allegations, the ODOS investigator dismissed the complaint. If the allegations were verified, ODOS took action to resolve the complaint. Under the 2009-10 version of the Judicial Procedures, the investigator could either conclude an informal (i.e., negotiated) agreement or charge the student at a formal hearing.

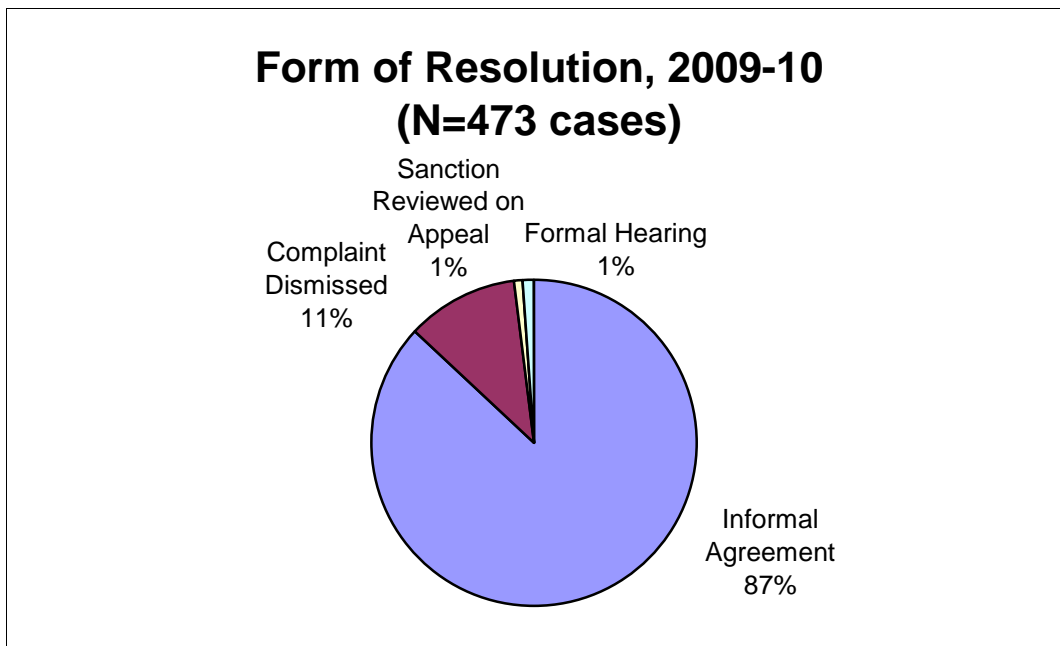
**TABLE G**

FORM OF RESOLUTION	2009-10 CASES
RESOLVED:	
Informal Agreement (no appeal)	413
Formal Hearing	2
Complaint Dismissed/No Sanctions	53
Sanction Reviewed on Appeal	5
NOT RESOLVED:	
Accused Not Registered	14
Accused Withdrew	21
To Be Resolved After 6/1/10	45
Accused Academically Ineligible	7

Of the 473 cases resolved during the 2009-10 academic year, ODOS dismissed 53 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). In some cases, a complaint could not be resolved because the student had withdrawn from the University. 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.

The vast majority of cases not dismissed were resolved through negotiation with the accused student. In 413 cases during AY 2009-10, the ODOS investigator reached an informal agreement with the student which included one or more sanctions. In only two cases did a student accused of misconduct request a formal evidentiary hearing and dispute the allegations. In five 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.

Forty-two cases investigated by ODOS in AY 2009-10 could not be resolved because the individual accused of misconduct was a former student or a student who withdrew from the University after the misconduct took place. Several of these unresolved cases involved students referred to a substance abuse program at Student Health who was later suspended by academic officials for low grades. To facilitate counseling at the time of re-enrollment, ODOS placed a restriction upon the former student's University record. Permission from the Office of the Dean of Students is required to re-register.



Many of the unresolved cases were projected to be resolved during the fall 2010 semester. As of June 1, 2010, 45 cases had not been dismissed or sanctioned. Many of these cases involved complaints filed near the end of the spring semester or cases postponed by concurrent criminal charges. In addition, 73 students who had agreed to complete an educational program had not done so as of June 1, 2010. These students were required to complete the educational program during the fall 2010 semester in order to remain enrolled in University classes.

## H. FORMAL HEARINGS & APPEALS

Of the 473 cases resolved during AY 2009-10, formal evidentiary hearings had been conducted in two cases as of June 1, 2010 and third hearing was scheduled to take place in July. Each of the first two hearings took approximately five hours. The third case was not completed by the end of the first day so two more days of hearing were scheduled. In all three of cases taken to a hearing, only one student faced charges. Two of the three students charged were accused of sexual misconduct, so both of their hearings were conducted by a hearing officer trained as a Sexual Misconduct Adjudicator (SMA).

Four Code of Student Life hearing officers have been trained to conduct sexual misconduct hearings. Ordered alphabetically, the group of hearing officers included Dave Bergeon, University of Iowa Hospitals & Clinics Human Resources (formerly of Employee Relations); Lelia Helms, College of Education; Jan Waterhouse, College of Engineering; and Linda Neuman, adjunct professor in the College of Law. All four hearing officers have J.D. degrees.

**TABLE H**

DATE OF INCIDENT	HEARING OFFICER	DATE OF HEARING	HEARING LENGTH
12/10/2009	Helms	4/15/2010	5 hrs.
1/28/2010	Bergeon	4/16/2010	5 hrs.
5/9/2010	Neuman	After 6/1/2010	15 hrs.

The third case was resolved during the fall 2010 semester. Of the two cases heard in April, the hearing officer in one case found the student responsible (i.e., guilty) of violating the Code of Student Life. The student did not appeal the hearing officer's decision. Charges were dismissed in the second case.

Seven cases came directly up on appeal to the Office of the Provost during the 2009-10 academic year. In direct appeal cases, the student waived his/her right to an evidentiary hearing (in other words, admitted responsibility for the violation) and appealed the sanction imposed by the Dean of Students as overly harsh. The Provost upheld the sanction imposed by the Dean of Students in three of the seven cases. In the remaining cases, the Office of the Provost instituted a sanction more lenient than the sanction imposed by the ODOS.

In four sexual misconduct cases resolved during AY 2009-10, a party to the case appealed the decision of the ODOS or the hearing officer. In one case, charges against a student placed on probation for sexual harassment were dropped. In one case, charges against a student placed on probation for sexual harassment were upheld on appeal. In the two remaining cases, an appeal followed a decision by the hearing officer to dismiss charges against the accused student. In each case, the person who filed the appeal was the student who had brought the complaint. In both cases, the Office of the Provost upheld the hearing officer's judgment as to the merits of the case after reviewing the record of the hearing.

## I. SANCTIONS

Status sanctions recommended by the ODOS ranged from disciplinary warnings to suspension from the University. In determining an appropriate sanction in AY 2009-10, the investigator assigned to the case 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 473 cases resolved in AY 2009-10, a status sanction was imposed in 84% of the cases. A total of 396 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. Probation sanctions were recommended more often than Disciplinary Warning letters (TABLE I -1). The length of probation varied depending upon the gravity of the infraction.

**TABLE I-1 – STATUS SANCTIONS**

STATUS SANCTIONS IMPOSED	2009-10 CASES	
Disciplinary Warning	84	
Probation:	299	
One Semester		44
One Year		243
More than One Year		5
Until Graduation		7
University Suspension	13	
Expulsion	0	

**TABLE I-2: ADDITIONAL SANCTIONS APPLIED\***

	2009-10 CASES
<b>COUNSELING SANCTIONS:</b>	
Substance Abuse Counseling	306
Personal Counseling (Univ. Counseling Service)	12
<b>EDUCATIONAL SANCTIONS:</b>	
Letter of Apology/Explanation	1
Restitution	2
Residence Hall Floor Activity/Poster	1
Research Paper	2
<b>NON-EDUCATIONAL SANCTIONS:</b>	
No-Contact Order Remains in Effect	15
Building Prohibition Order	15
Campus Prohibition Order	0
Suspension from Residence Halls	12
Athletic Event Restrictions	19
Intramural Sports Prohibition	1



Suspension from a Single Class	3
Grade Point Average Expectations	4
Suspension from Extra Curricular Activity	1
Not Eligible for UI Employment	0
Loss of Computer Privileges	0
Meet with ODOS Staff on Ongoing Basis	4
Community Service	0

\*Counseling, Educational and Non-Educational sanctions were usually imposed along with the Disciplinary Status Sanctions listed in Table I-1.

Thirteen students were suspended from the University for one semester or longer in AY 2009-10. The majority of the suspensions involved second-offense or third-offense cases. In a few cases, the ODOS recommended suspension for a first-offense case, such as illegal drug trafficking or sexual assault. One student charged with drug trafficking were suspended from the University in AY 2009-10.

In 47 cases investigated during AY 2009-10, an interim sanction was imposed during the investigation. One interim University suspension was issued. In cases where the accused was no longer enrolled, a campus prohibition order was issued in five cases. Following the completion of investigation, interim sanctions often became permanent sanctions as part of the final resolution of the complaint.

**TABLE I-3 INTERIM SANCTIONS**

INTERIM SANCTION	2009-10 CASES
University Suspension	1
Suspension from one Class	2
Res. Hall Suspension	15
Building Prohibition	15
Campus Prohibition Order	5
No-Contact Order	21
Graduation Hold	0
Registration Restriction	5
Employment Suspension	3
Dormitory Room Transfer	4
Extracurricular Activity Restriction	2

## **II. 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 evict 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. Hall Coordinators also have 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 2009-10 academic year, Ms. Kate Fitzgerald the Assistant Director of Residence Life, supervised enforcement of the residence halls conduct regulations. Two Neighborhood Area Coordinators, nine Hall Coordinators and two Assistant Hall Coordinators investigated residence hall complaints and imposed sanctions in non-eviction cases. Kate Fitzgerald, the Assistant Director of University Housing, investigated cases warranting eviction.

Mr. Anthony Bettendorf managed the East Side Neighborhood of Burge, Daum, Currier, Stanley Halls and Mayflower halls AY 2009-10; and Ms. Lindsay Jarratt managed the West Side Neighborhood, which includes Hillcrest, Slater, Rienow, and Quadrangle Halls. The Hall Coordinators for the 2009-10 academic year included Ms. Amy Baccei (Burge Hall); Ms. Nicole Sexton (Daum Hall); Ms. Jacque McKenna (Currier and Stanley Halls); Mr. Brandon Paulson (Currier and Stanley Halls); Ms. Libby Spotts (Rienow Hall); Mr. Ben Parks (Hillcrest Hall); Mr. Greg Berube (Slater Hall); Ms. Shelby Van Egdome (Rienow Hall); Mr. Ryan Cohenour (Quadrangle Hall); and Ms. Mary Coughlin-Julian and Mr. Ben Black (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. At the start of the fall semester 2009, over 95% of the 5,496 residents were under the legal drinking age of 21.

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 over two 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.

Just under half (49%) of all complaints received by Hall Coordinators in AY 2009-10 involved a violation of the Alcohol Policy. 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 436 alcohol policy violations investigated by Housing staff in AY 2009-10, a resident was charged with alcohol possession in over 65% of the cases. In three cases, a resident over the age of 21 was found in possession of alcohol.

In a relatively small but significant number of cases, Area Coordinators or Hall Coordinators met with a resident taken to a hospital following a deliberate act of self-injury such as pill swallowing, cutting or a threat to commit suicide. 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**	2007-08 CASES	2008-09 CASES	2009-10 CASES
1) IMPROPER ENTRY/USE	23	32	12
2-3) BLOCK ACCESS	0	0	0
4A) HARASSMENT	5	14	8
4B) PHYSICAL ABUSE	4	11	4
5) NON-COMPLIANCE	14	14	7
6) DISRUPT EVENT	14	9	12
7) TAMPER FIRE EQUPT.	5	4	7
8A) ILLICIT DRUGS	48	71	46
8B) UNDERAGE ALCOHOL	518	649	429
8B-3) <i>Underage alcohol possession</i>	(205)	(328)	(255)
8B-4) <i>In the presence of alcohol</i>	(177)	(208)	(125)
8C) ALCOHOL & NOISE	6	0	10
9A) THEFT	6	2	0
9B) VANDALISM	22	23	16
10) WEAPONS/GUNS	2	3	2
11) MISREPRESENTATION	11	2	0
12) MISUSE OF KEY	4	0	3
13) EMERGENCY DRILL	5	4	0
14) NOISE/QUIET HOURS	112	95	14
15) FLAME/FIRE HAZARD	13	9	6
16A) PETS	6	0	0
16B) FURNITURE MISUSE	9	0	2
16C) SMOKING	17	10	12
16D) WINDOWS/SCREENS	16	6	3
16E) HALL SPORTS	3	1	8
17A) SEXUAL HARASSMENT	2	2	2
17B) SELF-DEST. BEHAV'R	24	44	22
17C) OTHER	123	130	37
<i>ResNet Violations – see page 32</i>	454	261	225
<b>TOTALS</b>	<b>1466</b>	<b>1396</b>	<b>887</b>

\*The totals do not include the most serious types of cases reported (drug trafficking and assault, e.g.) because they were investigated by the Office of the 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 4,400 residents accused of misconduct. The great majority of the interviews were conducted by Neighborhood Area Coordinators or Hall Coordinators. In housing eviction cases, the Assistant Director of University Housing 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, 179 cases were dismissed by staff members following investigation in AY 2009-10.

<b>TOTAL CASELOAD</b>	<b>2007-08 CASES</b>	<b>2008-09 CASES</b>	<b>2009-10 CASES</b>
SANCTIONS IMPOSED	793	955	605
REMINDER LETTERS ISSUED	673	441	282
CASES DISMISSED	241	219	179

A significant drop in cases is shown in the data from Academic Years 2007-2009 when compared with AY 2009-10. This shift may be a representation of a change in culture over the time the alcohol fine system has been in place, it may be a result of referring criminal charges for alcohol situations to the Office of the Dean of Students, it could be a temporary dip in violations, or more likely it is a combination of all these explanations.

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 2009-10 (282) represented a decrease from AY 2008-09 (441).

<b>SANCTIONS APPLIED IN ALL CASES</b>	<b>2007-08 CASES</b>	<b>2008-09 CASES</b>	<b>2009-10 CASES</b>
Disciplinary Warnings	616	646	431
Disciplinary Probation	157	281	159
Building Transfer/Probation	0	3	3
Res. Hall Eviction	20	25	12
<b>TOTAL SANCTIONS</b>	<b>793</b>	<b>750</b>	<b>618</b>

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 2009-10, staff members issued written disciplinary warnings in 431 cases and placed 159 residents on residence halls probation. On three occasions, a resident was placed on probation and transferred involuntarily to another building. In 12 cases, a resident was suspended from the residence halls system

by the Assistant Director of University Housing. The number of evictions in AY 2009-10 represented a decrease over the AY 2008-08 eviction total (25).

Alcohol violations in AY 2009-10 decreased from the previous year. As a result, the number of monetary fines imposed on residents decreased from 392 to 346 between AY 2008-09 and 2009-10. The amount of the fine varied from \$300 to \$700 depending upon the circumstances of the incident. Despite the increase in first-time violators, the number of repeat violations remained low in AY 2009-10. Only one resident was evicted from the halls for alcohol possession after a second or third offense.

#### **RESIDENCE HALL ALCOHOL POLICY SANCTIONS**

<b>SANCTIONS APPLIED IN ALL CASES</b>	<b>2007-08 CASES</b>	<b>2008-09 CASES</b>	<b>2009-10 CASES</b>
Disciplinary Warnings	428	486	337
Disciplinary Probation	80	141	87
Building Transfer/Probation	0	0	1
Res. Hall Eviction	0	2	1
<b>TOTAL SANCTIONS</b>	<b>508</b>	<b>629</b>	<b>396</b>
REMINDER LETTERS	16	20	13
CASES DISMISSED	152	124	149
Alcohol Fines	332	392	346

A “one-strike” sanction policy for illegal drug violations remained in effect during the 2009-10 academic year. Residents were warned at the beginning of the academic year that a housing eviction 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-related evictions in AY 2009-10 (10) decreased from the AY 2008-09 total (19). Probation (i.e., non-eviction) sanctions also decreased noticeably from the AY 2008-09 figure.

#### **RESIDENCE HALL ILLICIT DRUG SANCTIONS**

<b>SANCTIONS APPLIED ILLICIT DRUG CASES</b>	<b>2007-08 CASES</b>	<b>2008-09 CASES</b>	<b>2009-10 CASES</b>
Disciplinary Warnings	9	4	3
Disciplinary Probation	18	42	30
Building Transfer/Probation	0	2	0
Res. Hall Eviction	19	19	12
<b>TOTAL SANCTIONS</b>	<b>28</b>	<b>25</b>	<b>10</b>
REMINDER LETTERS	2	4	3
CASES DISMISSED	32	46	36

Practically every illicit drug case involved marijuana. As in previous years, staff members in AY 2009-10 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 evicted from housing by the Assistant 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 Assistant 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 2009-10, 63 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.

<b>EDUCATIONAL SANCTIONS</b>	<b>2007-08 CASES</b>	<b>2008-09 CASES</b>	<b>2009-2010 CASES</b>
Substance Abuse Program at Student Health	139	144	63
at Residence Hall	241	257	161
Online	110	77	67
Monetary Restitution	18	16	12
Community Service Work	0	4	2
Apology	4	16	20
Counseling (UCS)	8	15	10
Research Essay	131	153	40
Present Floor Program	26	67	6
Other Educational Sanction	70	115	32

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.

<b>NON-EDUCATIONAL SANCTIONS</b>	<b>2007-08 CASES</b>	<b>2008-09 CASES</b>	<b>2009-10 CASES</b>
Building Prohibition Order	13	13	9
No-Contact Order	5	8	2
Other Non-Educ. Sanction	4	9	5

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 2009-10, five filed appeals. Four appeals followed a drug policy violation. In the appeal petitions, residents usually asked for sanction leniency.

<b>RESIDENCE HALL APPEALS</b>	<b>2007-08 CASES</b>	<b>2008-09 CASES</b>	<b>2009-10 CASES</b>
Evictions Imposed by the University Housing Director	20	25	12
Resident Did Not Appeal	14	19	7
Resident Appealed	6	6	5
Decision by Associate Dean:			
Dismissed (no sanction)	0	0	0
Sanction Upheld	5	4	5
Sanction Modified	1	2	0

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 all five cases.

Of the hundreds of minor (i.e., non-eviction) 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 2009-10, the Assistant Director received fifty-one appeals. By comparison, forty appeals were filed in AY 2008-09. The group of fifty-one appeals in 2009-10 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 fifty-one minor cases appealed to the Assistant Director in AY 2009-10, in twenty-one cases the findings of fact were upheld and the sanctions imposed by the Hall Coordinator were upheld. In twenty-three cases, the Assistant Director found the student guilty but modified the sanction originally imposed. In seven cases the complaint was dismissed with no sanctions imposed.



### III. 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 AY 2009-10, a total of 589 letters were sent to parents of University of Iowa students under the signature of the Dean of Students. Many of these letters (325), 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 106 cases investigated during AY 2009-10, 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 84 of the 106 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. Two students were involved in two different health emergencies.

Parent Notice Letters	2007-08 AY	2008-09 AY	2009-10 AY
Health & Safety Emergency Letters			
Alcohol-Related Incident	77	70	84
Deliberate Injury/Threatened Suicide	10	16	22
	<b>87</b>	<b>86</b>	<b>106</b>
Non-Emergency Letters (to residents under 21)			
Alcohol in the Residence Halls	543	303	325
Illegal Drugs in the Residence Halls	68	65	34
Alcohol on the Grounds of Campus	74	49	93
Illegal Drugs on the Grounds of Campus	26	18	131
	<b>711</b>	<b>435</b>	<b>483</b>

Suicidal behavior in the Residence Halls resulted in 13 letters sent to family members in AY 2009-10. 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 at the time. 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. Of the 106 emergency letters sent out in AY 2009-10, in only 20 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.

## **IV. 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 209 cases of alcohol intoxication investigated by the ODOS in AY 2009-10. 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.

All 209 students interviewed provided ODOS staff with information about the location of their alcohol consumption. The vast majority of the students in the interview pool had been arrested for Public Intoxication or taken to the emergency room with a severe case of alcohol intoxication. Of the 209 cases analyzed in AY 2009-10, 53 students were taken to the hospital. The remaining students were charged with Public Intoxication or some other serious alcohol-related offense. Approximately one-half of the intoxicated students interviewed in AY 2009-10 were first-year students living in the residence halls.

The vast majority of the residents interviewed (N=165) went off campus to drink, either to a bar or to an off-campus party. In the remaining cases (N=44), the locus of consumption was a tailgate party, dormitory room, or fraternity house. Thirteen of the 209 students consumed alcohol in a residence hall room and four consumed alcohol at a fraternity house. Twenty-seven consumed alcohol at a tailgate party on a home football game Saturday.

A number of students (N=32) who went off campus to drink consumed alcohol at both an apartment and a bar. For students who elected one off-campus venue or the other (either a bar or an off-campus party), the choice of venue tended to correlate with the student's age. First-year students found intoxicated on campus ordinarily drank at an off-campus party while upper class students (including a number of sophomores) usually drank at a bar.

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 141 of the 209 cases examined in AY 2009-10. All 141 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, 94% of those tested blew higher than .15%. One student tested at .32%, the highest reading in this group, and a substantial number (42%) measured above .20%.

Practically all of the students who drank off-campus in AY 2009-10 did so late at night. University Police intervened between midnight and 8:00 a.m. in 149 of the 209 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 209 students arrested on campus by University Police or hospitalized in AY 2009-10, only 56 (27%) were 21 years of age or older, the legal drinking age. Fifty-eight percent of the students had not yet reached the age of 20. The group of 209 students included 54 18-year-olds.

## LOCATION OF ALCOHOL CONSUMPTION

Location	All Cases <sup>1</sup>			Residence Hall Residents			18-year-olds <sup>2</sup>		
	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>
<i>Number of Cases</i>	<i>N=270</i>	<i>N=141</i>	<i>N=209</i>	<i>N=165</i>	<i>N=96</i>	<i>N=116</i>	<i>N=92</i>	<i>N=54</i>	<i>N=58</i>
Off-campus Bar	124	68	70	57	40	31	21	18	10
Off-campus Apt	69	39	74	56	34	58	43	23	26
Tailgate Party	29	6	27	11	4	10	7	2	8
Dorm Room	5	5	13	5	5	12	3	2	4
University Apt.	0	0	0	0	0	0	0	0	0
Fraternity House	0	1	4	0	1	4	0	1	4
Apt/House and Bar <sup>3</sup>	29	20	32	35	12	11	16	8	6
Other	0	2	2	0	0	0	0	0	0
Unknown	14	0	0	1	0	0	2	0	0

<sup>1</sup>Includes 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.

<sup>2</sup>Most but not all 18-year-olds lived in the residence halls.

<sup>3</sup>Consumption at an apartment and at least one bar.

Students who consumed alcohol at a bar often identified the specific bar during the meeting with the dean. Of the 114 students arrested on campus or hospitalized during AY 2009-10 after consuming alcohol at a bar, a total of 24 different bars were identified as the location of consumption. All are bars located in downtown Iowa City. Two bars (The Summit and One-Eyed Jake's) accounted for 41% of all cases in AY 2009-10 and five bars (Sports Column, Airliner, and Union Bar plus Summit and One-Eyed Jake's) accounted for 66% of the cases. Bars mentioned by at least five different students are listed in the following table:

<b>Bars Identified in 2007-08</b>	<b>Bars Identified in 2008-09</b>	<b>Bars Identified in 2009-10</b>
N = 153	N = 88	N = 114
One-Eyed Jake's (34 students)	Summit Bar (29 Students)	Summit Bar (30 Students)
Summit Bar (34 students)	One-Eyed Jake's (11 Students)	One-Eyed Jake's (17 Students)
Sports Column (23 students)	The Airliner (10 Students)	Sports Column (10 students)
Vito's Bar (21 students)	Union Bar (9 Students)	The Airliner (9 Students)
Brother's Bar (13 students)	Sports Column (7 students)	Union Bar (9 Students)
Union Bar (12 students)	Pints (5 students)	808 (5 students)
808 (10 students)		DC's (5 students)
Field House (6 students)		Field House (5 students)
The Airliner (5 students)		
ETC Bar (5 students)		

## APPENDIX A

### SAMPLE PARENT NOTICE LETTER

September 22, 2009

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 have a practice 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. I am concerned that the misuse or abuse of alcohol may prove to be detrimental to Jane's potential academic success at the University. The use of alcohol often influences health and wellness behaviors which affect academic success, such as getting the proper amount of sleep, practicing effective time management skills, coping with stress, making safe lifestyle choices, etc. Research shows that misuse of alcohol correlates negatively with grade point and is associated with missed classes, and lower grades on tests or projects.

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. 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](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.

We are invested in Jane's success and hope you will take a moment to speak to him. Thank you for your assistance in talking with Jane regarding the incident.

Sincerely,

David L. Grady, Ph.D.  
Associate Vice President for Student Services  
and Dean of Students

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