

## Code of Student Conduct

### I. Purpose and Authority Regarding Student Conduct Process

- A. The purpose of a student conduct process is to establish the factual record of an alleged violation of the Code of Student Conduct (the Code or this Code). The procedures outlined do not attempt to recreate or approximate a court of law. Procedures shall reflect standards of fundamental fairness, and minor deviations from procedural guidelines suggested in this Code shall not invalidate a decision or process unless significant prejudice to the respondent or the university may result, as determined by the Dean of the Student Experience or designee.
- B. Ultimate authority for student conduct is vested in the Board of Trustees by the University Charter. Student conduct authority may be delegated to university administrators, faculty members, student committees, and organizations, as set forth in the Code, or in other appropriate policies, rules, or regulations adopted by the Board. Students are asked to assume positions of responsibility in the university student conduct system so that they may contribute their skills and insights to the resolution of student conduct cases.
- C. The Committee on the Judicial System, appointed by the President for a term of two years, will be composed of the following members: two faculty members to be nominated by the Faculty Senate; two administrators to be nominated by the Dean of the Student Experience; and two full-time undergraduate students and one graduate student to be nominated by the President of the Student Association. Quorum will consist of three members with each constituency - administrators, faculty, and students - represented. The chair should be a member of the Faculty Senate. In addition to reviewing appeals, other tasks or assignments may be referred to the Committee at the discretion of the Dean of the Student Experience. The Committee on the Judicial System's decisions on appeals are final and conclusive.
- D. The Code, and any statements of procedure included in the Statement of Student Rights and Responsibilities, do not apply in any proceedings or matters addressed through the Sexual and Gender-Based Harassment and Interpersonal Violence Policy or through the Code of Academic Integrity. Procedures in the Sexual and Gender-Based Harassment and Interpersonal Violence Policy and in the Code of Academic Integrity supersede this Code, as well as the Statement of Student Rights and Responsibilities, for those matters.

### II. Definitions

When used in this Code,

- A. “**Distribution**” means any form of sale, exchange, or transfer.
- B. “**Group**” means a number of persons who are associated with each other, but who have not complied with university requirements for registration as a student organization.
- C. “**Institution**” and “**University**” mean the George Washington University and all of its undergraduate, graduate, and professional schools, divisions, and programs.
- D. “**Organization**” means any number of persons who have complied with university requirements for registration with the university as a student organization.

- E. **“Protected characteristics”** as used in this Code means those personal traits, characteristics, and/or beliefs that are defined by applicable law as protected from unlawful discrimination and/or harassment. They include age, color, disability, gender identity or expression, marital status, national origin, race, religion, sex, sexual orientation, veteran status, or any other unlawful basis prohibited by federal law, the District of Columbia Human Rights Act, or other applicable law.
- F. **“Respondent”** means any individual student, organization, or group charged with a violation under this Code.
- G. **“Student”** means any currently enrolled person, full-time or part-time, or on continuous enrollment, pursuing undergraduate, graduate, or professional studies, whether or not in pursuit of a degree or of any form of certificate of completion.
- H. **“Hearing body”** means any entity tasked with resolving matters under this Code. This can include but is not limited to presiding officers, University Hearing Boards, and the Committee on the Judicial System.
- I. **“University premises”** means buildings or grounds owned or leased by the university, or in which the university has an ownership interest, including, but not limited to, buildings or grounds in which students reside and university food service facilities are located; or facilities operated in the name of any officially registered student organization. This definition is not limited to buildings or grounds owned or leased by the university at the Foggy Bottom Campus.
- J. **“University-sponsored activities”** means events and activities initiated by a student, student organization, university department, faculty member, or employee that
  - i. Are expressly authorized, aided, conducted, or supervised by the university; or
  - ii. Are funded in whole or in part by the university; or
  - iii. Are initiated by an officially registered student organization and conducted or promoted in the name of that student organization and/or the university.

### III. Interpretation of Regulations

The purpose of publishing student conduct regulations is to inform students of prohibited behavior. This Code is not written with the specificity of a criminal statute, and any similarity to the language of any criminal statute does not mean that such language or statute or case(s) applies to the university’s student conduct system or is relevant to the interpretation or application of the Code.

### IV. Inherent Authority

- A. The university reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include taking student conduct action against those students whose behavior off university premises constitutes a violation of this Code.
- B. Students may be accountable both to civil authorities and to the university for acts that constitute violations of law and of this Code. Student conduct processes at the university will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced or that no criminal charges have been brought.

## **V. Interim Suspension**

The Dean of the Student Experience or designee, following consultation with the Provost and Executive Vice President for Academic Affairs and the General Counsel or their designees, may remove a respondent from university housing or suspend a respondent from the university for an interim period not to exceed 21 days, pending student conduct proceedings or medical evaluation. The interim suspension/housing removal shall become immediately effective without prior notice whenever there is evidence that the continued presence of the respondent on the campus poses a threat to themselves or to others or to the stability and continuance of normal university functions. Interim suspension shall be considered an excused absence.

## **VI. Office of Student Rights & Responsibilities**

The Office of Student Rights & Responsibilities (SRR) within Enrollment and the Student Experience directs the efforts of students and staff members in matters involving student conduct and supports the university's mission of guiding students to become more responsible citizens. The responsibilities of the Office include:

- A. Determining the student conduct charges to be filed according to this Code;
- B. Interviewing parties and witnesses involved in student conduct proceedings and providing information to them regarding the student conduct process;
- C. Training and advising the hearing bodies;
- D. Maintaining all student conduct records that are handled through SRR processes;
- E. Developing procedures for conflict resolution;
- F. Conducting student conduct proceedings, including hearings and conferences;
- G. Collecting and disseminating research and analysis concerning student conduct;
- H. Resolving cases of student misconduct, including the assignment of sanctions.

## **VII. Prohibited Conduct**

Any student, group, or organization found to have committed misconduct is subject to student conduct action and to the sanctions outlined in this Code. Attempts to commit any of these acts of misconduct are included in the scope of these definitions. The following are examples of misconduct subject to student conduct action.

### **A. Alcohol/Other Drug Violations -**

- i. Alcohol Violations
  - a. Possession or use of alcohol by persons under 21;
  - b. Possession or use of alcohol by persons 21 or older under circumstances not permitted by other university policies (e.g. open containers, alcohol-free locations, kegs or open-source containers, drinking game, etc.);
  - c. Offering, providing, or otherwise making available any alcoholic beverage to any person under the age of 21;
  - d. Intoxication on university premises or public property;

- ii. Drug Violations
  - a. Possession or use of illegal drugs or controlled substances;
  - b. Possession of paraphernalia containing residue from drugs or controlled substances;
  - c. Manufacture or distribution of illegal drugs or controlled substances.
- iii. Alcohol and Other Drug Related Harms
  - a. Use or possession of alcohol or other drugs with the intent of causing harm to another.

With respect to alcohol and other drug violations, the university considers circumstances related to the Alcohol Medical Amnesty Program and the Good Samaritan Statement for those who report an incident of sexual misconduct and/or for those seeking medical help during the same timeframe as an alcohol/other drug violation.

- B. Destruction of Property - Destroying or damaging university property, such as library holdings, residence hall equipment or furnishings, or the property of others.
- C. Discriminatory Harassment - is any unwelcome conduct based on a protected characteristic where such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the university's educational, co-curricular, and/or campus-residential experience when viewed through both a subjective and objective standard.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of physical assault on the basis of a protected characteristic, for example, may be sufficiently severe to constitute a hostile environment. Harassment:

- i. May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- ii. Does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- iii. May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- iv. May be committed by a stranger, an acquaintance, or someone with whom the complainant has close personal relationship.
- v. May be committed by or against an individual or may be a result of the actions of an organization or group.
- vi. May occur by or against an individual of any personal identities or protected characteristics.
- vii. May occur in the classroom, in the workplace, in residential settings, or in any other context.
- viii. May be a one-time event or may be part of a pattern of behavior.

- ix. May be committed in the presence of others or when the parties are alone.
- x. May affect the reporting party and/or third parties who witness or observe harassment.

Further, nothing in this Code limits academic freedom, which is a preeminent value of the university. This Code shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting, expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education or debate on issues of public concern does not violate this policy.

Prohibited Conduct reported to have occurred on the basis of protected class categories such as sex, gender, gender identity or expression, and sexual orientation that are addressed through the Sexual and Gender-Based Harassment and Interpersonal Violence Policy, are not governed by the Code of Student Conduct. Where conduct involves potential violations of both this Code of Student Conduct and the Sexual and Gender-Based Harassment and Interpersonal Violence Policy, the university may choose to investigate under the procedures set forth in the Sexual and Gender-Based Harassment and Interpersonal Violence Policy.

D. Dishonesty - Non-academic dishonesty, including but not limited to,

- i. Furnishing false information to the university or university personnel, including the University Police;
- ii. Furnishing false information at university student conduct proceeding;
- iii. Forgery, unauthorized alteration, or unauthorized use of any documents, records, or identification cards, including computer records, misuse of computer facilities, and electronic mailing systems.

Academic dishonesty violations will be handled according to the Code of Academic Integrity.

E. Disorderly Conduct -

- i. Making excessive noise either inside or outside a building, including by shouting, pounding objects or surfaces, or playing music or other electronics at a loud volume;
- ii. Verbally abusing university officials acting in performance of their duties;
- iii. Acting in a manner that annoys, disturbs, threatens, endangers, or harasses others;
- iv. Disrupting, obstructing, or interfering with the activities of others; or
- v. Behaving in a lewd or indecent manner

(except to the extent the above conduct falls under the purview of the Sexual and Gender-Based Harassment and Interpersonal Violence Policy).

F. False Alarm/Report - Knowingly or negligently causing or attempting to cause a fire in a university building; initiating or causing to be initiated any false alarm/report, warning, or threat of fire, explosion, or other emergency.

G. Fireworks Violation - Use or possession of fireworks.

H. Hazing - Hazing is defined as any action taken or situation created, intentionally, with or without consent, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities and situations include but are not limited to paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips, or any other such activities carried on outside the confines of

the house or organization; wearing, publicly, apparel that is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities that are not consistent with the academic mission of the university.

Groups and organizations will be held responsible for the actions of their members including pledges, associates, and any other pre-initiates.

Persons will be charged, in addition to the group or organization itself, under this, as well as any other applicable violations.

- I. Interfering With University Events - Interfering with any normal university or university-sponsored events, including but not limited to studying, teaching, research, university administration, fire, police, or emergency services.
- J. Misuse of Fire Safety Equipment - Misuse or damage to fire safety equipment, such as fire extinguishers or exit signs.
- K. Non-compliance - Failure to comply with reasonable directions of university officials, including University Police officers and representatives of Enrollment and the Student Experience acting in performance of their duties. This includes directives to adhere to orders of “no contact” or a “*persona non grata*” status, or to produce identification.
- L. Physical Abuse - Engaging in conduct that is likely to cause physical harm. Degree of harm, intent to harm, and minimal self-defense to prevent a clear and imminent threat may indicate mitigating or exacerbating circumstances.
- M. Regulation Violation - Any violation of other published university regulations including but not limited to The Alcoholic Beverage Consumption and Distribution Policy, regulations governing student organizations, the Residential Community Conduct Guidelines (whether the student lives in residence or not) and other residential agreements with the university, the Acceptable Use Policy for Computing Systems and Services, and the Gelman Library Rules and Regulations. A list of university policies is generally maintained at <https://compliance.gwu.edu/find-policy>
- N. Sanction Violation - Violating the terms of any student conduct sanction assigned in accordance with this Code.
- O. Sexual Misconduct - is an umbrella term, referring to a wide-range of unwelcome conduct of a sexual nature. Reported sexual misconduct violations will be addressed through the Sexual and Gender-Based Harassment and Interpersonal Violence Policy, not the Code of Student Conduct. This change is effective for reports made as of July 1, 2018.
- P. Theft - Theft of property or of services. This includes when a person is knowingly in possession of stolen property.
- Q. Trespass - Entering or remaining on or in any part of any university premises without proper authorization.
- R. Unauthorized Use of the University’s Name - Any unauthorized commercial use (including for non-monetary gain) of the university’s name, logo, or other representation.
- S. Unlawful Discrimination - is adverse treatment of an individual based on a protected characteristic, rather than individual merit. Examples of conduct that can constitute discrimination if based on an individual’s protected characteristic include but are not limited to:

- i. Singling out or targeting an individual for different or less favorable treatment (e.g. higher expectations, denial of leadership role) because of their protected characteristic;
- ii. Failing or refusing to allow an individual to participate in a student organization or activity based on their protected characteristics.

This Code does not address discrimination when it is reported to have occurred on the basis of sex or gender, as that conduct is addressed through the university's Sexual and Gender-Based Harassment and Interpersonal Violence Policy.

- T. Violation of Law - Violation of federal, state and/or local law.
- U. Weapon Violation - Use, possession, or storage of any firearms, ammunition, knives, other weapons, or objects that could be construed as weapons. Items that pose a potential hazard to the safety or health of others are also prohibited.

### **VIII. Case Referrals**

- A. Any person may refer students or student groups or organizations suspected of violating any part of this Code to the Office of Student Rights & Responsibilities (studentconduct.gwu.edu, 202-994-6757, or rights@gwu.edu). Any person who witnesses a violation in progress should report it immediately to the University Police Department at 202-994-6111.
- B. The Director of the Office of Student Rights & Responsibilities or designee will review the reported information to determine whether charges should be brought forward alleging violations of this Code. If charges are not appropriate, the relevant information may still be provided to another appropriate office at the university for further review and follow-up.
- C. In cases where the Director of Student Rights and Responsibilities or designee determines that outcomes are not likely to include removal from housing, suspension, or expulsion, the matter will be referred to a Student Conduct Conference for resolution. A Student Conduct Conference will normally consist of an informal, non-adversarial meeting between the respondent and a university administrator or an experienced member of the University Hearing Board as designated by the Director of the Office of Student Rights & Responsibilities or designee. This person shall have all the roles and responsibilities assigned to a "presiding officer" under this Code.
- D. In cases where the Director of Student Rights and Responsibilities or designee determines that outcomes could reasonably include removal from housing, suspension, or expulsion, the matter will be referred to a University Hearing Board for resolution.
- E. The University Hearing Board is composed of between three and five full-time students to be selected from the pool. The pool shall consist of at least 10 full-time students selected according to the Selection and Removal of Hearing Board Members section of this Code. If the alleged misconduct may result in suspension or expulsion from the University, whenever possible, a faculty member or administrator will be included; however, the absence of a faculty member or administrator will not prevent the University Hearing Board from hearing a case. Quorum will consist of at least three students.
- F. An Ad Hoc Board may be appointed to hear any case which the Director of the Office of Student Rights & Responsibilities or designee determines in their discretion warrants resolution in this manner, and any case in which a University Hearing Board has been appointed but after

reasonable effort cannot be constituted, obtain a quorum, or hear the case for other reasons. Ad Hoc Boards shall be composed of between one and five administrators, faculty members, students, or any combination thereof.

- G. Any respondent scheduled for a hearing before a University Hearing Board may elect to have a Student Conduct Conference instead. In such a case, the conference will be considered a “Board-Level Student Conduct Conference. If violations are found, the full range of sanctions may be assigned as appropriate, including removal from housing, suspension, and expulsion.
- H. In cases where the respondent wishes to accept responsibility, the case may be resolved via a Student Conduct Agreement at the discretion of the Director of Student Rights and Responsibilities or designee. The agreement will include a statement that the respondent accepts a finding of in violation for all alleged violations. The agreement will also include sanctions appropriate to the totality of information known about the case. Student Conduct Agreements can include any status sanction (see sanction section), up to and including suspension and expulsion. If a Student Conduct Agreement is reached, the respondent waives all rights to appeal. Student Conduct Agreements take effect when signed by the respondent and the Director or designee. If a respondent declines to accept a Student Conduct Agreement, the case will proceed as originally referred.
- I. When the Director of the Office of Student Rights & Responsibilities or designee determines that the initial facts of a case indicate a low-level educational sanction and a warning status sanction against similar future behavior is the maximum appropriate outcome, a warning may be issued following initial review of the case. (See status sanctions section on “warning.”) This warning does not constitute a student conduct record and will not be reported as such to third parties. The respondent may request a fact-finding process to refute the assignment of a warning status and any attending educational sanction. In that event, the respondent will be offered a Student Conduct Conference.
- J. Any case that arises before or during a summer, academic, or holiday break period may be heard during that same break period if a relevant hearing body is available. Otherwise, the case will be adjudicated during the following academic semester.
- K. The Student Parking Violations Board considers appeals of offenses for which a ticket was issued by Parking Services, as well as other parking matters referred by the Office of Parking Services. It may both assign and reduce prescribed fines or suspensions of parking privileges. The Board is composed of three full-time students. Board decisions are subject to administrative review at the discretion of the Director of the Office of Student Rights & Responsibilities or designee, but are otherwise considered final and conclusive. Requests for appeal of parking tickets must be submitted in writing to the Office of Parking Services within thirty business days from the date the ticket was issued. Failure to appeal within this allotted time will render the original decision final and conclusive.
- L. In cases that could have resulted in removal from housing, suspension, or expulsion (i.e. those initially referred to a University Hearing Board, regardless of the eventual method of resolution) the recommended outcome will be forwarded to the Director of the Office of Student Rights & Responsibilities or designee for review. The Director of the Office of Student Rights & Responsibilities or designee shall either adopt the sanction recommended by the Board or assign another or no sanction within their discretion. In cases of suspension or expulsion, the Dean of



the Student Experience or designee, in concurrence with the Provost and Executive Vice President for Academic Affairs or designee, will assign sanctions.

## **IX. Procedural Guidelines**

- A. The following procedural guidelines are generally applicable to all forms of student conduct proceedings, unless otherwise noted. These procedures exist to establish standards of fundamental fairness, and minor deviations from procedural guidelines for proceedings suggested in this Code shall not invalidate a decision or proceeding unless significant prejudice to the respondent or the university may result, as determined by the Dean of the Student Experience, or designee.
- B. It is expected that all participants in the student conduct process will provide information that is true and correct. Any student who knowingly provides false information during a student conduct process may be charged according to this Code. Any faculty or staff member who knowingly provides false information during a student conduct process will be referred to Human Resources and/or the Office of the Provost as is appropriate
- C. Student conduct processes will be closed to the public.
- D. Student conduct processes may be recorded. The method used is at the discretion of the Director of the Office of Student Rights & Responsibilities or designee.
- E. Prior to any proceeding, the Director of the Office of Student Rights & Responsibilities or designee may appoint a presiding officer in complex cases.
- F. For cases addressed under this Code involving reports of discriminatory harassment or unlawful discrimination, the Director of Student Rights and Responsibilities or designee may allow the reporting party/complainant to participate in the student conduct process. This could include rights to attend any student conduct proceeding in its entirety, question the respondent, respond to questions from the respondent, have an advisor, present witnesses, and submit an appeal, as well as respond to the appeal of another party.
- G. Any party may challenge a Board member or presiding officer on the grounds of personal bias before the student conduct proceeding commences. The decision to disqualify a Board member or presiding officer will be made by the Director of the Office of Student Rights & Responsibilities or designee. This decision is final.
- H. Formal rules of evidence will not be applicable in student conduct proceedings described in this Code.
- I. Statements regarding the character of parties will not be considered unless deemed directly relevant to specific facts of the case by the Director of Student Rights & Responsibilities or designee.
- J. The following rights shall be provided to a respondent in any university student conduct proceeding.
  - i. The right to notice of charges and date of a student conduct proceeding at least three days before that conduct proceeding.
  - ii. The right to receive notice with enough specificity to reasonably prepare a response.

- iii. The right to question and respond to information that will be used to make a decision in a case.
  - iv. The right to produce witnesses on one's own behalf; to present evidence; to know prior to the proceeding the contents of and the names of the authors of any written statements that may be introduced against themselves and to respond to such statements.
  - v. The right to request that SRR call additional witnesses provided such witnesses are reasonably available and would provide information relevant to the charge(s).
  - vi. The right to a decision based upon evidence. The student conduct process does not, however, attempt to adhere to formal rules of evidence, as in a court of law. The reliance upon evidence shall be determined by principles of fundamental fairness.
  - vii. The right not to be sanctioned unless the hearing body finds by a preponderance of the evidence that the respondent is in violation.
  - viii. The right to be accompanied in all proceedings by an advisor (student, faculty, or other) of the party's choosing and at the party's own expense. This does not include a right to have all student conduct proceedings scheduled around the availability of the advisor.
  - ix. The right to appeal decisions to a higher authority or hearing body within the administrative processes provided in this Code.
  - x. The right to have cases processed in a time frame that balances expediency with thoroughness. This includes the right to be kept informed of any cause of any delays to the extent allowed by law.
  - xi. The right to reasonable access to the case file will be provided at least three days prior to and during the proceeding. Case files contain student educational records so access will be provided consistent with the Family Educational Rights and Privacy Act of 1974 ("FERPA"). The personal notes of university staff members will not be included in the case file. The case file will be retained in the Office of Student Rights & Responsibilities.
- K. The Director of Student Rights & Responsibilities or designee or the presiding officer may limit the presentation or number of witnesses in order to prevent repetition or delay or the presentation of irrelevant or immaterial information.
- L. If a respondent does not appear after written notice, the case will proceed without their participation, and a decision will be made based on the available information.
- M. The respondent may decline to answer questions or elect not to speak on their own behalf.
- N. Written statements authenticated by the Director of the Office of Student Rights and Responsibilities or designee may be accepted or other forms of participation may be made at the discretion of the Director of Student Rights and Responsibilities or designee in lieu of in-person statements
- O. The presiding officer will exercise control over the proceedings to maintain proper decorum, avoid needless consumption of time, and achieve an orderly completion of the proceeding. Anyone disrupting the proceeding may be removed or excluded from the proceeding by the presiding officer, the Director of the Office of Student Rights & Responsibilities or designee. Such disruption is a violation of this Code, and a person may be charged following their disruption and removal.

- P. Only the immediate parties (and the parties' advisors if applicable) to the alleged violation may be present throughout the proceeding. All parties will be excluded during deliberations. In cases involving multiple parties, the Director of the Office of Student Rights & Responsibilities or designee may require or permit one or more parties to participate from a separate location by means of audio and/or video communication.
- Q. The Board/presiding officer will question all parties and witnesses in an effort to establish the factual record. On disputed points, a preponderance of the evidence standard will be used to decide the facts. A "preponderance of the evidence" means that it is "more likely than not" that a fact is true or an event occurred.
- R. All parties may question witnesses who provide statements for any of the parties at the proceeding, although in certain cases the university may require that such questioning be conducted indirectly and/or from a separate location.
- S. Reports of the proceeding shall include findings of fact and a determination of whether or not the respondent is in violation of the alleged misconduct (the "outcome"). If the Board/presiding officer finds the respondent to be in violation, the report will also include a recommendation of sanction and a rationale for that recommendation.
- T. The outcome of the proceeding and the sanction (as relevant) shall be rendered, in writing, within a reasonable amount of time after the proceeding is concluded.

## **X. Representatives and Advisors**

Legal representation is not permitted in any proceeding or meeting, although parties may be accompanied by an advisor. The advisor may be, but may not act in the role of, an attorney. Advisors may not have another role in the specific case process (e.g. witness). The role of an advisor shall be limited to consultation with the specific parties they are advising, and they may not address the Board or question witnesses. A violation of this limitation may result in an advisor being removed from the proceeding at the discretion of the presiding officer or the Director of the Office of Student Rights & Responsibilities or designee. Parties must notify SRR if they will have an advisor during any student conduct proceeding, and if their advisor is an attorney, at least two business days prior to the meeting or student conduct proceeding. The university retains the right to have legal counsel present at any meeting or student conduct proceeding.

## **XI. Sanctions**

This Code seeks to preserve flexibility in the assignment of sanctions so that each respondent is afforded appropriate and just treatment. That priority is always balanced with the institution's goal of providing an effective learning environment for all members.

In each case, the following factors will influence the degree and nature of sanctioning. While some violations will have "typical" outcomes, all sanctioning will consider the totality of the situation, including, but not limited to, the following factors:

- the nature of the violation and the incident itself;
- the impact of the conduct to the individuals;
- the impact or implications of the conduct on the university community;
- prior misconduct by the respondent, including the respondent's relevant prior student conduct history, both at the university or elsewhere, and any criminal convictions, if such information is

available and known;

- any expression of remorse or acceptance of responsibility by a respondent;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the university community;
- the necessity of any specific action in order to eliminate the prohibited conduct, prevent its recurrence and remedy its effects on members of the university community; and,
- any mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Possible sanctions include, but are not limited to, the following. Most cases will be assigned a status sanction and an active sanction.

- A. Status Sanctions - Those sanctions that reflect a change in the respondent's status in the student conduct system.
- Warning - An initial directive against similar behavior in the future. For purposes of external reporting, cases resulting in a warning do not create a student conduct record that is subject to release unless a subsequent violation occurs.
  - Censure - An official written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct will be cause for additional student conduct action.
  - Disciplinary Probation - Period of probation when access to participate in certain activities may be limited, including activities in which the student represents the university (e.g. intercollegiate or club athletic activities), student leadership positions, study abroad programs, academic honor ceremonies (e.g. graduation), and other programs (e.g. student organizations or groups). Additional restrictions or conditions may also be assigned. Violations of student's probation or additional violations of this Code during the period of probation, may result in suspension or expulsion from the university if student is found in violation of new charges.
  - Removal from Housing - Termination of residence contract and exclusion from visiting within certain or all residential facilities as set forth. Any respondent who is removed from housing shall not be entitled to a refund of room fees. Respondents who are removed from housing may not reside in other university- owned/controlled housing unless a waiver is granted by SRR.
  - Suspension - Exclusion from classes and other privileges or activities, including access to university premises or university-sponsored activities off campus, as set forth in the notice of suspension, for a specified period of time. Any student who is suspended shall not be entitled to any tuition or fee refund and is barred from university premises until readmitted to the university.
  - Expulsion - Termination of student status and exclusion from university privileges and activities, including access to university premises or university-sponsored activities off campus, in perpetuity. Any student who is expelled shall not be entitled to any tuition or fee refund and is barred from university premises.

- vii. Other status sanctions - Other sanctions may be assigned instead of, or in addition to, those specified above. For example, students may be subject to restrictions regarding certain university privileges (e.g. parking, use of recreational facilities, use of information technology resources). Students may be directed to have “no contact” with other students and/or may be forbidden to access specified areas of campus (“persona non grata”).

B. Active Sanctions - Those sanctions that require action by the respondent in order to be completed.

- i. Alcohol and other drug review - This sanction encompasses a variety of assessments and interventions designed to help individuals make choices regarding alcohol and other drug use that are consistent with their goals and continued presence at the university. Specific assessments or interventions will be determined by health and wellness professionals; SRR will make the referral to those professionals. Those assigned this sanction will be required to comply with any and all requirements determined by the health and wellness professionals. To the extent permissible under relevant law, those professionals will provide SRR with a brief summary of what assessments or interventions were assigned, as well as whether or not the respondent completed them. Details of those assessments and interventions will not routinely be provided to SRR.
- ii. Apology - A possible sanction when the respondent’s wish to apologize is demonstrably sincere and the harmed party is open to receiving the apology.
- iii. Community engagement - Attendance at or development of an event within the community. The event should be focused on repairing the harm caused to the community, as well as restoring the respondent’s connection to the GW community.
- iv. Community service - A project or effort to be designed primarily by the respondent with a focus on repairing the harm caused by the incident.
- v. Fine - A monetary or other quantifiable, material payment the respondent will make, typically to the university.
- vi. Meetings - An assignment to meet with a designated person or office for the purpose of specific educational topics or outcomes. The number and frequency of meetings will be determined on a case-by-case basis.
- vii. Reflective project - A project by the respondent, possibly in the format of their choosing (spoken word (recording), visual art, writing, etc.) in which they reflect upon and demonstrate their learning from the incident and how they will move forward.
- viii. Restitution - Repayment (monetary or otherwise) to the university or to an affected party for damages, loss, or injury resulting from a violation of this Code.
- ix. Workshop - Assignment to complete a specific training workshop, designed or selected to address specific learning outcomes or topics.
- x. Other - At the discretion of the hearing body, other active sanctions may be assigned. Active sanctions should always focus on helping the respondent understand the harm related to their incident, how to repair that harm, and how to succeed as an active and contributing citizen in the GW community.

In determining what sanction or other action might be appropriate, the university may require a behavioral assessment conducted by a licensed professional to assess the respondent’s capacity to

change behavior and succeed in the GW community.

## **XII. Appeals**

- A. Respondents have a right to appeal the outcome of a student conduct process and/or the sanction. A respondent may appeal on one or more of the following grounds:
- i. There was a material deviation from the procedures that affected the outcome of the student conduct process.
  - ii. There is new and relevant information that was unavailable, with reasonable diligence and effort, that could materially affect the outcome.
  - iii. The sanction(s) was clearly inappropriate and/or disproportionate to the prohibited conduct for which the respondent was found in violation.

Appeals must be submitted in writing to SRR within five business days after receipt of the outcome letter. Failure to appeal within the allotted time will render the original decision final and conclusive.

- B. A timely appeal will be reviewed by the Associate Dean of Students or designee to determine if the appeal provides grounds as described above. Such review by the Associate Dean of Students or designee will generally be completed within 14 days of the date the appeal is filed, although in certain cases additional time may be required depending on the complexity of the case and other factors. If an appeal is found to have provided grounds as described above, the appeal will be forwarded to the Chair of the Committee on the Judicial System, who shall select a Panel of three persons from the Committee to review and decide the appeal (the "Panel"). One member from each constituency – students, faculty, and administrators – shall be appointed, but otherwise the selection of Panel members shall be within the discretion of the Chair. The decision to grant or deny the appeal will be based on information supplied in the written appeal and, when necessary, the record of the original proceedings. As a general practice, the Panel will attempt to reach its decision within 45 days, although it may take additional time to do so in individual cases depending on the circumstances involved, the complexity of the facts, the availability of witnesses, and other factors. The decision of the Panel, or the outcome and sanctions (if any) resulting from any new hearing or conference ordered by the Panel in connection with the appeal, shall be final and conclusive and no further appeals will be permitted.
- C. The Panel of the Committee on the Judicial System may
- i. Affirm the finding of the original board or conference;
  - ii. Remand the case to the original board or conference officer for a new hearing or conference; or
  - iii. Request that a new board or conference officer hear the case.
- D. Sanctions will be deferred during the pendency of appellate proceedings unless, in the judgment of the Dean of the Student Experience or designee, the continued presence of the student on campus poses a substantial threat to others, to themselves, or to the stability and continuance of normal university functions.

## **XIII. Student Groups and Organizations**

- A. Student groups and organizations may be charged with violations of this Code.

- B. A student group or organization may be held collectively responsible and its officers may be held individually responsible when violations of the Code by those associated with the group or organization have occurred.
- C. A position of leadership in a student group, organization, or athletic team entails responsibility. Student officers cannot permit, condone, or acquiesce in any violation of this Code by the group or organization.
- D. This section of the Code is also designed to hold a group, including athletic teams, student organizations, and their officers, accountable for any act of hazing or other prohibited conduct. For example, requiring, expecting, or encouraging members to consume any drugs, including alcohol, as a condition or prelude to membership or further participation in the organization would likely constitute physical abuse, hazing, alcohol and other drug violations, and disorderly conduct. The express or implied “consent” of the victim or participant is not a defense. Reporting to the university or any university official, cooperating with any related student conduct processes, and seeking assistance to remedy such situations will typically be considered a mitigating factor in such cases.
- E. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Director of the Office of Student Rights & Responsibilities or designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Director of the Office of Student Rights & Responsibilities or designee’s directive shall be considered a violation of this Code by the officers, leaders, or spokesperson for the group or organization and by the group or organization itself.
- F. Sanctions for group or organization misconduct may include revocation and denial of registration, as well as other appropriate sanctions.

#### **XIV. Transcript Notations**

- A. An encumbrance may be placed on a respondent’s university records for alleged violations of this Code by the Director of the Office of Student Rights & Responsibilities or designee while student conduct proceedings are in progress or if sanctions are not completed by the assigned date, or in accordance with other university policies.
- B. Notation of student conduct action will be made on the transcript whenever a student is expelled or suspended, or in accordance with university policies or applicable laws.
- C. Notations of expulsion are considered permanent records and will not be removed from a respondent’s transcript. Students may petition for removal of the notation of suspension after three years from the finding of fact for the case. Such petitions may be granted at the discretion of the Director of the Office of Student Rights & Responsibilities or designee. Factors to be considered in reviewing petitions for suspension notation removal include the current demeanor of the student, the student’s conduct subsequent to the violation, and the nature of the violation, including the damage, injury, or harm.

#### **XV. Student Conduct Files and Records**

- A. Case referrals may result in the development of a student conduct file in the name of the student. The file shall be maintained and subject to release to third parties if the student is found in violation and the sanction is more than warning.

- B. The files of students found in violation of any prohibited conduct will be retained as a student conduct record until their graduation. Student conduct files of suspension or expulsion will be retained post-graduation except as provided below.
- C. To the extent permitted by law, student conduct records may also be removed from the student conduct files by the Director of the Office of Student Rights & Responsibilities or designee, upon written request of the student, no sooner than one year after the finding of fact for the case. A student may petition for the removal of a suspension no sooner than three years from the finding of fact for the case. Student conduct files of expulsion are considered permanent records and will not be removed from the student's conduct file. In deciding whether to grant a request for expungements, the Director of the Office of Student Rights & Responsibilities or designee will consider such factors as the current demeanor of the student; the student's conduct subsequent to the violation; and the nature of the violation, including the severity of any other student's damage, injury, or harm.
- D. Administrative expungement of the student's conduct file shall not, however, prohibit any program, department, college, or school of the university from retaining records of violations and reporting violations as required by their professional standards; the university may retain, for appropriate administrative purposes, records of all proceedings regarding violations of the Code. Student conduct records, including those removed through this provision, may be reported to third parties as authorized in writing by the student or in accordance with university regulations and law.
- E. Students who fail to complete any active sanction resulting from a student conduct process will have an encumbrance placed on their records by SRR. The encumbrance will be removed upon completion of all sanctions required by the university. The encumbrance will typically prevent the student from registering for classes, and could also include but is not limited to preventing the student from withdrawing from courses, applying for on-campus housing assignments, or receiving copies of academic transcripts.

## **XVI. Selection and Removal of Hearing Board Members**

- A. Student members of each Hearing Board and the presiding officer are selected in accordance with procedures developed by the Director of the Office of Student Rights & Responsibilities or designee. The Dean of the Student Experience or designee may appoint student and administrative members to a term of one year with the possibility for renewal. The Faculty Senate may nominate faculty members.
- B. Members of any Hearing Board who are charged with any violation of this Code or with a criminal offense will be suspended from their Hearing Board positions by the Director of the Office of Student Rights & Responsibilities or designee during the pendency of the charges against them. Members found in-violation of any such charge or guilty of a criminal offense will be disqualified from any further participation in the university student conduct processes for a set period of time or indefinitely, depending upon the totality of the circumstances. Additional grounds and procedures for removal may be established by the Director of the Office of Student Rights & Responsibilities or designee.
- C. Students, faculty, and staff appointed as members of any Hearing Board must adhere to absolute confidentiality relative to the matters and names of all persons who participate in the student conduct process. Any student who violates this provision will be charged and, if found in



violation, will be sanctioned. Any staff or faculty who is alleged to have violated this provision will be referred to Human Resources and/or the Office of the Provost as is appropriate.

## **XVII. Conflicts**

In event of conflict between the terms of this Code and any provision of the Guide to Student Rights and Responsibilities, the terms of this Code shall govern.

*Approved – October, 1996, last revised October 15, 2018*