

## Code of Student Conduct Proposed Revision Selected Highlights---October 2015

The current Code of Student Conduct went through a major revision in 2014 to update and align it with the model code of student conduct used at other WA state colleges. Since that time, additional changes in federal law related to Title IX and the Violence Against Women Reauthorization Act (VAWA) have necessitated an additional revision to maintain compliance.

Proposed changes for 2015 are primarily related to required language regarding sexual violence but additional revisions/word choice changes are also included to provide clarity, e.g. using the term “including but not limited to”. Highlights of proposed revisions include the following:

- **495C-121-040 Student Rights:** Additional explanation of the term “freedom to learn” and scope of student rights to include those within the limitations of statutory law “and college policy which are deemed necessary to achieve the educational goals of the college”.
- **495C-121-050 Prohibited Student Conduct:** Simplified language in item #5 to summarize related behaviors as “Cyber misconduct” formerly listed individually without a title, i.e. cyber-stalking, cyber-bullying or on-line harassment. Uses term “includes but not limited to”.

Item #8 (e) outlines an exemption of the possession and/or use of disabling chemical sprays when possessed and/or used for self-defense.

Item #10 (d) changes term of “smoking shelter” to “smoking area”.

Item #13 (c) has been completely revised, clarified, and enumerated in order to comply with the most recent model code language and legal requirements related to sexual violence.

“(c) Sexual Violence is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

1. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
2. Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual or any other bodily contact in a sexual manner.
3. Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
4. Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

5. Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

6. Consent: knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.”

- Item # 14 deletes the words “40+” as a descriptor for age discrimination.
- A paragraph stating the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition in addition to student disciplinary proceedings has been added at the end of the Prohibited Student Conduct section.

Please refer to track changes version of proposed code revision on the CPTC website at : <http://www.cptc.edu/conduct-code-proposal> for more information.

Public hearings for comment will be held as follows:

- October 1, 2015, 3:00 p.m., Lakewood campus, Bldg. 19/124
- October 2, 2015, 2:00 p.m., South Hill campus, Room 115
- January 13, 2016, (tentative) 4 p.m. Building 3 Rotunda