

# GEORGIA STATE UNIVERSITY STUDENT CODE OF CONDUCT AND ADMINISTRATIVE POLICIES

## B. DISCRIMINATION AND HARASSMENT

### 1. Preamble

Georgia State University strongly supports the First Amendment rights of the United States Constitution of all individuals to freely express their opinions and ideas. This policy is intended to clarify the point at which protected free expression ends and prohibited discriminatory harassment begins. Thus, each alleged policy violation will be reviewed on a case-by-case basis acknowledging that free expression is an important and essential component of the academic community, but with the right to freely express one's ideas comes the responsibility to avoid unlawful discriminatory treatment.

### 2. Discrimination

Georgia State University will not tolerate discrimination. Discrimination is unfair or unequal treatment of an individual based on race, color, sex, religion, creed, age, sexual orientation, gender, disability, veteran status or national origin. Every student and employee in the University community has the responsibility not to engage in any unlawful discrimination.

Members of the University community who believe they have been discriminated against by another member of the University community should contact the following offices to report the incident and for direction in filing a formal complaint: For matters involving complaints of discrimination committed by students, the incident should be reported to the Dean of Students. For matters involving complaints of discrimination by University faculty or staff, the incident should be reported to the Office of Opportunity Development/Diversity Education Planning. Copies of the University harassment policy and procedures may be obtained at the Office of Opportunity Development/Diversity Education Planning and the Office of the Ombudsperson.

### 3. Discriminatory Harassment

Discriminatory harassment is prohibited at Georgia State University. Speech or other expression (words, pictures or symbols) constitutes discriminatory harassment if it constitutes fighting words and is also sufficiently severe, pervasive, or persistent so as to interfere, limit or deny one's ability to participate in or benefit from an educational program. "Fighting words" may include, but are not limited to, words, pictures or symbols that:

- a. are directed to an individual or individuals based upon that person's race, color, sex, religion, creed, age, sexual orientation, gender, disability, veteran status or national origin and
- b. tend to threaten violence, incite an immediate breach of the peace or provoke a violent response. In the context of discriminatory harassment, "fighting words" are those which are commonly understood to convey direct and visceral hatred or contempt for human beings.

Conduct will be evaluated on a case-by-case basis from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances involved. When determining whether speech is such as to provoke a violent response or incite an immediate breach of the peace, it is not necessary to show that the person(s) addressed by the speech was actually incited to hostile action/violence.

For matters involving complaints of discriminatory harassment committed by students, the incident should be reported to the Dean of Students. For matters involving complaints of discriminatory harassment committed by University faculty or staff, the incident should be reported to Office of Opportunity Development/Diversity Education Planning. Copies of the University harassment policy and procedures may be obtained at the Office of Opportunity Development/Diversity Education Planning and the Office of the Ombudsperson.

### 4. Sanctions for Student Organization Violations of the Discrimination and Discriminatory Harassment Policies

- a. Any student organization that violates the policies on Discrimination and Discriminatory Harassment shall be subject to disciplinary action up to and including revocation of its University charter.

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- b. In addition to the foregoing sanctions, the following special sanctions shall be imposed by the Dean of Students for violation of the Discrimination and Discriminatory Harassment policies by student organizations in accordance with the protection and objectives set forth in the Student Code of Conduct and Policies.
  1. A student organization that fails to respond to the Dean of Student's requests on any matter including, but not limited to, a request to meet concerning allegations of the Discrimination and Discriminatory Harassment policies, shall be subject to sanctions up to suspension of its University charter for one (1) year.
  2. A student organization that provides any false information or false testimony shall be subject to sanctions up to suspension of its University charter for two (2) years.
  3. A student organization that is found responsible for a second violation of the Discrimination and Discriminatory Harassment Policies, within six (6) years of the first violations shall be subject to a minimum of a six (6) year suspension up to revocation of its University charter.

### **5. Sexual Harassment**

Sexual harassment by any member of the University community is prohibited. Members of the University community who believe they have been sexually harassed by another member of the University community should contact the following offices to report the incident and for direction in filing a formal complaint: For matters involving complaints of sexual harassment committed by students, the incident should be reported to the Dean of Students. For matters involving complaints of sexual harassment committed by University faculty or staff, the incident should be reported to the Office of Opportunity Development/Diversity Education Planning. Copies of the University harassment policy and procedures may be obtained at the Office of Opportunity Development/Diversity Education Planning and the Office of the Ombudsperson.

Amended and approved October 21, 2004, University Senate