

**Student Regulations Committee Meeting  
Minutes  
October 11, 2013**

Present: Charles Parsons (Faculty and SR Chair), Carole Moore (Provosts' Office), Richard Barke (Public Policy), Bill Schafer (VPSA), Jung Choi (BIO), Al Ferri (ME), Becca Winarski (GSA), Lucy Tucker (SGA), Peter Paquette (Dean of Students), John Stein (Dean of Students), Melanie DeMaeyer (Dean of Students), Gary Wolovick (Legal Affairs), Kathleen Gosden (Legal Affairs)

The meeting was opened at 9:00am.

1. The matter regarding Grade Substitution policy, distributed by the Registrar at the preceding meeting, was deemed non-urgent and was not considered.
2. Dean Stein distributed a document on "Sexual Harassment and Misconduct Policy" which was presented by Gary Wolovick. The Legal Affairs Office and Dean of Students Office have reviewed the current policy regarding First Amendment implications. Changes were suggested to bring Georgia Tech policy in accord with the legal standard definition of "sexual harassment." After discussion, Choi moved to approve and Ferri seconded, and the motion was agreed to unanimously.

**CURRENT POLICY**

**NOTE:** This is an excerpt from the current policy that references only the section of the policy that was reviewed for revision.

**Sexual Harassment & Misconduct Policy**

**Effective Date:** February 2012

**Contact Name:** Director of the Office of Student Integrity

Georgia Tech Policy on Student Sexual Misconduct,  
Sexual Harassment, Stalking, and Intimate Partner Violence  
*Last Approved: February 21, 2012*

The most current version of the Georgia Tech Policy on Student Sexual Misconduct, Sexual Harassment, Stalking and Intimate Partner Violence can be found on the Office of Student Integrity web site. In the event of any conflict, the policy found on the web site will govern.

- A. General
- B. Sexual Misconduct
- C. Sexual Harassment**
- D. Stalking
- E. Intimate Partner Violence
- F. Retaliation
- G. Reporting Procedures
- H. Complainant's Rights

- I. Process for Sexual Misconduct, Sexual Harassment, Stalking, and Intimate Partner Violence Charges
- J. Sanctions
- K. Appeals
- L. Resources
  - ◇ Confidential Services on Campus
  - ◇ Additional Campus Resources
  - ◇ Off-Campus Resources
- M. References

## **C. SEXUAL HARASSMENT**

### **Definitions:**

**Sexual Harassment:** Interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- ◇ submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, living conditions, and/or educational evaluation;
- ◇ submission to, or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

**Hostile Environment Sexual Harassment:** Unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to hostile environment harassment.

In cases of sexual harassment, if the alleged harasser is asked by the Complainant or a third party to stop his or her behavior and does not, a more serious sanction may be imposed. However, the Complainant does not have to request the behavior be stopped for the behavior to be considered sexual harassment.

**Examples of Verbal Sexual Harassment:** Examples of verbal sexual harassment include, but are not limited to the following *unwelcome actions*:

- ◇ Sexual flirtation, advances or propositions for sexual activity
  - Asking about someone else's personal social or sexual life or about their sexual fantasies, preferences, or history.
  - Discussing sexual fantasies, preferences, or history or repeatedly asking for a date from a person who has indicated he or she is not interested.
  - Verbal abuse of a sexual nature.
  - Suggestive comments and sexually explicit jokes, or turning discussions at work or in academic or living settings to sexual topics.
- ◇ Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing may constitute sexual harassment if the person being so described is offended by such terms or if others hearing the references are offended.
- ◇ Stating, indicating, or implying in any manner that benefits will be gained or lost based on response to sexual advances.

**Examples of Non-Verbal Sexual Harassment:** Examples of non-verbal sexual harassment include, but are not limited to the following *unwelcome actions*:

- ◇ Staring repeatedly at someone; repeatedly watching someone from afar.
- ◇ Blocking another person's path or otherwise restricting their movements, particularly when in conjunction with other acts or comments.
- ◇ Invading a person's personal body space, such as standing closer than appropriate.
  - Making sexual gestures with hands or body movements.
- ◇ Looking a person up and down in a suggestive or intimidating manner.
- ◇ Making sounds such as smacking or licking lips, making kissing sounds, or whistling.
- ◇ Letters, gifts, or materials of a sexual nature, including but not limited to typed or handwritten notes, email, instant messages, text messages, online postings, etc.

**Examples of Physical Sexual Harassment:** Examples of physical sexual harassment include, but are not limited to the following *unwelcome actions*:

- ◇ Massaging a person's neck or shoulders;
- ◇ Touching a person's clothing, hair, or body;
- ◇ Hugging, kissing, patting, or stroking a person's body;
- ◇ Touching or rubbing oneself in a sexual manner around, or in the view of another person;
- ◇ Brushing up against another person;
- ◇ Tearing, pulling, or yanking a person's clothing.

More severe forms of physical sexual harassment, such as sexual assault, coerced sexual intercourse, or other sexual contact without consent will be considered sexual misconduct.

### **REVISED POLICY**

**NOTE:** This is an excerpt from the revised policy that references only the section of the policy that was reviewed for revision.

#### **Sexual Harassment & Misconduct Policy**

**Effective Date:** February 2012

**Contact Name:** Director of the Office of Student Integrity

#### **Georgia Tech Policy on Student Sexual Misconduct, Sexual Harassment, Stalking, and Intimate Partner Violence**

*Last Approved: February 21, 2012*

*Last Approved: October 22, 2013*

The most current version of the Georgia Tech Policy on Student Sexual Misconduct, Sexual Harassment, Stalking and Intimate Partner Violence can be found on the Office of Student Integrity web site. In the event of any conflict, the policy found on the web site will govern.

- A. General
- B. Sexual Misconduct
- C. Sexual Harassment**
- D. Stalking
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- L. Resources
  - ◇ Confidential Services on Campus
  - ◇ Additional Campus Resources
  - ◇ Off-Campus Resources

## C. SEXUAL HARASSMENT

### Definitions:

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other written, verbal, non-verbal or physical conduct of a sexual nature nature, when:

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment or status in a course, program, or activity offered by the Institute;
2. Submission or rejection of such conduct by an individual is used as a basis for employment or education decisions affecting such individual; or
3. Such conduct has the purpose or effect:
  - a. of unreasonably interfering with the individual's work or education performance;
  - b. of creating an objectively intimidating, hostile, or offensive working and/or learning/living environment; or
  - c. of unreasonably interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

**Hostile Environment Sexual Harassment:** A hostile environment is created when sexual harassment is so severe, pervasive, or persistent as to unreasonably interfere with or limit an individual's employment or educational opportunities. The determination of whether an environment is "hostile" must be based on a reasonable person standard and on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating.

In cases of sexual harassment, if the alleged harasser is asked by the Complainant or a third party to stop his or her behavior and does not, a more serious sanction may be imposed. However, the Complainant does not have to request the behavior be stopped for the behavior to be considered sexual harassment.

More severe forms of physical sexual harassment, such as sexual assault, coerced sexual intercourse, or other sexual contact without consent will be considered sexual misconduct.

### Examples of Behaviors that May Constitute Verbal Sexual Harassment:

Examples of verbal sexual harassment include, but are not limited to the following **unwelcome** actions:

- ◇ Sexual flirtation, advances or propositions for sexual activity
- ◇ Asking about someone else's personal social or sexual life or about their sexual fantasies, preferences, or history.

- ◇ Discussing sexual fantasies, preferences, or history or repeatedly asking for a date from a person who has indicated he or she is not interested.
- ◇ Verbal abuse of a sexual nature.
- ◇ Suggestive comments and sexually explicit jokes, or turning discussions at work or in academic or living settings to sexual topics.
- ◇ Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing may constitute sexual harassment if the person being so described is offended by such terms or if others hearing the references are offended.
- ◇ Stating, indicating, or implying in any manner that benefits will be gained or lost based on response to sexual advances.

### **Examples of Behaviors that May Constitute Non-Verbal Sexual Harassment:**

Examples of non-verbal sexual harassment include, but are not limited to the following **unwelcome** actions:

- ◇ Staring repeatedly at someone; repeatedly watching someone from afar.
- ◇ Blocking another person's path or otherwise restricting their movements, particularly when in conjunction with other acts or comments.
- ◇ Invading a person's personal body space, such as standing closer than appropriate.
- ◇ Making sexual gestures with hands or body movements.
- ◇ Looking a person up and down in a suggestive or intimidating manner.
- ◇ Making sounds such as smacking or licking lips, making kissing sounds, or whistling.
- ◇ Letters, gifts, or materials of a sexual nature, including but not limited to typed or handwritten notes, email, instant messages, text messages, online postings, etc.

### **Examples of Behaviors that May Constitute Physical Sexual Harassment:**

Examples of physical sexual harassment include, but are not limited to the following **unwelcome** actions:

- ◇ Massaging a person's neck or shoulders;
- ◇ Touching a person's clothing, hair, or body;
- ◇ Hugging, kissing, patting, or stroking a person's body;
- ◇ Touching or rubbing oneself in a sexual manner around, or in the view of another person;
- ◇ Brushing up against another person;
- ◇ Tearing, pulling, or yanking a person's clothing.

*The above examples are not intended to be an exhaustive list or prohibit **consensual** activity. Georgia Tech encourages reporting of any behavior that you believe may be in violation of policy.*

**Office of Student Integrity, Office of the Dean of Students,  
Georgia Institute of Technology  
Last Updated, February 21, 2012  
Last Updated: October 11, 2013**

3. The need to change the Student Code of Conduct to reflect the revised Sexual Harassment Policy was discussed. The same alterations were proposed. Barke moved approval, Tucker seconded, and the motion was agreed to unanimously.

**CURRENT POLICY**

**NOTE: This is an excerpt from the current policy that references only the section of the policy that was reviewed for revision.**

**Student Code of Conduct**

**Last Revised:** November 2012  
**Review Date:** November 2015  
**Policy Owner:** Student Affairs  
**Contact Name:** Peter Paquette  
**Contact Title:** Director of the Office of Student Integrity  
**Contact Email:** peter.paquette@vpss.gatech.edu

**Georgia Institute of Technology  
XIX. Student Code of Conduct  
Last Approved: November 27, 2012**

The most current Student Code of Conduct can be found on the Office of Student Integrity Web site as listed in the References. In the event of any conflict, the Code found on the Web site will govern.

- A. General
- B. Prohibited Academic Conduct
- C. **Prohibited Non-Academic Conduct**
- D. Student Code of Conduct Procedures
- E. Sanctions
- F. Interim Suspension
- G. Appeal Procedures
- H. Record Keeping and Release of Information
- I. References

19. Harassing another person including, but not limited to:

- a. Placing another person in reasonable fear of his/her personal safety through words or actions directed at that person, or substantially interfering with the working, learning, or living environment of the person.
- b. Unwelcome sexual advances, requests for sexual favors, and other written, verbal or physical conduct of a sexual nature

### REVISED POLICY

NOTE: This is an excerpt from the revised policy that references only the section of the policy that was reviewed for revision.

#### Student Code of Conduct

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**Contact Name:** Peter Paquette  
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**Georgia Institute of Technology**  
**XIX. Student Code of Conduct**  
**Last Approved: November 27, 2012**  
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The most current Student Code of Conduct can be found on the Office of Student Integrity Web site as listed in the References. In the event of any conflict, the Code found on the Web site will govern.

- A. General
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- E. Sanctions
- F. Interim Suspension
- G. Appeal Procedures
- H. Record Keeping and Release of Information
- I. References

### C. PROHIBITED NON-ACADEMIC CONDUCT

**19. Harassing another person including, but not limited to:**

**a.** Placing another person in reasonable fear of his/her personal safety through words or actions directed at that person, or substantially interfering with the working, learning, or living environment of the person.

**b.** Unwelcome sexual advances, requests for sexual favors, and other written, verbal, non-verbal or physical conduct of a sexual nature when:

i. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment or status in a course, program, or activity offered by the Institute;

ii. Submission or rejection of such conduct by an individual is used as a basis for employment or education decisions affecting such individual; or

iii. Such conduct has the purpose or effect:

iv. of unreasonably interfering with the individual's work or education performance;

v. of creating an objectively intimidating, hostile, or offensive working and/or learning/living environment; or

vi. of unreasonably interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

*Office of Student Integrity, Office of the Dean of Students*

*Georgia Institute of Technology*

*Last Updated November 27, 2012*

*Last Updated, October 11, 2013*

4. Policy regarding campus organizations was discussed with regard to student membership. After recent court rulings, Georgia Tech policy regarding membership needs to be revised. The SGA policy has been changed; this change was brought to the Student Regulations Committee as a point of information; no action was required.

The meeting adjourned at 9:45am.

Adjourned,

Dr. Charles Parsons, Chair, Scheller College of Business

## Committee Membership 2013-2014

Barke, Richard (Sec)	[10-16] Public Policy	barke@gatech.edu
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# - nonvoting