

**The Graduate Student Assembly
The University of Texas at Austin**

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Sponsors: PRESIDENT AUSTIN REYNOLDS (*Senate of College Councils*), VICE PRESIDENT LU BARRAZA (*Senate of College Councils*), PRESIDENT ALEJANDRINA GUZMAN (*Student Government President*), PRESIDENT ISABEL CHOU (*Graduate Student Assembly*), SPEAKER MADISON HUERTA (*University-Wide Representative*)

Resolution: J.R. 18 (S) 1 – In Support of Revising University Policies Regarding the Prohibition of Sexual Discrimination, Sexual Harassment, Sexual Assignment Assault, Sexual Misconduct, Interpersonal Violence, and Stalking

WHEREAS (1): Student Government, the Graduate Student Assembly and the Senate of College Councils serve as the official voice of students at The University of Texas at Austin; and,

WHEREAS (2): In Code 3-3031, the University has stated that it will not tolerate sex and/or gender discrimination, sexual harassment, sexual misconduct or physical abuse, threats of violence, physical assault, or any form of sexual violence, including but not limited to sexual assault, acquaintance rape, domestic violence, dating violence or stalking. These unacceptable behaviors are hereafter collectively referred to as "prohibited conduct"¹; and,

WHEREAS (3): In May 2016, Professor Richard A. Morrisett pled guilty to a third-degree felony in which he strangled his girlfriend. On July 21, 2016, he was accused of violating a restraining order and committing another violent incident that sent his girlfriend to the hospital. Following the second incident, the University of Texas Police Department was then notified of the prohibited conduct²; and,

WHEREAS (4): In Code 3-3031 of the University's Handbook of Operating Procedures, the University states that all Responsible Employees of the University are required to

¹ <https://policies.utexas.edu/policies/prohibition-sexual-discrimination-sexual-harassment-sexual-assault-sexual-misconduct>

² <http://www.mystatesman.com/news/local/declined-sanction-professor-who-pleaded-guilty-violent-felony/turzhL5nv6dPkQ6bVjJo1J/>

promptly report incidents of prohibited conduct as provided in this policy. Professor Morrisett failed to comply with this University policy¹; and,

WHEREAS (5): In Code 5-1140 of the University’s Handbook of Operating Procedures, the University states that this policy requires employees and other individuals covered by this policy to report any subsequent criminal convictions, excluding misdemeanor offenses punishable only by a fine, as specified in this policy. Professor Morrisett failed to comply with this University policy³; and,

WHEREAS (6): Professor Morrisett did not face remediation for at least 11 days after the second violation of prohibited conduct. The University ultimately placed Professor Morrisett on paid administrative leave for 18 days in August 2016 and compiled an investigation team consisting of the Human Resources department, UT Legal and other unidentified parties to assess Professor Morrisett’s risk to student safety. The investigation “found no relation between how the professor acted in this situation and how he acted on campus, and as a result he was allowed to continue his teaching and lab activities”⁴; and,

WHEREAS (7): It is still unclear what policies dictate the timeliness of a review, the remediation guidelines, or the risk assessment criteria involved for reviewing personnel undergoing an investigation of prohibited conduct; and,

WHEREAS (8): In Code 3-3031, the University has stated that individuals who alone, or in concert with others, participate or attempt to participate in prohibited conduct described in this policy are subject to disciplinary action by the University, notwithstanding any action that may or may not be taken by civil or criminal authorities; and,

WHEREAS (9): This policy does include sections on recommended disciplinary action for specific violations and leaves room for loose interpretation; and,

WHEREAS (10): Code 3-3031 applies to all University students and employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on campus. In addition to incidents that occur on the University campus, the University may investigate and take disciplinary action in response to incidents that take place during official functions of the University, or incidents that have a substantial connection to the interests of the University, regardless of the location in which the incident(s) occur¹; and,

WHEREAS (11): This policy only focuses on incidents that happen to members of the University within the University campus and does not explicitly pertain to members of the University involved in incidents outside of the University campus and involving a third party member outside of the University community. There are no specifications on

³ <https://policies.utexas.edu/policies/criminal-background-checks>

⁴ <http://www.mystatesman.com/news/professor-felony-domestic-abuse-case-prompts-policy-review/yjhm0KAuAt5pcT3x0clrwK/>

what a substantial connection to the interests of the University is, and thus, leaves room for loose interpretation; and,

WHEREAS (12): President Fenves stated “[...] it is time to review these policies, to make them clearer and stronger. Violent action by any member of the University community is unacceptable. This episode shows we need to explicitly define conduct that is subject to discipline, including possible termination, regardless of whether it occurs on or off campus. I am directing the Provost’s Office, Human Resources and the Office of Legal Affairs to develop recommendations within the next two months”⁵; and,

WHEREAS (13): This statement does not explain why a review of these deficient policies was not initiated in 2016 after the University’s decision regarding Professor Morrisset; now,

THEREFORE BE IT RESOLVED THAT (1): The University of Texas at Austin Student Government (SG), the Graduate Student Assembly (GSA), and the Senate of College Councils (SCC) call upon The University of Texas at Austin administration to ensure student representation on the committee President Fenves has created to revise University Policies; and,

THEREFORE BE IT FURTHER RESOLVED THAT (2): SG, GSA, and SCC call upon The University of Texas at Austin administration to ensure student representation on the investigation teams when it comes to matters of student safety, sex and gender discrimination, sexual harassment, sexual assault, sexual misconduct, and interpersonal violence; and,

THEREFORE BE IT FURTHER RESOLVED THAT (3): SG, GSA, and SCC call upon The University of Texas at Austin administration to develop a mandatory annual compliance training, requiring University faculty and staff to review the University’s Handbook of Operating Procedures, specifically Code 5-1140, which mandates reporting of any subsequent criminal convictions; and,

THEREFORE BE IT FURTHER RESOLVED THAT (4): SG, GSA, and SCC call upon The University of Texas at Austin administration to clearly define and display the criteria involved in an assessment of risk involving personnel investigated for prohibited conduct; and,

THEREFORE BE IT FURTHER RESOLVED THAT (5): SG, GSA, and SCC call upon The University of Texas at Austin administration to expand the scope and audience to include third-party persons subjected to prohibited conduct outlined in Code 3-3031; and,

THEREFORE BE IT FURTHER RESOLVED THAT (6): SG, GSA, and SCC call upon The University of Texas at Austin administration to revise Code 3-3031 to include sections on appropriate remedial measures during the ongoing investigation, promptness

⁵ <https://news.utexas.edu/2018/01/26/statement-by-president-on-review-of-policies>

in completing investigations, formal hearing procedures, recommended sanctions for specific violations, and notice of outcome(s) to appropriate parties; and,

THEREFORE BE IT FURTHER RESOLVED THAT (7): That a copy of this resolution be sent to Professor Richard Morrisett, the Office of the Dean of the College of Pharmacy, *The Daily Texan*, the Office of the Dean of Students, the Office of the President, the Board of Regents of The University of Texas System, the Office of the Executive Vice President and Provost and the Office of Chancellor McRaven.

PASSED by the GSA General Assembly, February 21, 2018

Signature of the GSA President _____ 