

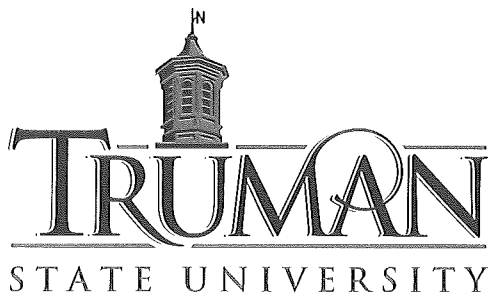


**Student Government Resolution 115.004**  
**A Resolution in Strong Support to Amend the Student Code of Conduct to Include**  
**an Assault/Sexual Assault Witness Immunity Clause**  
**Sponsored by the Sexual Assault Prevention ad Hoc Committee; Kayla Gunter,**  
**Chair and Jessie Poole, Member**

WHEREAS,

- The Student Government is the official governing body of the Student Association and exists to represent the present and long term best interests of the Student Association in the formulation of the University policy and in the fulfillment of the University mission; and
- The Student Code of Conduct currently provides explicit immunity for victims of sexual assault<sup>1</sup>, but does not explicitly protect reporting witnesses of assault/sexual assault from minor policy violations during the time of said incident<sup>2</sup>; and
- Students may be deterred from reporting for fear of penalties as a result of their own lesser conduct code violations during the time of a witnessed assault/sexual assault, such as underage drinking; and
- The Rape, Assault, and Incest National Network (RAINN) estimates only 32 in 100 cases of sexual assault are ever reported to the police<sup>3</sup>; and
- In one 2007 study, nineteen percent of over 5,000 undergraduate women surveyed experienced an attempted and/or completed sexual assault since entering college<sup>4</sup>; and
- In 2013, Truman's Department of Public Safety formally reported only three instances of sexual assault and two instances of dating violence on the campus of approximately 3,500 women<sup>5</sup>; and
- A 2011 Bureau of Justice Statistics report determined rape and sexual assault victimizations against students were less likely to be reported to the police than non-student victimizations (80 percent to 67 percent)<sup>6</sup>; and
- Extending immunity to witnesses of sexual assault would encourage an increase in reporting through Truman's current reporting mechanisms; and
- While an anonymous reporting mechanism may permit reporting, witness immunity would encourage a more thorough and accurate opportunity for sexual assault reporting; and

1. "The University provides amnesty to students who have experienced gender-based misconduct or violent crimes and who may be hesitant to file a complaint because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no conduct proceedings against the complainant or conduct record will result."
2. "Any possible negative consequence for the reporter of the problem will be evaluated against the positive consequences of the intervention for the student in need."
3. <https://rainn.org/get-information/statistics/reporting-rates>
4. <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>; Note: 52 percent of surveyed women had only completed two or less years of undergraduate studies.
5. <http://dps.truman.edu/services/threeyearstat.asp>
6. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5176>
7. "To encourage reporting, Drake offers immunity from University disciplinary action for lesser policy violations that students reporting the assault/sexual assault may have committed. The University will provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases. Excluded from this grant of immunity



- Drake University, a university comparable to Truman in size and prestige, offers clear victim/witness immunity for any student reporting an assault/sexual assault that may have been committed?; and

THEREFORE BE IT RESOLVED THAT THE STUDENT GOVERNMENT,

- Appreciates the recent improvements to Title IX through the administration's efforts; and
- Recognizes the need for specific legislation pertaining potential consequences associated with a witness's role in reporting an assault/sexual assault; and
- Supports the addition of a Witness Immunity Clause to Truman's Student Code of Conduct; and
- Encourages the adoption of a clause clearly dictating that no conduct proceedings would be held for lesser policy violations in the case of any witness or victim reporting an instance of sexual assault to Truman State University; and
- Supports the exclusion of immunity for all students who are accused of encouraging or voluntarily participating in assault/sexual assault;

THE STUDENT GOVERNMENT DIRECTS THAT

- Additional copies of this resolution are disseminated to each current member of the Truman State University Board of Governors, President Troy Paino, Provost/Vice President of Academic Affairs Sue Thomas, Director of DPS Tom Johnson, Title IX Coordinator Sally Herleth, Dean of Student Affairs Lou Ann Gilchrist, University Counseling Services, the WRC, and the Truman Media Network.

President of the Student Association, Andrew Paulman

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