

State of Georgia House of Representatives Appropriations Committee, Higher Education
Subcommittee
University System of Georgia Due Process Hearing
Monday, Jan. 25, 2016, 1-3 p.m.
Room 403, Capitol

Opening Statement from G. P. “Bud” Peterson, President, Georgia Tech

Good afternoon. Mr. Chairman, members of the Appropriations Higher Education Subcommittee, and guests, first I would like to thank you for your interest in, and support of, public higher education in our state. I would also like to thank Chancellor Huckaby and the Board of Regents for their tireless efforts to ensure that public higher education in Georgia continues to serve as a national model. The members of this committee and the state of Georgia can be proud to be one of only a handful of states to have two public research universities in the top 20 in the nation. This would not be possible without the strong support of the legislature, the Regents and the leadership of the University System of Georgia (USG).

The enrollment at Georgia Tech is slightly more than 23,000 and we have received nearly 31,000 applications for next year’s freshman class of 2,800. These 31,000 students applied to Georgia Tech because of our academic rigor and reputation, the opportunities for personal growth and leadership, and the positive campus environment we have created.

Georgia Tech is committed to maintaining a learning environment that is safe, and affirms the dignity, respect, and values of our campus community. We expect every member of our community, to practice the highest ethical principles and standards of conduct. To this end, we periodically review and refine our policies and procedures in order to ensure that they represent the best practices nationally. Our Student Code of Conduct creates a standard by which students are expected to conduct themselves, and violations of this code are separate and distinct from criminal and/or civil proceedings, with different procedures and different levels of proof required. As a result, students may be held accountable to both legal authorities for violations of the law, and to Georgia Tech for violations of our Student Code of Conduct.

In our process, once a complaint has been filed, we initiate a meeting at which the accused is presented with the alleged violations, supporting information, and an explanation of his or her rights. At that time the student is asked to designate a preference for the case to be decided, either administratively or by a student panel appointed by the leadership of the undergraduate Student Government Association.

This option is available for all cases with the exception of those involving academic integrity or sexual misconduct, both of which use different processes.

If the administrator approach is selected and a sanction rendered, the student may appeal to the Vice President for Student Life. If the student panel approach is selected, the student panel holds a hearing at which the information provided by both parties is reviewed, and testimony from witnesses called by either side is heard. The panel then makes a recommendation to the Director of Student Integrity, who renders a decision, which can be appealed to the Vice President for Student Life.

Sanctions typically fall into one of five categories:

- 1) Disciplinary Warning, which is just that, a warning;
- 2) Disciplinary Probation, whereby any further violations may result in additional disciplinary actions;

- 3) Suspension Held in Abeyance, during which involvement in non-academic activities is typically restricted;
- 4) Suspension, in which the individual is suspended and separated from further academic studies at Georgia Tech for a specified period of time, and;
- 5) Expulsion, a permanent separation and termination from Georgia Tech.

For all non-academic cases where the sanction includes suspension or expulsion, the student may appeal to the Georgia Tech President, via the Vice President for Student Life.

It is important to note that allegations involving sexual misconduct are different and fall under the “Policy on Student Sexual Misconduct and Sexual Harassment,” which is separate and distinct from the Student Code of Conduct. This policy, which was originally developed in the mid-1990s, was modified in 2011 to reflect the recommendations made in the U. S. Office of Civil Rights (OCR) “Dear Colleague Letter.”

In 2013, I appointed a committee to review the OCR guidelines and the changes recommended or required by the federal Campus SaVE Act, as well as national best practices for the adjudication of sexual misconduct issues. The suggested changes included providing first considered sanctions for policy violations; modifying the investigation and resolution process to make it more supportive and less adversarial; and enhancing the appeal process by moving from a single individual to a panel of three administrators, all of whom are trained in Title IX adjudication.

Because we take the safety and well-being of all of our students very seriously, in early 2014 I appointed two task forces: one to address sexual violence, and a second to review how we were addressing the issues of wellness, mental health, alcohol and drug education, and sexual violence prevention. The recommendations of these two task forces served as the basis for additional changes and modifications to our existing policies.

Shortly thereafter, Chancellor Huckaby asked me to co-chair a system-wide Campus Safety and Security Committee¹ with President Steve Dorman from Georgia College and State University. Our committee was charged with developing recommendations related to public safety, compliance with Title IX, the Clery Act, and campus law-enforcement agency assessment and training needs. To the best of my knowledge, all of the recommendations we made have been adopted by Chancellor Huckaby and the Board of Regents and many are already in place.

One of the principal recommendations of the committee was the development of a system-wide policy on sexual misconduct. The goal here was to ensure that there is consistency across all of the USG institutions. It is my understanding that this system-wide policy is in development and will be implemented in the near future.

As a result of several recent issues, last October I requested that Mr. Nels Peterson, who at the time was the chief legal officer and secretary to the Board of Regents, chair a working group to review our policies and procedures. This review was completed on December 15, 2015 and found that in the 95 percent of the cases where the facts were not in dispute, the policies and

¹http://www.usg.edu/news/release/chancellor_huckaby_announces_campus_safety_and_security_committee

procedures in place at Georgia Tech were consistent with best practices nationally. They did, however, recommend a number of refinements for the cases where the facts were in dispute.

On December 23, 2015 I sent a memorandum to our Vice President for Student Life and Vice President for Legal Affairs and Risk Management, asking them to address the issues noted in the report and to forward their recommendations to me. I have received these recommendations and forwarded them to our Standing Committee on Student Regulations² for review in their upcoming meeting January 28, 2016, along with a request that they be implemented at the earliest possible date.

The recommendations suggested, and the respective changes being implemented are:

- 1) There is a lack of clarity in the process for the 5 percent of cases where the parties disagreed about the facts. – The revised Code of Conduct will now direct the Office of Student Life to work in consultation with the Office of Legal Affairs to develop consistent operating procedures.
- 2) That issues may arise if the pre-charge review involves a factual investigation. – The revised Code of Conduct will now limit the pre-charge review to a determination as to whether the facts, as alleged, are sufficient to initiate a conduct hearing.
- 3) That the issue of aggregating unrelated cases as a part of a single student conduct panel hearing needs clarification. – The revised Code of Conduct will now clarify how the issue of multiple charges against the same respondent should be handled.
- 4) There is currently no mechanism by which the accused can challenge possible bias. - The revised Code of Conduct will now provide a mechanism for recourse in this situation.
- 5) There is no appeal process for the case of Suspension in Abeyance. - The revised Code of Conduct eliminates the sanction of Suspension in Abeyance and the possibility of suspension without appeal to the President.

As a result of these changes, we have contacted all of the respondents in those cases where the sanction of Suspension in Abeyance is in place and have informed them of their right to appeal. Two of those contacted have responded and requested an appeal.

While I cannot speak in detail about these cases, I can tell you that one was an academic dishonesty case in which the student asked only that the sanction be reviewed. This review is currently underway.

The other involves two separate allegations of racial slurs (approximately 30 days apart) against a fraternity. Because this latter case involves both the sanction of Suspension in Abeyance and a reasonable claim of bias, the request for an appeal has been granted.

In order to resolve the possible appearance of bias in this case, I have appointed an independent third party to review this case. Former Chief Justice of the Supreme Court of Georgia Leah Ward Sears³ has agreed to serve in this capacity and to review the appeal and make a recommendation to me as to the preponderance of the evidence and the sanctions

² <http://policylibrary.gatech.edu/faculty-handbook/2.6.9-student-regulations-committee>

³ <http://www.georgiaencyclopedia.org/articles/government-politics/leah-ward-sears-b-1955>

imposed. Once received, I will review the information presented and render a final decision. Because these two cases are both currently under appeal, I have been advised to refrain from going into any further detail at this time.

At Georgia Tech, we place a premium on developing students as leaders, both during their time with us on campus and after graduation. We are also fully committed to a campus environment that is inclusive and safe for our entire campus community. I want to again thank the Committee for the opportunity to appear before you to discuss this important matter and outline what we are doing to ensure a fair and equitable process for all concerned.