

THE STATEMENT OF STUDENT RIGHTS AND RESPONSIBILITIES



ANNUAL REPORT

2004 – 2005

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INTRODUCTION & BACKGROUND

The information in this report summarizes the activities of the Office of Student Conflict Resolution (OSCR), July 1, 2004 to June 30, 2005.

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, 2004 and June 30, 2005, the Office of Student Conflict Resolution (OSCR) documented one thousand three hundred and forty-nine 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
No Action Taken by OSCR	
Identity of Accused Student Unknown	3
No Complaint Filed	65
Past Six Month Deadline to File	0
No Violation	38
Referrals	1,040
Substance Abuse Warning Letter	105
Investigated Allegations	98
Total	1,349

No Action Taken by OSCR

Identity of Accused Student Unknown

Three 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. One of the complaints alleged physical assault, one alleged hazing activities, and the third alleged racist graffiti.

No Complaint Filed

OSCR received information from sixty-five 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

No one sought to file a complaint after the expiration of the six-month deadline established by the *Statement*.

No Violation

Thirty-eight individuals reported misconduct not addressed by the *Statement*. Typical complaints included allegations of threats or harassment without substantiated behavioral misconduct, landlord-tenant or tenant-tenant disputes, academic concerns, 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 one thousand and thirty-six complaints to University units for assistance, and four 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 nine hundred and forty-seven alcohol and drug violations to Housing for handling. In addition to the alcohol and drug violations, OSCR referred sixty-six 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
University Units	
Academic Unit	8
Dean of Students/VP for Student Affairs	1
U of M Dearborn Ombuds	3
Greek Life	1
Housing	1,013
Information Technology Central Services	2
Institutional Equity	2
Off-Campus Housing	1
Ombuds	1
Recreational Sports	1
Res Comp	1
Services for Students with disabilities	1
Student Legal Services	1
Non-University Units	4
Total	1,040

Substance Abuse Warning Letters

OSCR mailed one hundred and five 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.

Students were encouraged to contact OSCR if they believed the letter was sent in error. By not challenging the letter, students accepted it as a warning and understood that any further complaint would result in charges under the *Statement*. One student challenged the warning letter. The student was able to produce official court documents that indicated that the charges had been dropped; the database information was cleared and the warning letter was dropped.

Investigated Allegations

Ninety-eight 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. Ninety-eight complaints (cases) alleging two hundred and fifty incidents of misconduct were investigated. Twenty-eight cases (28.6%) involved a single charge and seventy cases (71.4%) 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. Ten cases, involving twenty-four potential violations, which are still pending resolution as of June 30, 2005, also are noted and are included in the ninety-eight complaints/two hundred and fifty violations summary.

The most common violations included alcohol and drugs (69 violations); stealing, vandalizing, damaging, destroying or defacing property (47 violations); and making, possessing, or using any falsified University document (34 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.

Thirty-seven (14.8%) 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 thirteen (13.6%) cases, involving nineteen (7.6%) 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 sixteen (16.3%) 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 2003- June 2004) are described in Appendix C. On June 30, 2004 there were fourteen cases involving twenty-five alleged violations of the *Statement* that were pending resolution.

Table C - Investigated Violations, Charges, and Outcomes 7/1/04 – 6/30/05

Violation ^a	Charges	Responsible	Not Resp.	Pending ^b	Dropped	ADR ^c
Physically harming another person...such as killing, assaulting, or battering	23	6	2	10	5	0
Sexual assault or sexual harassment	5	1	0	2	2	0
Hazing, stalking, or harassment	12	9	0	0	3	0
Possessing, using, or storing firearms, explosives, or weapons	12	12	0	0	0	0
Tampering with fire or other safety equipment or setting unauthorized fires	10	9	0	0	1	0
Illegally possessing, using or distributing, manufacturing, or selling alcohol or other drugs	69	52	3	11	3	0
Intentionally and falsely reporting bombs, fires, or other emergencies	3	3	0	0	0	0
Stealing, vandalizing, damaging, destroying, or defacing property	47	29	2	0	14	2
Obstructing or disrupting classes, research projects or other activities or programs	4	2	0	1	1	0
Making, possessing, or using any falsified University document	34	28	0	0	4	2
Assuming another's identity or role through deception or without proper authorization	0	0	0	0	0	0
Failing to leave University-controlled premises	1	0	0	0	1	0
Violating state/federal law	17	17	0	0	0	0
Misusing, failing to comply with, or jeopardizing procedures, sanctions, etc.	12	9	0	0	3	0
Violating University computer policies	1	1	0	0	0	0
Total	250	178	7	24	37	4

^a 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.

^b Pending violations reflect cases that OSCR was unable to resolve before July 1, 2005 or because the accused student withdrew from school before the allegations could be resolved.

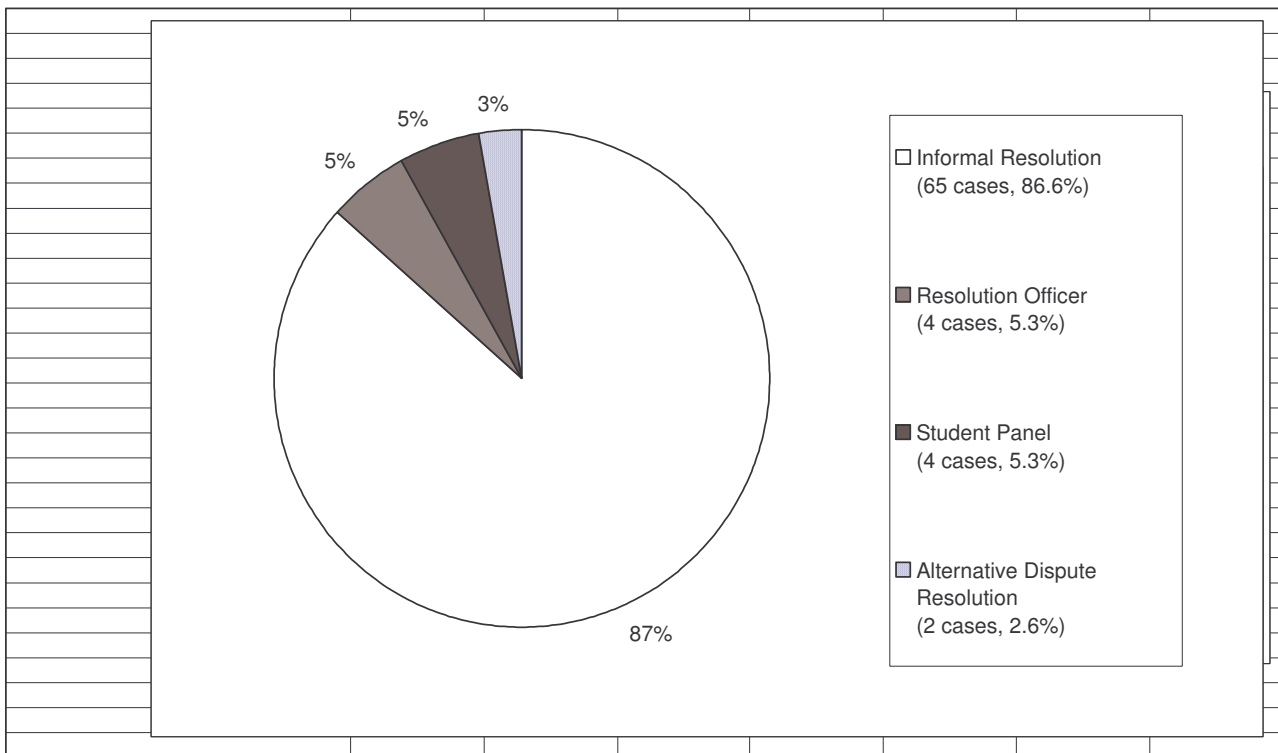
^c Alternative Dispute Resolution (ADR) includes mediation, facilitated discussions, and conflict coaching.

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.

Seventy-five cases were resolved between July 1, 2004 and June 30, 2005¹. Sixty-five (86.6%) cases were informally resolved, four (5.3%) cases were resolved at a Resolution Officer arbitration, four (5.3%) cases were heard by student panels and two (2.6%) 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



¹ Seventy-five cases were resolved through arbitration or alternative dispute resolution, thirteen cases were dropped, and ten cases were pending resolution at the time of this report.

Outcomes and Sanctions/Resolutions

Table C (page 7) also details the outcomes of student panel and Resolution Officer arbitrations for each charge. Of the twenty-five charges considered at the eight formal arbitrations, there were twenty findings (80%) of responsible and five findings of not responsible (20%). Table D shows the arbitration outcomes.

Table D - Arbitration Outcomes

Outcomes by Charge	Number	Percent
Responsible	20	80%
Not Responsible	5	20%
Total	25	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 additional educational sanctions were added. 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 finalized as of June 30, 2005. The anticipated sanctions include a formal reprimand, no contact, and a class/workshop. These sanctions are not reflected below.

Table E – Sanctions

Sanction	Number
AlcoholEdu	11
Assessment of Substance Abuse Patterns	9
BASICS Alcohol Program	1
Class/Workshop Attendance	4
Community Service	16
Disciplinary Probation	50
Educational Project	83
Emergency Suspension	0
Expulsion	0
Formal Reprimand	7
Housing Transfer/Lease Termination/No Reapplication to University Housing	7
Meet with OSCR staff during the semester	1
No Contact	6
Recommended Counseling	10
Removal of Item	1
Restitution	4
Suggested Apology	2
Suspension	3

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.

Three students were suspended between July 2004 and June 2005. One student was suspended for multiple alcohol and drug infractions, another was suspended for pulling a false fire alarm while intoxicated, and the third was suspended for harassing and stalking another student. No students were expelled.

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 2004 and June 2005.

Alternative Dispute Resolution

OSCR staff members encouraged alternative dispute resolution when it was appropriate to do so. Two students resolved their issues through alternative dispute resolution (ADR) between July 1, 2004 and June 30, 2005. 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. Four *Statement* charges were

resolved in the two 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
Processes	
Conflict Coaching	0
Facilitated Discussion	0
Mediation	2
ADR – Other	0
Outcomes	
Housing Transfer	1
Restitution	1

Appeals

Between July 2004 and June 2005, 2 cases (2%) were 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.

Table G presents the violation(s) appealed, the ground(s) for appeal, and recommendations to the Vice President. In the resolved case, the Vice President accepted and imposed the recommendations made by the Appeals Board.

Table G - Appeals Board Considerations and Decisions

Violation	Grounds for Appeal	Original Sanctions	Recommendations to the VP
Tampering with Fire Alarms Reporting a False Fire State Law violation Drug Possession Alcohol Use	Proper procedures were not followed. Sanctions were excessive. Responsibility not determined on the facts.	Suspension ASAP 2 Educational Projects Probation	Confirm the decision made through the hearing process.
Alcohol Possession Alcohol Use	Sanctions were excessive.	Suspension ASAP 2 Educational Projects Probation	Still pending Appeals Board final decision.

Recidivism

Three students who had previous contact with the Office of Student Conflict Resolution were charged with additional violations of the Statement during the 2004-2005 reporting period.

Table H - Recidivism

Student	1st violation	2nd violation
Student One	Pulled a false fire alarm while intoxicated	Marijuana use
Student Two	Theft of University property	Plagiarized his educational project sanction
Student Three	Harassed students and vandalized property	Possessed and distributed large amounts of alcohol

Six students were charged with Failure to Comply with their sanctions. While this does constitute an additional violation, these numbers are not reflected above.

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.

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.

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 last 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 ninety-eight students between July 1, 2004 and June 30, 2005. Table I depicts the gender, class year, and school or college of the accused students. Eighty (81.6%) of the complaints were filed against male students. Forty-nine complaints were filed against freshman or sophomore students, representing 50% of all complaints. Twenty-nine junior and senior students were accused, totaling 29.6% of all complaints. Graduate students were the least likely to be accused of a violation and accounted for 20.4% of accused students; however, this marks a significant increase from previous years. Of the complaints filed against undergraduate students, 71.4% of complaints were filed against undergraduate students in the College of Literature, Science, and the Arts or students in the School of Engineering. In 2004, these schools accounted for approximately 83.8% of the University's total undergraduate enrollment and 64.6% of the University's total enrollment.

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

	Number Accused	Percent
Gender		
Male	80	81.6%
Female	18	18.4%
Total	98	100.0%
Class Year		
Freshman	33	33.7%
Sophomore	16	16.3%
Junior	18	18.4%
Senior	11	11.2%
Graduate Student	20	20.4%
Total	98	100.0%
School or College		
Art	1	1.0%
Business	6	6.1%
Engineering	12	12.2%
Kinesiology	1	1.0%
Law	12	12.2%
LS&A	58	59.2%
Nursing	3	3.1%
Pharmacy	2	2.0%
Public Health	1	1.0%
Rackham	2	2.0%
Total	98	99.8%

Students Found Responsible

Students were found responsible for one hundred seventy-eight 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. Graduate students were found responsible for more violations this year than they have in previous years. 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	0	0	4	2	0	6
Sexual assault or sexual harassment	0	0	0	0	1	1
Hazing, stalking, or harassment	2	0	4	1	2	9
Possessing, using, or storing firearms, explosives, or weapons	8	2	0	2	0	12
Tampering with fire or other safety equipment or setting unauthorized fires	6	2	0	1	0	9
Illegally possessing, using or distributing, manufacturing, or selling alcohol or other drugs	31	12	7	2	0	52
Intentionally and falsely reporting bombs, fires, or other emergencies	3	0	0	0	0	3
Stealing, vandalizing, damaging, destroying, or defacing property	8	3	8	4	6	29
Obstructing or disrupting classes, research projects, or other activities or programs	0	1	0	1	0	2
Making, possessing, or using any falsified University document	0	0	2	0	26	28
Assuming another's identity or role through deception or without proper authorization.	0	0	0	0	0	0
Failing to leave University-controlled premises	0	0	0	0	0	0
Violating state or federal law	8	3	3	2	1	17
Misusing, failing to comply with, or jeopardizing Code procedures, sanctions, etc.	2	2	1	4	0	9
Violating University computer policies	0	0	0	1	0	1
TOTAL	68	25	29	20	36	178

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 eighty-one 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, Parking Services). Table K lists the complainants by category.

Table K- Complainant Status

Complaints Received From	Number
Student	17
Business School	1
Engineering	3
LS&A	10
Music	1
Nursing	1
Rackham	1
Faculty	0
Staff	81
Parking Services	17
Department of Public Safety (DPS)	17
OSCR	5
Michigan League	2
Info. Technology Central Services (ITCS)	1
University Housing	38
New Student Programs	1
Total	98

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

Table L - Gender of Complainants

Gender*	Number
Male	10
Female	7
Total	17

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