

**Resolution for Changes to the Hokie Handbook ([www.hokiehandbook.vt.edu](http://www.hokiehandbook.vt.edu))  
Modifications to the Abusive Conduct Policy for Student Code of Conduct**

Effective Date: Immediately upon approval by the Board of Visitors

**WHEREAS**, the University Student Conduct System is an educational tool with two main objectives: to hold students accountable for unacceptable behavior, and to modify those behaviors deemed unacceptable by the university, and

**WHEREAS**, the University Student Conduct System strives to address unacceptable behavior in a manner that informs students and guides them toward a greater sense of personal responsibility, and more mature and ethical standards, and

**WHEREAS**, current policy (contained in the Hokie Handbook) addresses abusive conduct that is inappropriate to subject other students to, such as assault, battery, sexual misconduct, sexual harassment, stalking, and recording of images without consent, and

**WHEREAS**, the first proposed change (the underlined text below) would address misconduct that involves taping, recording, or monitoring someone without their permission off campus when there is a reasonable expectation of privacy, or the taping, recording, or monitoring of audio material, and

**WHEREAS**, the second proposed change (the double underlined text below) would address misconduct that involves the distribution of audio or visual material without the knowledge and consent of all participants, and

**WHEREAS**, the third proposed change (the bold underlined text below) would address behavior that is considered neither assault nor battery but does threaten an individual, cause psychological distress, or limits their ability to work, study, or participate in the activities of the university, and

**WHEREAS**, the Office of Student Conduct has had students raise concerns about similar misconduct where they felt violated, and

**WHEREAS**, the behavior mentioned in the new proposed policy is antithetical to a safe and secure learning environment and should be prohibited by the code of conduct, and

**WHEREAS**, without a policy to address this behavior the misconduct could go unaddressed,

**NOW, THEREFORE LET IT BE RESOLVED**, that Policy # 8300, Student Code of Conduct –Abusive Conduct Policy be amended as follows:

**Abusive Conduct: Any use of words or acts that cause physical injury, or threaten any individual, or interfere with any individual's rightful actions, including but not limited to the following:**

1. Assault- Words or actions that would cause an individual reason to fear for his or her immediate safety. Words can constitute assault when they are accompanied by the ability to inflict immediate harm.
2. Battery- The use of physical force against an individual or acts that cause physical injury.
3. Sexual Harassment- Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, under certain circumstances. (See Sexual Harassment Section for additional information.)
4. Sexual Misconduct -Sexual contact without consent. (See Sexual Misconduct Section for additional information.)

5. Stalking -Repeatedly contacting another person when the contact is unwanted. Additionally the conduct may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone or computer) or remaining in the physical presence of the other person.
6. Recording of Audio/Visual Material Without Consent: Making or attempting to make an audio or visual recording of any person(s) in shower/locker rooms, residence(s), and restrooms or any other premises where there is a reasonable expectation of privacy without the knowledge and consent of all participants subject to such recordings and when the action is likely to cause injury, distress, or damage to one's reputation.
7. Distribution of Audio/Visual Material Without Consent: Sharing and/or distributing authorized or unauthorized audio/visual material without the knowledge and consent of all participants subject to such recordings and when the action is likely to cause injury, distress, or damage to one's reputation.
8. Harassment – Conduct not of a sexual nature (including but not limited to, physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent so as to threaten an individual, cause psychological distress, or limit the ability of an individual to work, study, or participate in the activities of the university.

#### **RECOMMENDATION:**

That the above resolution for changes to University Policies for Student Life: Modifications to the Abusive Conduct Policy for Student Code of Conduct be approved.

June 3, 2013