

College Area Discipline Policy and Procedure



THE UNIVERSITY OF
CHICAGO

The College
Office of the
Dean of Students

INFORMATION FOR STUDENTS IN THE COLLEGE ACCUSED OF MISCONDUCT

College Area Discipline Policy and Procedure

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Information for Students in the College Accused of Misconduct

This guide is meant to give you information about the process by which the College will address any complaint or concern about your conduct that has been brought forward.

As the resolution process progresses, you should consider your emotional and physical well-being. While this process can be difficult, be assured that there are many different people at the University who can assist you in accessing support services, including the staff from the Office of the Dean of Students in the College, the Office of College Community Standards (OCCS), and your academic adviser. If at any time you feel you would benefit from confidential counseling, you are encouraged to contact UChicago Student Wellness (<https://wellness.uchicago.edu/>) at 773.702.9800.

If you require accommodations on the basis of disability during this process, you should be in touch as soon as practicable with Student Disability Services (SDS) (<https://disabilities.uchicago.edu/>). You can contact Student Disability Services by telephone at 773.702.6000 (fax: 773.926.0996) or by e-mail at disabilities@uchicago.edu.

If you have any questions, you should contact the College's Office of College Community Standards (OCCS) (collegestandards@uchicago.edu), the Dean of Students in the College (collegedos@uchicago.edu), or your College Adviser.

OFFICE OF COLLEGE COMMUNITY STANDARDS

With oversight provided by the Dean of the College, the College has adopted the student disciplinary procedures described below. These procedures allow for variations that reflect the specific values and educational goals of the College and are administered by OCCS.

Except where expressly noted, for students in the College these procedures stand in place of those detailed for other areas of the University, which follow different procedures.

A printed copy of these procedures may be obtained from OCCS or from the Office of the Dean of Students in the College.

Jurisdiction

Conduct by students in the College involving possible violation of University policies and regulations and other breaches of standards of behavior expected of University students – whether the student(s) are involved individually or as part of a group, and with the exception of matters that fall under the University's policies on harassment, discrimination, sexual misconduct and disruptive

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conduct – should be brought promptly to the attention of the Dean of Students in the College, for investigation and/or resolution through OCCS.

Such violations and breaches of standards include (but are not limited to):

- plagiarism
- cheating of any sort on examinations, tests, or quizzes
- any other form of academic dishonesty
- falsification of documents or records
- theft
- vandalism
- violation of computing or any other University policy applicable to students
- violation of the alcohol and other drug policy
- physical, verbal, or electronic abuse that threatens or endangers the health or safety of others
- violation of a University department's regulations
- failure to comply with directives of University officials, including the University Police
- violation of the terms of imposed disciplinary sanctions

Conduct involving violation of the Policy on Harassment, Discrimination and Sexual Misconduct (<https://studentmanual.uchicago.edu/university-policies/university-of-chicago-policy-on-harassment-discrimination-and-sexual-miscon/>) should be brought promptly to the attention of the Title IX Coordinator for the University and/or the Associate Dean of Students in the University for Disciplinary Affairs in Campus and Student Life. Conduct that falls outside of the principles of free expression and meets the definition supplied by University Statute 21 for disruptive conduct (<https://studentmanual.uchicago.edu/student-life-conduct/protests-and-demonstrations-policy/>) should be brought promptly to the attention of the Associate Dean of Students in the University for Disciplinary Affairs in Campus and Student Life.

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Referral of Complaints/Concerns

Upon receipt of a complaint or concern about student conduct, OCCS will evaluate the information received and determine whether the conduct described represents a possible violation of University policies and regulations or other breaches of standards of conduct expected of University students. OCCS may consult with other University offices to make this determination.

Complaints and/or concerns regarding violations of College or University policy may be received by OCCS from any source, including (but not limited to):

- academic appointees, including faculty
- staff

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- students
- postdoctoral researchers
- other members of the University community
- civil authorities, including Chicago or University of Chicago police
- others that may have a concern about student conduct

Reports from the University Police about student misconduct will routinely be brought to the Dean of Students in the College for possible disciplinary action. Furthermore, the Dean of Students in the College may investigate and recommend disciplinary action based on reports from third parties of arrests, citations, or other conduct from external parties that come to the attention of the Dean of Students in the College.

If the information received substantiates the belief that a violation may have occurred or warrants further inquiry, OCCS may either open an inquiry or refer that matter – either in whole or in part – for investigation/resolution through other University disciplinary systems as appropriate.

Matters involving a student in the College which have open/active criminal or civil court proceedings relating to that complaint and/or concern may proceed except under exceptional circumstances (to be determined at the sole discretion of the College).

Investigation

Upon receipt of the complaint or concern, OCCS staff will typically discuss the matter with the person bringing the allegation of misconduct, if feasible. This discussion may be in-person, but may include phone, e-mail, or use other electronic means, depending on the circumstances and the location of the participants.

OCCS staff will then conduct an inquiry into the facts, which may include (but is not limited to) conducting interviews and obtaining written statements from pertinent people including:

- victims
- other respondents
- witnesses
- others with knowledge of the matter

Informational meetings may be set between OCCS staff and the accused student – and, if required, separate meetings with the complainant(s), witnesses, or others – in order to:

- detail the complaint received – and each individual’s role/interest as it relates to that event
- provide the accused student with supporting documentation that has been submitted
- brief individuals on their confidentiality rights and responsibilities
- set expectations with respect to College area discipline processes and procedures
- discuss the utility and use of support persons during a College area discipline process

At the conclusion of that meeting, a statement will ordinarily be solicited from the accused student and (if required) from other parties as appropriate.

Support Persons

Students may bring a person of their choice to any disciplinary-related meetings with the Dean of Students in the College or the Director of OCCS (or designee) or have them attend and provide support during phone calls or other interactions related to the investigation and resolution of an incident. The student can also be accompanied by their support person to any proceedings and during the subcommittee meeting (see below). The support person may confer quietly with the student during the proceedings and offer advice and other support during breaks. The support person may also assist with the review and preparation of materials, although authorship of statements should be the student's alone. Support persons may not speak for the student during the proceedings and are not allowed to direct questions to the subcommittee members. If a support person violates the limitations regarding their role or engages in behavior or advocacy that harasses, abuses, or intimidates a witness, or an individual resolving the complaint, the support person may be required to leave the subcommittee meeting.

Students should inform OCCS three to five business days before any proceedings if a support person will be attending.

If the person providing support is a lawyer, a representative of the University's Office of Legal Counsel must also attend the proceedings. The student should notify OCCS a minimum of seven business days before any proceedings the lawyer will be attending.

Administrative Resolution

After reviewing information and documentation about the incident, including statements from the accused student and others, OCCS has the discretion and authority to determine how the matter will be resolved within the College area discipline system.

Options for resolution include:

- No Action (dismissal of complaint)
- Informal Resolution
- Formal Resolution

If the matter is recommended for No Action or Informal Resolution ("Confidential File"), OCCS staff will follow up with the accused student, in writing, to make arrangements as appropriate.

For those matters recommended for Formal Resolution, the Dean of Students in the College (or designee) will inform the accused student, in writing, within five business days, of the charged violation(s), and give the accused student a copy of the College's disciplinary procedures.

Formal Resolution

Matters requiring Formal Resolution may be handled in one of two ways:

1. Dean's Resolution
2. College Area Disciplinary Committee

Dean's Resolution

In situations where an individual student has acknowledged responsibility for misconduct and, in the reasoned judgment of the Dean of Students in the College (or designee), the most likely outcome for that misconduct would be a sanction of warning or disciplinary probation if the College Area Disciplinary Committee were to be convened, the Dean of Students in the College (or designee) may offer to resolve the allegation of misconduct formally without referral to the College Area Disciplinary Committee.

In such matters, the Dean of Students in the College (or designee) will propose the sanction of an official warning or disciplinary probation for a specified period of time (e.g., a quarter, a year, for the duration of the student's enrollment, etc.). The student will be allowed the option to accept or reject this offer for resolution in writing. If the student rejects this offer for resolution, then the Dean of Students in the College (or designee) may refer the complaint to the Dean of the College with a recommendation to convene the College Area Disciplinary Committee.

If the student accepts the Dean of Students in the College's offer for formal resolution, the decision becomes final and unreviewable within the University, with one exception: if the Dean of Students in the College (or designee) later receives new information that materially changes the initial evaluation of the matter, then the Dean of Students in the College (or designee) may vacate the formal resolution and refer the complaint to the Dean of the College with a recommendation to convene the College Area Disciplinary Committee.

If the Dean of Students in the College (or designee) later finds that the student has engaged in additional misconduct, the College Area Disciplinary Committee may be informed of this earlier resolution. If the College Area Disciplinary Committee is informed of this resolution, the Committee must consider it in determining further sanctions.

College Area Disciplinary Committee

In situations where the possible sanctions are greater than disciplinary probation, there is a genuine and material dispute concerning the facts of the case, or the concern is complicated and requires further investigation, the Dean of Students in the College may recommend that the Dean of the College convene the College Area Disciplinary Committee to resolve the matter.

College Area Disciplinary Committee meetings normally are held in closed session during each regular academic quarter and may be convened outside of these standard times as appropriate. In these meetings, the Committee will discuss the materials provided to them in advance of the meeting, will determine responsibility, and, as appropriate, impose sanctions on the student.

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Committee Membership and Oversight

All members of the College Area Disciplinary Committee are expected to maintain independent judgment and open-mindedness about any alleged misconduct and to respect the confidentiality of the process. The Committee, including voting and non-voting members, is appointed by the Dean of the College.

The members of the College Area Disciplinary Committee will ordinarily include:

- Assistant Deans, Associate Deans, Deputy Dean, and Dean of Students in the College
- Representatives from OCCS
- Senior staff (holding a title of Assistant Director or higher) from partner offices in the College
- Faculty members or senior lecturers who provide instruction in the College, and
- Student members

Faculty oversight of this committee is provided by the Dean of the College.

Quorum

A minimum of three voting members of the College Area Disciplinary Committee – including at least one faculty member – and the OCCS representative are required to be present in full meetings of the College Area Disciplinary Committee in order for those proceedings to be valid.

The OCCS representative attends College Area Disciplinary Committee meetings in a non-voting, advisory capacity only. The Chair of the Committee, who is also a non-voting member, will ordinarily be the Dean of Students in the College (or designee). Other University staff that provide particular expertise in student support services may also attend as non-voting members in an advisory capacity.

Committee Review

In situations where there is a genuine dispute of any material fact, the concern is factually complex, or there is a possibility of a sanction greater than disciplinary probation if the accused student is found responsible, the Dean of Students in the College may recommend that the Dean of the College convene the College Area Disciplinary Committee to resolve the complaint. If the Dean of the College convenes the College Area Discipline Committee, the Dean of Students in the College (or designee) may appoint a subcommittee of that body to further investigate the concern.

If an accused student wants to appear in person, a subcommittee will be appointed, and the subcommittee will meet with the student. The student will be provided with all materials that will be reviewed by the subcommittee in advance of their meeting.

In all cases where a subcommittee is appointed, the subcommittee will seek to reach a complete and fair understanding of the facts of the incident at issue.

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In cases where a subcommittee is not appointed, the complaint, all documentation, and any materials related to the concern will be forwarded to the full committee for review and resolution.

Subcommittee Membership

Members of the subcommittee will be regular members of the College Area Disciplinary Committee and are appointed by the Dean of Students in the College (or designee).

Subcommittee Meetings

In cases where a subcommittee is appointed, the subcommittee members will meet to review the complaint, documentation, and any materials related to the concern referred to them by OCCS. If the accused student has been accused of misconduct before, OCCS may inform the subcommittee of the previous accusation, other pertinent information related to the previous allegation, and of any disciplinary action.

The accused student has a right – but not an obligation – to appear in-person before the subcommittee. If the accused student chooses not to appear before the subcommittee, the subcommittee shall proceed without the accused student. If the student chooses to appear, the student will be offered the opportunity to speak before the subcommittee. This meeting before the subcommittee serves as the student’s appearance before the College Area Disciplinary Committee.

If the accused student does not wish to appear before the subcommittee, they will be allowed to review and respond in writing to all of the materials scheduled to be provided to the subcommittee. Such a response must be submitted to OCCS within two business days of the student receiving the materials; however, they may request additional time if warranted by the circumstances.

If the accused student does not appear personally, and/or opts not to submit a written response for consideration by the subcommittee, this fact shall not be used against the student when assessing responsibility or recommending sanctions.

If the concern includes multiple students present and accused of participation in the same misconduct, the accused students will each be heard separately by the subcommittee and not in the presence of the other accused students.

As part of its review, the subcommittee may additionally request the presence of OCCS staff, complainant(s), witness(es), or other parties with knowledge of the matter. As members of the College community, these parties are obligated to participate as asked.

Subcommittee Recommendations

After reviewing the complaint, documentation, and any other materials related to the concern, the subcommittee will discuss the matter in closed session and determine if the concern warrants further action.

In cases where the subcommittee was convened and the student met with the subcommittee, the subcommittee will prepare and submit a written report to OCCS including its observations and findings. The report may also include an optional sanction recommendation as appropriate. OCCS

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will send a confirmation letter and the subcommittee's report, along with all supporting documentation and related material, to the accused student as soon as possible after the report is received.

The subcommittee can recommend any sanction that is available in the area discipline system as set forth in the *Student Manual*, under Area Disciplinary Systems (Sanctions for Misconduct) at <https://studentmanual.uchicago.edu/student-life-conduct/university-disciplinary-systems/area-disciplinary-systems/>.

If the subcommittee instead determines that the concern would warrant a recommendation of either No Action (dismissal of complaint), Informal Resolution ("Confidential File"), or Dean's Resolution, they may refer the matter back to OCCS and OCCS staff will make arrangements with the student to resolve the case as appropriate.

Full Committee Meeting

College Area Disciplinary Committee Meetings

The accused student will be informed in writing by OCCS of the referral and the date and time of the College Area Disciplinary Committee meeting where their case will be resolved. In advance of the meeting, the accused student will be provided with a copy of all written material furnished to the Area Disciplinary Committee and will be allowed two business days to complete and submit a response to OCCS prior to the matter being heard by the Area Disciplinary Committee. Students may request additional time if warranted by the circumstances.

If the matter was referred from a subcommittee, the accused student will be allowed two business days to complete and submit a response to OCCS after reviewing the subcommittee's report, if applicable, including its findings and recommendations. Students may request additional time if warranted by the circumstances.

Any response submitted by the accused student will be included as an addendum to the written materials furnished to the College Area Disciplinary Committee. If the accused student opts not to submit a written response for consideration by the committee, this fact shall not be used against the student when making a determination of responsibility or of sanctions.

All materials will be forwarded to the College Area Disciplinary Committee's members for review before the meeting. These materials may include:

- incident documentation
- written statements by the accused student, victim(s), witness(es), or other parties with knowledge of the matter
- the subcommittee report (if applicable, including any findings or recommendations)
- a written response from the accused student to the subcommittee report (if submitted)

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If the accused student has been accused of misconduct before, OCCS may inform the College Area Disciplinary Committee of the previous allegation, other pertinent information related to the previous allegation, and of any disciplinary action.

The accused student does not generally appear in-person in a meeting of the College Area Disciplinary Committee. Nevertheless, the full College Area Disciplinary Committee is empowered to request additional information, a meeting with the student, victim(s), witness(es), or other parties with knowledge of the matter.

Committee Findings

The College Area Disciplinary Committee decides, by majority vote and in consideration of all of the information before it, whether it is more likely than not that the accused student's conduct violated College or University policies and regulations or breached standards of conduct expected of University students.

If the College Area Disciplinary Committee concludes that by a preponderance of the evidence, the information obtained supports a finding that the accused student's conduct violated College or University policies and regulations or breached standards of conduct expected of University students, then, in consultation with the OCCS representative, the College Area Disciplinary Committee will determine, by majority vote and in consideration of all possible sanctions and implications of those sanctions, an appropriate sanction(s).

Notification

When the College Area Disciplinary Committee reaches its decision, the Dean of Students in the College (or designee) will inform the accused student as soon as practicable and will send an outcome letter in which the decision, the rationale for the decision, and the request for review process are delineated.

The action of the College Area Disciplinary Committee is reported to the Dean of the College and to Campus and Student Life. Decisions of disciplinary suspension or expulsion will be recorded on the student's transcript and usually will read "Not permitted to register from [Date] to [Date]. [Name and Title of the Dean of Students in the University], [Date]" In matters of expulsion the notation includes a statement "Must Reapply." Other offices (e.g., Housing and Residence Life, University Registrar, etc.) are to be notified if the action taken by the College Area Disciplinary Committee affects those offices.

The Dean of Students in the College (or designee) will not disclose allegations of misconduct and the outcomes of disciplinary proceedings to third parties, including to external organizations, without authorization under FERPA or as required by law (see the *Student Manual*, under Release of Students' Education Records at <https://studentmanual.uchicago.edu/administrative-policies/student-education-records-and-directory-information/release-of-students-education-records/>).

Sanctions

Disciplinary sanctions available in the College's area discipline system are set forth in the *Student Manual*, under Area Disciplinary Systems (Sanctions for Misconduct) at <https://studentmanual.uchicago.edu/student-life-conduct/university-disciplinary-systems/area-disciplinary-systems/>.

Records

A written record of disciplinary proceedings will be kept by OCCS as part of the student's educational record, with a copy furnished to Campus and Student Life. This record should include all materials furnished to the College Area Disciplinary Committee or its subcommittee, a copy of the outcome letter sent to the accused student, a statement of the main findings which were relevant to the final outcome of any disciplinary proceedings and to the sanctions imposed, as well as the considerations of the possible implications of the sanctions. This record will be maintained in accordance with the retention policies for student records, as set forth in the Record Maintenance section of the *Student Manual* at <https://studentmanual.uchicago.edu/administrative-policies/student-education-records-and-directory-information/record-maintenance/>.

Requests for Review

If the College Area Disciplinary Committee imposes a sanction following a finding of responsibility, the accused student may request to have the decision reviewed. Review procedures are set forth in the Area Disciplinary Systems Review Process section of the *Student Manual* at <https://studentmanual.uchicago.edu/student-life-conduct/university-disciplinary-systems/area-disciplinary-systems-review-process/>.