

Student Government Resolution 092.006
In Regards to Issues Raised Concerning the Student Conduct Code

WHEREAS,

- The Student Government is the official governing body of the Student Association and exists to represent the present and long term best interest of the Student Association in the formulation of the University policy and in the fulfillment of the University mission;
- “University Counseling Services firmly believes that we see a great deal more people that have been sexually assaulted on campus than what is reported due to many reasons. These reasons include (but are not limited to) embarrassment over what happened, fear of retribution from the person and/or friends, not wanting to defend their actions (they might have been drinking too), lack of evidence other than their word, and realization that they might have also violated the Conduct Code;”¹ and
- “It is not the policy of the Truman State University Department of Public Safety, to charge a person reporting a sexual assault with an MIP. We will do everything in our power to ensure the safety of the survivor and assist them in anyway we can. There has not been an instance in which a person reporting a sexual assault has been charged for an alcohol related offense;”² and
- The review process to the Student Conduct Code occurs every three years; and
- Of the 1,284 students who voted during the election on April 6-8, 2009, 1,150 supported the proposed changes³ to the conduct code under the Responsible Action and Sexual Misconduct Amnesty Policy; and
- The Board of Governors established a review committee composed of Governor Matthew Potter, Governor John Hilton, and Governor Cody Sumter which worked with Dean Gilchrist to draft a feasible proposal to present to the Board of Governors; and
- The Board of Governors approved the following modifications, derived largely from proposals provided by the Student Senate, to the Student Conduct Code on June 20, 2009:

8.050.3. Responsible Action Policy. *The welfare of our students is of the highest importance to Truman State University. There will be times when individual students, both on and off campus, may have knowledge of a situation that may present a significant threat to the health and welfare of themselves or others. Truman wants to eliminate any hesitation that students or student organizations might have in obtaining help due to concern that their own behavior might be a violation of University policy.*

The University will take into consideration the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. 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. Responsible citizens recognize and accept the duty to make ethical and

¹ Statement from University Counseling Services Director Brian Krylowicz; September 22, 2009.

² Statement from University Police Director Thomas Johnson; September 22, 2009.

³ Refer to *Appendix I* for the complete text of the proposal.

moral decisions about the health and safety of themselves or others even when to do so might result in personal inconvenience. At a minimum, Truman hopes that a student or student organization would make an anonymous report that would put the student in need in touch with professional helpers. If charged and found responsible for a violation of the Code, sanctions imposed, if any, will be less severe when students or student organizations appropriately report dangerous circumstances than if students or student organizations fail to report.

THEREFORE BE IT RESOLVED THAT THE STUDENT GOVERNMENT:

- Supports the Conduct Code regarding the Responsible Action Policy as it presently stands.
- Seeks to improve not only the understanding of the current Code, but also the cohesion among student organizations and the administration with regard to the enforcement of the Responsible Action Policy.
- Seeks to provide outreach to the Student Association in the form of event and forum collaborations with the Women's Resource Center, University Counseling Services, and other organizations established for the betterment of students to assist in understanding and interpreting the Conduct Code and its policy addressing instances of sexual assault in the Truman community.

THE STUDENT GOVERNMENT DIRECTS THAT,

- This resolution be delivered to the Truman State University Board of Governors, President Darrell Krueger, Dean of Student Affairs Lou Ann Gilchrist, Provost and Vice President for Academic Affairs Troy Paino, Director of Greek Life Elizabeth Tuttle, Assistant Dean for Multicultural Affairs Center Bertha Thomas, the Truman Media Network, University Counseling Services Director Brian Krylowicz, Department of Public Safety Director Thomas Johnson, the Student Health Center Director Brenda Higgins, Director of Athletics Jerry W. Wollmering, and the Women's Resource Center.

Passed September 23, 2009

By A Vote of 6 – 2 – 0

JoEllen Flanagan
President of the Student Association

Appendix I
Proposed Changes to the Student Conduct Code
as Voted Upon by the Student Association April 6th through the 8th, 2009

- **8.050.3. Responsible Action and Sexual Misconduct Amnesty Policy.** *The welfare of our students is of the highest importance to Truman State University. There will be times when individual students, both on and off campus, have knowledge of a situation that may present a significant threat to the health and welfare of others. Truman wants to eliminate any hesitation that students or student organizations might have in obtaining help due to concern that their own behavior might be a violation of University policy.*
- *Therefore, the University will take into consideration the positive impact of the student or student organization obtaining help on the welfare of the student in the threatening situation when determining if charges will be filed for policy violations by the reporter. In those unusual situations when charges are filed against the reporter, the positive impact of obtaining help will be considered when imposing sanctions.*
- *A student who is the victim of non-consensual sexual contact or intercourse as defined by the Code (8.050.1.14.2 and 8.050.1.14.2), who reports the violation, will be granted amnesty from charges of public intoxication on University premises, possession and use of alcohol [8.050.1.17.1; 8.050.1.17.2 (b) and 8.050.1.17.2 (c)] and/or possession or use of marijuana.*
- *At a minimum, Truman hopes that a student or student organization would make an anonymous report that would put the student in need in touch with professional helpers.*