

Resolution 031

A Resolution to Implement a Comprehensive Procedure for Handling Violations of the Code of Conduct

Sponsored by: Senator Sijgers

Co-Sponsored by: Senator Ahearn, Senator Birth, Senator Bracey, Senator Lucardi, Senator Marsden

Whereas,

One of the aims of The Catholic University of America is to “To create an environment that is intellectually stimulating and characterized by the generosity and mutual support required for collegial life and personal growth... The University seeks to preserve its tradition of collegial governance, fostering a climate within which all members of the University community have sufficient opportunities to influence deliberation and choice.”¹

Whereas,

The University, through the Student Code of Conduct, protects students from discriminatory behaviors and personal harassment.²

Whereas,

The Code of Conduct for University Faculty and Employees requires the following of all University Employees: “Take individual responsibility and be accountable for our own actions;” “Act honestly, fairly, and courteously at all times towards students, parents, advisees, colleagues and members of the greater community; Promote a culture of equality, inclusiveness and diversity free from unlawful discrimination; and Refrain from abusing the authority entrusted to us or harassing others.”³

Whereas,

There are incidents where these codes are violated, resulting in incidents of harassment and discrimination against students.

Whereas,

The University has a Title IX office that handles all complaints of a sexual nature such as “discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking.”⁴ However, there is no other clearly defined central office or submission form to report harassment and discrimination that is not of a sexual nature.

Whereas,

¹ Aims of the University <https://www.catholic.edu/about-us/at-a-glance/aims-and-goals.html>

² Code of Student Conduct <https://policies.catholic.edu/students/studentlife/studentconduct/conduct-full.html>

³ Code of Conduct for Staff and Faculty <https://policies.catholic.edu/faculty-staff/employment/conduct.html#:~:text=Act%20honestly%2C%20fairly%2C%20and%20courteously,to%20us%20or%20harassing%20others.>

⁴ Title IX, Sexual Harassment, Assault, and Violence <https://title9.catholic.edu/>

The Compliance and Ethics Office has a detailed procedure for how employees can report ethics concerns and violations of the Code of Conduct, but it is unclear if students are allowed to report violations to this office or if they should report to a student-centered office.⁵

Whereas,

In addition to not having clarity on which office answers student reports of a violation of the Employee Code of Conduct, there is no published description of the procedure taken to review and resolve these complaints.

Whereas,

Violations of the Code of Conduct do not only occur in the classroom, but occur in areas of the University that have no clear reporting system such as on-campus jobs, residence-life, housing services, campus ministry, student organizations, and athletics.

Whereas,

Many students' attempts to report these incidents have been seriously curtailed by a lack of a clearly defined procedural response to such complaints.

Whereas,

Students' complaints have not been taken seriously in the past without collecting signatures from witnesses, who may have reasons to fear retribution if they were to speak against the perpetrator.

Whereas,

A clear procedure used across the University will ensure there is consistency and fair treatment of all incidents of this nature and will work to prevent the continuation of harassment and discrimination by repeat offenders and ensure that the University is treating every complaint of harassment or discrimination with due severity.

Whereas,

Allowing bystanders to report incidents of harassment or discrimination, allowing reporters to retain anonymity through the process, and having a record of complaints of this nature to help inform the handling of future incidents are just some of the elements which must be codified in the procedure the University would write to handle violations.

Whereas,

The goal of a centralized complaint system is to codify the response to an incident of discrimination or harassment and create a record that can be referenced by the University if there are repeat offenders among faculty or staff that may result in a termination of their employment or association with the University, or if there are certain responses that are more likely to successfully resolve these incidents.

Whereas,

⁵ Reporting Misconduct and Internal University Investigations - Guidelines and Requirements for Staff and Faculty <https://compliance.catholic.edu/reporting-misconduct-and-internal-university-investigations-guidelines-and-requirements-for-staff-and-faculty.html>

The idea of tenure or title blocking any professor or staff member from being disciplined or fired for actions of this nature stops many students from reporting complaints and has led to a prevalent belief on our campus that there is no way to discipline professors or staff who are harassing or discriminating against students at the University.

Whereas,

Just as the University expects its students to follow the Code of Conduct, it is vital that the University establishes a clear process for handling complaints of harassment and discrimination in every area of the University that students are involved in, including but not limited to: classrooms, advising, on-campus jobs, residence life, housing services, campus ministry, student organizations, and athletics.

Whereas,

Many Universities that Catholic compares itself to have a clearly defined procedure to handle complaints of this nature, clear advertising of how to report these incidents, and an office that is in charge of directing the response to these incidents.⁶

Be it enacted that,

The Student Government Association Senate, acting in its official capacity as the representative of the undergraduate student body of The Catholic University of America, hereby requests that The Catholic University of America Create a clear procedure and system for dealing with incidents of harassment and discrimination that includes:

1. A process for dealing with complaints that do not fall under the purview of the Title IX office from every area of the University, including but not limited to incidents that occur within: classrooms, advising, on-campus jobs, residence-life, housing services, campus ministry, student organizations, and athletics.
2. Structures that allow reporters, victims, or witnesses of the incident to remain anonymous during the process.
3. A record-keeping system that will collect information about each complaint, how it was resolved, and if it is a part of a pattern of harassment or discrimination.
4. A process for discussing the incident with the offender, and, in some cases, creating a tailored plan for review of the individual's behaviour and ensuring the individual understands the full weight and lasting effects of their behaviour.
5. A campaign that advertises this procedure that includes: dedicating a page of the website to this procedure describing where to submit a report, and who can assist in making these reports, and posting information about this process in buildings across campus.

⁶ Villanova University Internal Student Complaint Reporting Process

<https://www1.villanova.edu/content/dam/villanova/president/Villanova%20University%20Student%20Complaint%20Reporting%20Process%2011-02-2017%20.pdf>

Student Grievance Procedures (GW) <https://studentconduct.gwu.edu/student-grievance-procedures>

Reporting Compliance Concerns (Loyola University of Maryland)

<https://secure.ethicspoint.com/domain/media/en/gui/18799/index.html>

Agreed to by a vote of _____ yeas to _____ nays on this date: _____ with _____
abstaining and _____ not present.

Gerald Sharpe
President of the Student Government Association

Gemma del Carmen
Vice President of the Student Government Association

