

# **THE STATEMENT OF STUDENT RIGHTS AND RESPONSIBILITIES**



**ANNUAL REPORT  
2003-2004**

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## INTRODUCTION & BACKGROUND

**The information in this report summarizes the activities of the Office of Student Conflict Resolution (OSCR), July 1, 2003 to June 30, 2004.**

On July 1, 2001, the University of Michigan President amended and re-named the *Code of Student Conduct* (Code) the *Statement of Student Rights and Responsibilities* (*Statement*). The University of Michigan Board of Regents originally adopted the Code on January 1, 1996. The *Statement* supports the values of the University of Michigan community and enumerates the types of behaviors that violate these values. The Director oversees the Office of Student Conflict Resolution (OSCR) and ensures that the *Statement's* procedures are equitably carried out.

### **Mission Statement**

The mission of the Office of Student Conflict Resolution (OSCR) is to maximize the personal growth and development of students by providing educationally focused conflict resolution services and programs to a diverse University community. Consistent with University values and the *Statement of Student Rights and Responsibilities*, the Office of Student Conflict Resolution is committed to promoting student learning and to maintaining a scholarly community in which disputes are settled in a civil and dignified manner.

### **Principles**

The staff and members of the Office of Student Conflict Resolution abide by the Principles of Practice set forth by the Association for Student Judicial Affairs (ASJA). These principles include but are not limited to:

- \* Developing standards for student disciplinary processes
- \* Providing student disciplinary processes that are positive, educational, and developmental
- \* Applying appropriate legal standards of substantive and procedural due process
- \* Involving and training students in the development and enforcement of disciplinary standards
- \* Continuing professional education for student judicial affairs administrators and staff

## SUMMARY OF COMPLAINTS & RESOLUTIONS

### Contacts and Action Taken

Between July 1, 2003 and June 30, 2004, the Office of Student Conflict Resolution (OSCR) documented 1,390 contacts. Table A depicts the response of OSCR staff to each contact. The term "contact" refers to any form of complaint and includes those resulting in investigations handled under the *Statement*. Table A summarizes each action taken.

**Table A - Total Contacts & Actions Taken**

Action Taken	Number
<b>No Action Taken by OSCR</b>	
Identity of Accused Student Unknown	4
No Complaint Filed	40
Past Six Month Deadline to File	1
No Violation	71
<b>Referrals</b>	896
<b>Substance Abuse Warning Letter</b>	238
<b>Investigated Allegations</b>	140
<b>Total</b>	<b>1,390</b>

#### **No Action Taken by OSCR**

##### *Identity of Accused Student Unknown*

Four people contacted OSCR and stated that a violation of the *Statement* had occurred; however, they were unable to name the student(s) they believed responsible for the misconduct and there was not enough information for OSCR to further investigate. Two of the complaints alleged sexual assault and two alleged hazing activities.

##### *No Complaint Filed*

OSCR received information from forty individuals who did not follow through with a formal complaint. Typically individuals contacted the office and described their complaint(s) without providing their name, the alleged perpetrator's name, and/or documentation supporting the alleged misconduct.

##### *Filed after Six Month Deadline*

One person sought to file a complaint after the expiration of the six-month deadline established by the *Statement*. The complaint alleged theft and was brought to OSCR's attention fourteen months after the incident. Given the time delay, OSCR was unable to take any action.

##### *No Violation*

Seventy-one individuals reported misconduct not addressed by the *Statement*. Typical complaints included allegations of threats, harassment, or hazing activities without substantiated behavioral misconduct, landlord-tenant disputes, allegations of forgery of non-University documents, and complaints alleging misconduct by non-students.

These individuals were referred to appropriate community agencies or University units for possible resolution as needed.

**Referrals**

If the Resolution Coordinator determined that an allegation fell within the scope of the *Statement*, but that the dispute would more effectively be resolved elsewhere within the University community, the complainant was referred to the appropriate unit. OSCR referred 888 complaints to University units for assistance, and eight referrals were made outside the University.

Any case involving an on-campus resident may be referred to Housing for handling. Typically, all first and second alcohol and marijuana violations were referred back to Housing and the Hall Director or Assistant Hall Director met with the student. OSCR referred 798 alcohol and drug violations to Housing for handling. In addition to the alcohol and drug violations, OSCR referred 68 low-level *Statement* violations back to Housing. The release of these cases was made on an individual basis when both OSCR and Housing staff agreed that it would serve the student best to have his or her case resolved within Housing

Table B summarizes the number and types of referrals made.

**Table B - Referrals**

Referrals Made To	Number
<b>University Units</b>	
Academic Unit	12
Counseling and Psychological Services	1
Dean of Students/VP for Student Affairs	2
Housing	866
Off-Campus Housing	4
Ombuds	3
<b>Non-University Units</b>	8
<b>Total</b>	<b>896</b>

**Substance Abuse Warning Letters**

OSCR mailed 238 Substance Abuse Warning Letters to students who allegedly violated Section F (alcohol and/or drug violations) of the *Statement*. These letters were sent in response to information forwarded to OSCR from the Ann Arbor Police or the Department of Public Safety. Each letter described the information reported to OSCR, included a copy of the *Statement*, and offered support services available in the University/Ann Arbor community. The letter also contained information about free assessment/counseling available through the University and encouraged individuals who thought they might have a problem to utilize the assessment/counseling opportunities.

**Investigated Allegations**

One hundred and forty (140) complaints were investigated by OSCR and are described in the following sections of this report.

## Investigated Complaints and Outcomes

It is difficult to accurately portray the total number of violations investigated because multiple charges were resolved in the majority of complaints. One hundred and forty (140) complaints (cases) alleging 273 incidents of misconduct were investigated. Forty cases (29%) involved a single charge and 100 cases (71%) involved multiple charges. In this report, data are reported by case or by total number of alleged violations.

Table C summarizes the total number of charges and outcomes (responsible, not responsible) for alleged violations occurring both on and off-campus. Fourteen cases, involving twenty-five potential violations, which are still pending resolution as of June 30, 2004, also are noted and are included in the 140 complaints/273 violations summary.

The most common violations included alcohol and drug allegations (89 violations); making, possessing, or using any falsified University document (32 violations); and hazing, stalking, or harassing (31 violations). If the Resolution Coordinator's investigation resulted in enough information to forward the complaint to a student resolution panel, resolution officer, or mediator for resolution, the accused student was charged with a violation(s).

A charge letter was sent to students who had allegedly violated the *Statement*. The charge letter described the specific incident as well as the section(s) of the *Statement* that the student may have violated. The student was asked to meet with the Resolution Coordinator at a specific day and time based on his or her class schedule. If the student was unable to make the appointed time, the student was directed to call OSCR to arrange an alternate date.

Forty-five (16%) alleged violations were either dropped or withdrawn. The Resolution Coordinator dropped an allegation when an investigation did not result in sufficient evidence to forward it for resolution or when subsequent investigation cleared the accused student. In some cases, a complainant chose to withdraw the allegation(s).

In eleven (8%) cases, involving 19 (7%) violations, all of the charges against a student were dropped. When this occurred, the student's file was destroyed and all personal identification was deleted from the electronic records. A statistical record of the complaint was kept on file for record keeping purposes only. In 23 (17%) cases, one or two of the allegations were dropped but the other allegations were resolved.

Cases that were pending resolution as of the last annual report (July 2002- June 2003) are described in Appendix C. On June 30, 2003 there were 7 cases involving 20 alleged violations of the *Statement* that were pending resolution.

**Table C - Investigated Violations, Charges, and Outcomes 7/1/03 – 6/30/04**

Violation <sup>a</sup>	Charges	Responsible	Not Resp.	Pending <sup>b</sup>	Dropped	ADR <sup>c</sup>
Physically harming another person...such as killing, assaulting, or battering	26	12	0	0	9	5
Sexual assault or sexual harassment	6	3	0	1	1	1
Hazing, stalking, or harassment	31	18	0	1	4	8
Possessing, using, or storing firearms, explosives, or weapons	8	7	0	0	1	0
Tampering with fire or other safety equipment or setting unauthorized fires	0	0	0	0	0	0
Illegally possessing, using or distributing, manufacturing, or selling alcohol or other drugs	89	61	0	18	10	0
Intentionally and falsely reporting bombs, fires, or other emergencies	0	0	0	0	0	0
Stealing, vandalizing, damaging, destroying, or defacing property	28	17	0	1	7	3
Obstructing or disrupting classes, research projects or other activities or programs	0	0	0	0	0	0
Making, possessing, or using any falsified University document	32	24	0	0	8	0
Assuming another's identity or role through deception or without proper authorization	3	3	0	0	0	0
Failing to leave University-controlled premises	0	0	0	0	0	0
Violating state/federal law	38	30	0	3	4	1
Misusing, failing to comply with, or jeopardizing procedures, sanctions, etc.	6	5	0	0	1	0
Violating University computer policies	6	4	0	1	0	1
<b>Total</b>	<b>273</b>	<b>184</b>	<b>0</b>	<b>25</b>	<b>45</b>	<b>19</b>

<sup>a</sup> The exact wording of some violations has been condensed in this table. For the complete text of the violations please refer to the *Statement* located in Appendix A.

<sup>b</sup> Pending violations reflect cases that OSCR was unable to resolve before July 1, 2004 or because the accused student withdrew from school before the allegations could be resolved.

<sup>c</sup> Alternative Dispute Resolution (ADR) includes mediation, facilitated discussions, and conflict coaching.

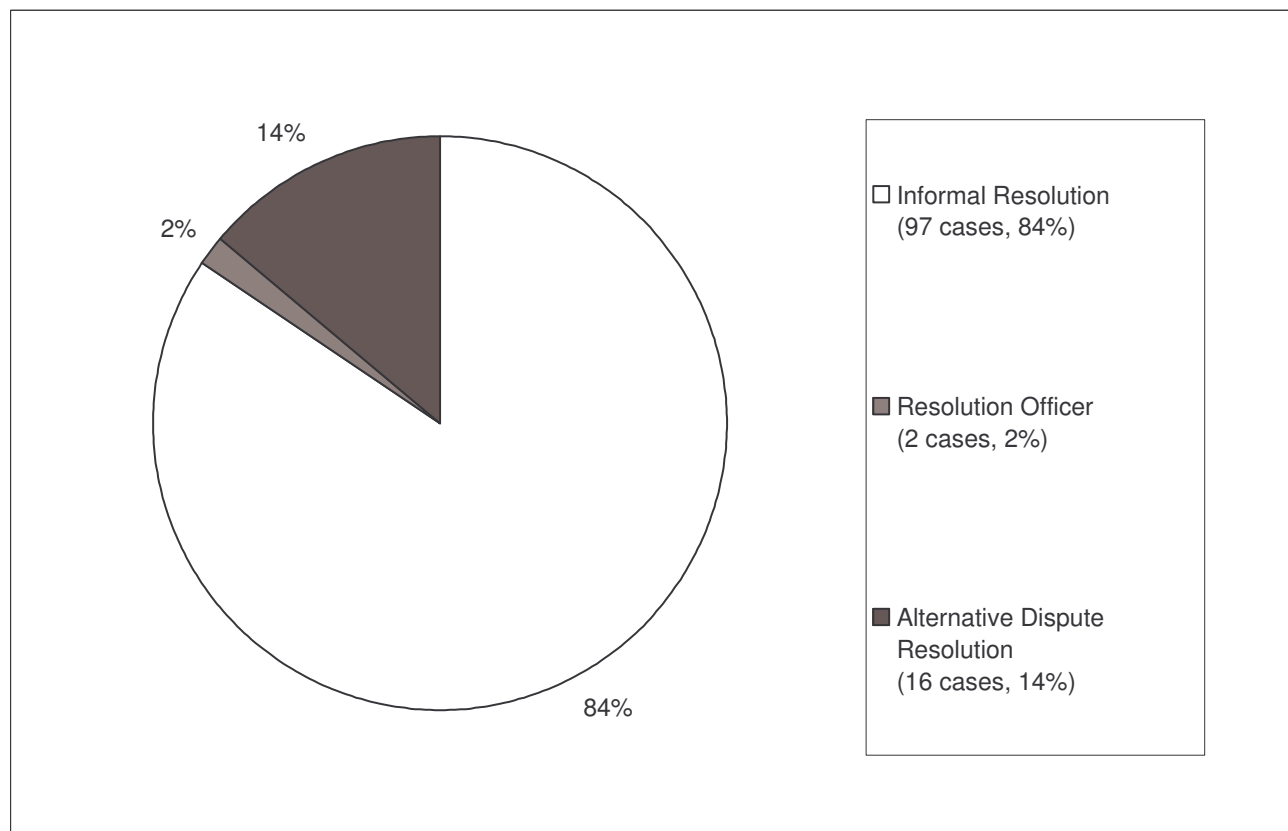


### Procedures Used to Resolve Charges

The *Statement* establishes the right of the accused student to choose the type of procedure he or she prefers to resolve the charge(s). Chart A depicts the students' choices per case. Each student panel arbitration was conducted by five (5) student panelists and was facilitated by a faculty or staff Resolution Officer. Each Resolution Officer arbitration was conducted by a faculty or staff Resolution Officer. Informal resolutions (Resolution Officer arbitrations conducted in an informal setting) were conducted by a Resolution Coordinator from the OSCR staff. Cases resolved through alternative dispute resolution were facilitated by an OSCR staff member. Multiple charges were resolved in almost every arbitration and alternative dispute resolution process.

One hundred and fifteen (115) cases were resolved between July 1, 2003 and June 30, 2004<sup>1</sup>. Ninety-seven (84%) cases were informally resolved, two (2%) cases were resolved at a Resolution Officer arbitration, no cases were heard by student panels and sixteen (14%) cases were handled through Alternative Dispute Resolution. Appendix B provides further details about procedures followed.

**Chart A**  
**Accused Students' Choices of Resolution Procedures Per Case**



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<sup>1</sup> One hundred and fifteen (115) cases were resolved through arbitration or alternative dispute resolution, eleven cases were dropped, and fourteen cases were pending resolution at the time of this report.



## Outcomes and Sanctions/Resolutions

Table C (page 7) also details the outcomes of arbitrations for each charge. Of the three (3) charges considered at the two (2) formal arbitrations, there were three findings (100%) of responsible and no findings of not responsible. Table D shows the arbitration outcomes.

**Table D - Arbitration Outcomes**

Outcomes by Charge	Number	Percent
Responsible	3	100%
Not Responsible	0	0%
Total	3	100%

### **Sanctions**

Findings of responsibility resulted in a recommendation of sanctions to the Dean of Students. Frequently, a combination of sanctions was imposed. The Dean of Students had the authority to modify the recommended sanctions, and did so in one case where the period of probation was extended. Table E summarizes sanctions recommended through the process, imposed by the Dean of Students, and enforced by OSCR. There is one case whose sanctions had not yet been determined as of June 30, 2004. The anticipated sanctions include an educational project and a class or workshop. These sanctions are not reflected below.

**Table E – Sanctions**

Sanction	Number
AlcoholEdu	27
Assessment of Substance Abuse Patterns	7
Bring Speaker to Campus	1
Class/Workshop Attendance	18
Community Service	14
Disciplinary Probation	43
Educational Project	75
Emergency Suspension	0
Expulsion	0
Formal Reprimand	15
Housing Transfer/Lease Termination/No Reapplication to University Housing	10
Meet with OSCR staff during the semester	24
Mentor	1
No Contact	5
No Trespass	1
Recommended Counseling	14
Restitution	4
Suggested Apology	3
Suspension	0

OSCR staff members and resolution officers were encouraged to recommend sanctions with the following goals in mind: to protect the safety of the University community, to

educate the student about the inappropriateness of his or her misconduct, and to provide the student with an opportunity to learn new behaviors so that the behavior would not be repeated. OSCR staff members and resolution officers designed sanctions to reflect the needs of the individual student and the impact of the misconduct on the complainant and on the University community. OSCR staff members and resolution officers developed a wide array of unique sanctions for responsible students. For the majority of violations “sanction packages” were developed to address the student's misconduct and provide a support system to help the student successfully complete the sanction(s) as well as their academic work. The Public Record, located in Appendix B, provides examples of such sanctions.

No students were suspended or expelled between July 2003 and June 2004.

The *Statement* provides the Vice President for Student Affairs with the authority to emergency suspend a student if his or her actions pose an immediate danger to any member of the University community. The student is suspended pending a meeting with the Resolution Coordinator who may then continue the suspension until an arbitration is scheduled to resolve the charges. No students were emergency suspended between July 2003 and June 2004.

### **Alternative Dispute Resolution**

OSCR staff members encouraged alternative dispute resolution when it was appropriate to do so. Sixteen students resolved their issues through alternative dispute resolution (ADR) between July 1, 2003 and June 30, 2004. Alternative Dispute Resolution encompasses the following services: facilitated discussions, conflict coaching, and mediation.

Facilitated discussions offer an opportunity for the parties involved to engage in a constructive conversation. A staff member facilitates the discussion with the goal being to increase the potential that the students will arrive at a mutually satisfying outcome. Conflict coaching is a one-on-one discussion between an OSCR staff member and a student who is in conflict with another party who is unwilling to engage in a meaningful dialogue. The goal in these meetings is to help the student identify the resolution approach that best meets the student's interests and needs.

Mediation offers the accused student direct involvement in the final resolution of the charge(s). With the assistance of a mediator, the accused student and the complainant can work together to discuss their dispute and reach a settlement acceptable to both. Mediation also allows the participants to consider a wider variety of resolutions than could be imposed through sanctioning. For a mediation to be successful, both parties must agree to mediate the charges and must reach an agreed upon resolution.

Similar to arbitrations, an alternative dispute resolution process may consider more than one charge and may result in a combination of outcomes. Nineteen *Statement* charges were resolved in the sixteen alternative dispute resolution processes conducted by the Office of Student Conflict Resolution. The processes and outcomes are recorded in Table F.

**Table F**  
**ADR Processes and Outcomes**

ADR Processes and Outcomes	Number
<b>Processes</b>	
Conflict Coaching	2
Facilitated Discussion	5
Mediation	7
ADR – Other	2
<b>Outcomes</b>	
Anger Workshop	2
Apology	1
Counseling	2
Learn better communication skills	6
Leave U of M for one semester	1
No Contact	6
Restitution	3

### **Appeals**

Between July 2003 and June 2004, one case was appealed. Both the accused student and the complainant are given the opportunity to appeal. An Appeals Board hears appeals and is comprised of one student selected from the Michigan Student Assembly (MSA), one administrator appointed by the University of Michigan President, and one faculty member appointed by the Faculty Senate. All decisions of the Appeals Board are reached by majority vote and are forwarded to the Vice President for Student Affairs as recommendations.

As of June 30, 2004, the case is still pending review by the Appeals Board.

### **Recidivism**

Seven students who had previous contact with the Office of Student Conflict Resolution were charged with potential violations of the Statement during the 2003-2004 reporting period.

One student was charged with sexual assault in two separate incidents during the 2003-2004 school year. A second student was charged in March 2003 for theft and was charged in January 2004 for being in possession of alcohol. During the summer of 2003, a third student was charged with assaulting one student and, on a separate occasion, harassing another student. Another student was charged with assaulting a student during the school year and was later charged for drug use several months later. A fifth student was charged with alcohol possession in December 2003 and was charged in February 2004 for harassment and sexual harassment. Within the course of the fall semester, another

student was charged with harassment, sexual harassment, computer violations, and assuming the identity of another student. He was later charged with continuing the harassing behaviors and for failing to comply with his sanctions. The last student was charged with alcohol possession and use and for failing to comply in one incident and was charged with alcohol use and assault and battery in the second.

Typically, OSCR would charge students with possession of alcohol only if there was a pattern of possible substance abuse. If an off-campus student was found in possession of alcohol, OSCR's first response would be to send a substance abuse warning letter to the student. On-campus students who were in possession of alcohol were seen by Residence Hall staff for both first and second offenses. Forty-six students were charged with possession of alcohol by OSCR for either a second or third offense.

### Evaluations

After each arbitration and mediation, each participant was sent an evaluation form to complete and return to OSCR. Evaluation forms were given to the accused student and the complainant. The accused student and the complainant were asked to give feedback and suggestions on the arbitration process and were asked to evaluate their interactions with the Resolution Coordinator. Although only a small number of students returned the evaluation forms, the evaluations that were received were very helpful. Arbitration procedures were updated to incorporate many of the suggestions.

#### **Sample Comments from Arbitrations:**

o Why did you choose to have your case resolved through an informal arbitration?

*Because I thought that it would provide a fair outcome.*

*Because it felt comfortable and I have nothing to hide.*

o Were you comfortable asking the Resolution Coordinator questions? Why or why not?

*I was comfortable because from the start he made it clear to me that the whole thing was for my personal growth and was not a punishment.*

*Yes, it was not a very pressured situation.*

Student panelists and resolution officers are also sent evaluation forms after each panel and resolution officer arbitration. Feedback is requested on the arbitration process and for suggestions on areas that need further clarification in future training sessions. Training sessions for student panelists and resolution officers are modified to incorporate many of the suggestions made by their peers.

Many students who were given sanctions were also asked to write reflection papers about their experiences during the conflict resolution process and during the sanctioning period. Reflection papers were useful to OSCR staff because they presented an opportunity to evaluate how effective the sanctions were in addressing the needs of the accused student

and the University community. These students' comments also assisted OSCR in making future sanctioning placements. Several students decided to continue to contribute their time and energy to the placement agencies, even after their required community service hours were completed.

The Office of Student Conflict Resolution began using a new educational alcohol program this year, AlcoholEdu. AlcoholEdu is an interactive online learning tool about alcohol issues and students must pay \$20.00 (which is the cost OSCR is charged) to take the course. The program takes approximately three hours to complete, which students do on their own time. AlcoholEdu was assigned to all students, both on-campus and off-campus, for second time alcohol violations and for first time alcohol violations if a medical transport was necessary. The administrators of AlcoholEdu require students to complete a follow-up survey one month after completing the course. In addition to this survey, students who were assigned AlcoholEdu by OSCR staff were asked to complete a second survey, which allowed for a greater variety of responses and reflections.

## ACCUSED STUDENTS - A PROFILE

### Accused Students

OSCR handled complaints filed against one hundred and forty students between July 1, 2003 and June 30, 2004. Table I depicts the gender, class year, and school or college of the accused students. About seventy-six percent (76%) of the complaints were filed against male students. Seventy-seven (77) complaints were filed against freshman or sophomore students, representing 55% of all complaints. Fifty-three (53) junior and senior students were accused, totaling 38% of all complaints. Graduate students were the least likely to be accused of a violation and accounted for 7% of accused students. Of the complaints filed against undergraduate students, 79.3% of complaints were filed against undergraduate students in the College of Literature, Science, and the Arts or students in the School of Engineering. In 2003, these schools accounted for approximately 80% of the University's total undergraduate enrollment and 50% of the University's total enrollment.

**Table I - Gender, Class Year, and School or College of Accused Students**

	Number Accused	Percent
<b>Gender</b>		
Male	107	76.4%
Female	33	23.6%
<b>Total</b>	<b>140</b>	<b>100.0%</b>
<b>Class Year</b>		
Freshman	33	23.6%
Sophomore	44	31.4%
Junior	29	20.7%
Senior	24	17.1%
Graduate Student	10	7.1%
<b>Total</b>	<b>140</b>	<b>99.9%</b>
<b>School or College</b>		
Art	8	5.7%
Business	2	1.4%
Dentistry	5	3.6%
Engineering	18	12.8%
Kinesiology	6	4.3%
Law	2	1.4%
LS&A	93	66.4%
Medicine	1	0.7%
Music	2	1.4%
Nursing	1	0.7%
Public Health	1	0.7%
Social Work	1	0.7%
<b>Total</b>	<b>140</b>	<b>99.8%</b>

## Students Found Responsible

Students were found responsible for one hundred and eighty-four violations of the *Statement*. Sanctions were imposed on or accepted by these students. The types of violations for which students were found responsible and sanctioned are documented by class year in Table J.

One trend that seemed to remain consistent was that more first and second year students were found responsible for violations than upper class students, and graduate students were the least likely to be found responsible. Illegally possessing, using or distributing, manufacturing, or selling alcohol or other drugs was one of the more frequent offenses with most violations committed by first and second year students. Although the majority of alcohol violations were committed by first and second year students, it is important to note that almost all first and second alcohol offenses for these students were handled within the Residence Halls. Generally, OSCR only became involved in alcohol violations when there was a consistent pattern of substance abuse.

**Table J - Responsible Student Violations by Class Year**

Violations	Fr.	Soph.	Jr.	Sr.	Grad.	Total
Physically harming another person...such as killing, assaulting, or battering	8	4	0	0	0	12
Sexual assault or sexual harassment	0	1	2	0	0	3
Hazing, stalking, or harassment	2	7	6	3	0	18
Possessing, using, or storing firearms, explosives, or weapons	3	4	0	0	0	7
Tampering with fire or other safety equipment or setting unauthorized fires	0	0	0	0	0	0
Illegally possessing, using or distributing, manufacturing, or selling alcohol or other drugs	12	27	9	12	1	61
Intentionally and falsely reporting bombs, fires, or other emergencies	0	0	0	0	0	0
Stealing, vandalizing, damaging, destroying, or defacing property	9	6	2	0	0	17
Obstructing or disrupting classes, research projects, or other activities or programs	0	0	0	0	0	0
Making, possessing, or using any falsified University document	1	6	8	9	0	24
Assuming another's identity or role through deception or without proper authorization.	0	2	0	1	0	3
Failing to leave University-controlled premises	0	0	0	0	0	0
Violating state or federal law	2	8	7	12	1	30
Misusing, failing to comply with, or jeopardizing Code procedures, sanctions, etc.	4	1	0	0	0	5
Violating University computer policies	1	1	1	1	0	4
<b>TOTAL</b>	<b>42</b>	<b>67</b>	<b>35</b>	<b>38</b>	<b>2</b>	<b>184</b>

## COMPLAINANTS - A PROFILE

Complaints were filed by students, faculty, and staff from across the University. Of all the complaints OSCR investigated and acted on, students served as complainants in seventeen cases and staff in one hundred and twenty-three cases. The staff complaints reflect departmental complaints from units, which filed complaints on a routine basis (e.g., University Housing, the Department of Public Safety) or from staff members representing their departmental units (e.g., the Information Technology Central Services, Academic Units). Table K lists the complainants by category.

**Table K- Complainant Status**

Complaints Received From	Number
<b>Student</b>	
Business School	1
Dentistry	1
Engineering	1
LS&A	12
Pharmacy	1
Social Work	1
<b>Faculty</b>	0
<b>Staff</b>	
Academic Unit	4
Department of Public Safety (DPS)	45
Ginsberg Center	2
Greek Life	13
Info. Technology Central Services (ITCS)	1
University Housing	58
<b>Total</b>	<b>140</b>

The gender of the students who filed complaints is summarized in Table L. More women than men filed complaints.

**Table L - Gender of Complainants**

Gender*	Number
Male	7
Female	10
<b>Total</b>	<b>17</b>

\* Does not include complainants who represented University departments such as Housing, DPS, or ITCS.