

RESOLUTION FOR CHANGES TO UNIVERSITY POLICIES FOR STUDENT LIFE: EXPANSION OF THE ABUSIVE CONDUCT POLICY

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 misconduct that is inappropriate to subject other students to, such as assault, battery, sexual misconduct, sexual harassment and stalking; and

WHEREAS, current policy does not address misconduct that involves taping, recording, or monitoring someone without their permission on campus when there is a reasonable expectation of privacy; 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, BE IT RESOLVED, that Policy # 8300, Student Code of Conduct –Abusive Conduct be amended as follows:

Abusive Conduct: Any 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.
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 Images without Consent:** Using electronic or other means to make a video or photographic record of any person on-campus where there is a reasonable expectation of privacy without the person's consent and when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to: taking video or photographic images in shower/locker rooms, residence hall rooms and restrooms. The sharing and/or distributing of such unauthorized records by any means are also prohibited.

RECOMMENDATION:

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

June 7, 2010