

Student Conduct Code DTF
January 16, 2009

Meeting Notes

Reviewed notes from 1/9 meeting. Noted omission of "independent" in "c" of academic integrity statement.

Follow-up with Brian Walters, Sandy Yannone, and Nicole Ack re: academic integrity & bias statements incomplete per Andi & Wendy.

Confirmed proposed text for bias statement.

Failure to foster a safe community includes misconduct motivated by bias against someone's actual or perceived religion, nationality, ability, age, gender, sexual orientation, gender identify, creed, racial or ethnic origin, cultural identity, veteran status, or political affiliation.

Discussed proposed text for sexual misconduct generated by Michael.

Sexual misconduct is defined as unwanted and/or non-consensual behavior with another person involving:

- verbal, written, pictorial and/or electronic contact that is sexual in nature
- voyeurism or exhibitionism (the display of sexual behavior or one's sexual organs)
- repeated sexual advances or requests for sexual favors
- sexual activity
- coercion, including psychological pressure, intimidation and/or threats
- sexual violence, such as hitting or striking; the use of force or a weapon; or the use of body weight or other physical means of overcoming resistance

Consent is voluntary and mutually understandable agreement. Consent may not be possible when one is intoxicated, under the influence of drugs, unconscious or is experiencing some other cognitive impairment.

Sexual misconduct can occur with any combination of genders, gender expressions and sexual orientations.

See feedback from Talcott Broadhead:

Some comments;

- I think it would be valuable in your definitions to use the term "sexual violence" when referring to acts that fall under this umbrella. Though acts of "sexual violence" constitute "sexual misconduct" under these guidelines, the term "sexual misconduct" itself, fails to acknowledge the impact upon the victim(s).
- When outlining 'explicit consent' I would encourage you to just straight-up quote the Washington State Rape Laws here. Not only are our laws extremely well-written, but this would also help us avoid the perception that Evergreen is attempting to do something different or independent of the State judicial system. Here is what the law says:

"(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact."
[RCW 9A.44.010]

In your draft, it is said:

"An individual's ability to give consent **may** be impacted by being intoxicated, under the influence of drugs, unconscious, other cognitive impairment."

- According to the law, if an individual is intoxicated, incapacitated etc...they cannot give consent. While it's true that a person's ability to give consent "may" be negated by the presence of said incapacitation, the use of the word "may" in this case reads as if the College itself will determine whether a person was 'drunk enough,' or 'incapacitated enough' or 'physically helpless enough' to compromise their ability to give consent....which I'm sure is not what we intend to imply. Could we change this definition by removing the word 'may' and perhaps including "physically helpless" as well?

Determined the following:

Sexual misconduct is defined as unwanted and/or non-consensual behavior with another person involving:

- verbal, written, pictorial and/or electronic contact that is sexual in nature
- voyeurism or exhibitionism
- sexual advances or requests for sexual favors
- sexual contact, activity, or intercourse
- coercion, including psychological pressure, intimidation and/or threats
- sexual violence including but not limited to hitting or striking; the use of force or a weapon; or the use of body weight or other physical means of overcoming resistance

Consent must include actual words or conduct indicating freely given agreement. Consent is not possible when one is under the influence of alcohol or drugs, unconscious or is experiencing some other cognitive impairment.

Sexual misconduct can occur with any combination of genders, gender expressions and sexual orientations.

Reviewed work on prohibitions to date.

- eliminate "failure to"
- add preamble with values statement and delete before each prohibition

Discussed definition of hazing. Wendy will generate draft for 1/23.

Discussed "knowingly present" and "required to report possible violation". Andi will generate drafts for 1/23.

Mentioned being an accomplice in misconduct, attempting misconduct or interfering with the adjudicative process. Wendy will generate draft fro 1/23.

Attendance:

Alexandre Chateaubriand	Absent
Wendy Endress	Present
Bill Gilbreath	Present
Andrea Lawson	Absent
Larry Locke	Present
Nancy Murray	Absent
Brett Nieman	Present
Andrea Seabert Olsen	Present
Ed Sorger	Absent
Julie Silipo	Absent
Michael Sledge	Present