

George Mason University Code of Student Conduct 2016-2017

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I. PURPOSE OF THE STUDENT CONDUCT SYSTEM

As a public institution of higher education, George Mason University has as its primary mission the transmission of knowledge, the pursuit of truth, and the development of its students into productive citizens who contribute to the well-being of society. The purpose of the University conduct system is to foster a supportive climate of protecting the community from conduct that is disruptive to the community and ensuring conduct that is supportive of the teaching and learning environment.

II. STATEMENT OF VALUES

Underlying the University's mission are basic values that must be respected if these goals are to be achieved. These indispensable community values include:

The importance of personal integrity

The opportunity for every student and University employee to be treated with respect and dignity

The freedom of intellectual inquiry in the pursuit of truth

The freedom of speech and open exchange of ideas

The acceptance and appreciation of diversity

The freedom from discrimination on the basis of gender, religion, sexual orientation, age, disability, ethnicity, and political views

The eradication of violence that limits freedom or interferes with University activities.

III. STATEMENT ON FREEDOM OF EXPRESSION

George Mason University believes that through active participation in an intellectually and culturally diverse learning community, students are better prepared to deal with the issues they encounter in a rapidly changing and diverse society. In the presentation of ideas, the University encourages a balanced approach and respect for contrary points of view. Being open to the ideas and opinions of other members of the community leads to discussion that is characterized by courtesy, mutual respect, and charity.

Congruent with these ideas is the principle that all members of the George Mason University community enjoy the right to freedom of speech and expression. The right to free speech and expression does not include unlawful activity or activity that endangers or threatens to endanger the safety or well-being of any member of the community. Further, it does not include any activity that materially interferes with the education or well-being of other students or the mission of the institution.

Members of the community are encouraged to actively participate in programs and activities of the University that support the identified values of the community. Additionally, all members of the community are expected to abide by local, state, federal, and international laws.

IV. SCOPE OF AUTHORITY

The University conduct system has authority in all non-academic disciplinary matters. Academic discipline is adjudicated by the Office of Academic Integrity. This office is responsible for the management of the University Honor Code. The University reserves the right to discipline students and/or recognized student organizations for acts of misconduct wherever they occur. All members of the community are expected to abide by local, state, federal, and international laws. The University, at its discretion, may pursue disciplinary action against a student while the student is also subject to criminal proceedings. The University reserves this right, even if criminal charges are pending, reduced, or dismissed.

V. STUDENTS

The Code of Student Conduct and all applicable processes apply to undergraduate, graduate and professional students. The Code of Student Conduct applies to individuals who are not officially enrolled for a particular term, but who have a continuing relationship with the University. Graduate and professional students may be subject to an additional procedures or codes relating to non-academic behavior. Such students are encouraged to consult with the appropriate chairperson or dean of their academic program to see if any additional expectations or procedures apply.

Students will also be held accountable for their conduct, which includes behavior that may have occurred before classes began, after classes ended, or if discovered after the student graduates. Additionally, violations of the Code of Student Conduct during the academic year, between academic terms, during times of non-enrollment, or during periods of suspension or dismissal will be addressed. All policies, processes, and procedures outlined in the Code shall also apply to a student's conduct, even if the student withdraws from school while a disciplinary matter is pending.

VI. STUDENT ORGANIZATIONS

The Code of Student Conduct and all applicable processes apply to recognized student organizations. Student organizations shall be responsible for the conduct of members in relation to the organization from the time of application for recognition until such time as they are no longer recognized by the University. Violations of the Code of Student Conduct during the academic year, between academic terms, or during periods of suspension or dismissal will be addressed. The Code shall apply to an organization, even if the organization disbands while a disciplinary matter is pending.

VII. DEFINITIONS

1. Acts of Misconduct - Any behavior that is inconsistent with University policy or as outlined in the Code of Student Conduct or other University publication. Acts of misconduct are subject to the terms, conditions, and processes described herein.
2. Administrative Hearing - A process in which the facts of an alleged violation of the Code of Student

Conduct are presented to an administrative hearing officer to determine if a violation(s) took place and if sanction(s) are appropriate.

3. Administrative Hearing Officers or Conduct Officers – University staff, faculty or graduate students designated by the Director of Student Conduct (or designee) and trained to adjudicate violations of the Code of Student Conduct.
4. Advisor - A person who attends a hearing to support a student during the conduct process. Advisors may only confer with the student they are advising, and cannot speak on a student's behalf. An advisor can be any person of the student's choosing, at the student's expense. Students may only have one advisor during a conduct hearing. Advisors cannot serve as witnesses. If a student needs assistance finding an advisor, the Office of Student Conduct will provide this information upon request.
5. Appeal Process – A process designed to review and ensure the integrity of the process and decisions of a University hearing board(s) or the decisions of an administrative hearing officer. Additional information on the appeals process, including grounds for appeal, can be reviewed in Section XVIII of this document.
6. Appeal Officer – a professional staff member who, upon a student's request, will review a case that has been adjudicated by a hearing officer. The Office of Student Conduct website hosts a form for students to request an appeal. Further details on the appeal process can be viewed in Section XVIII of this document.
7. Complicity - Condoning, supporting, or encouraging any violation of the Code of Student Conduct. Students who anticipate or observe any violation of the Code are expected to remove themselves from association or participation in any inappropriate behavior. Individuals who fail to do so may be subject to the disciplinary process for the alleged violations.
8. Fundamental Fairness - A standard that includes (minimally) the opportunity to receive notice of the alleged violation(s), and the time, date and location of the opportunity to be heard.
9. Hearing Advisor – A member of the Office of Student Conduct who advises the Community Adjudication Board or a hearing officer in the Sexual Misconduct resolution process.
10. Hold - A temporary or permanent status of a student's educational records that prevents a student from being able to register for classes, make registration changes, access enrollment, request transcripts, and other services. Holds will be placed on student records and kept in the University Registrar's Office. A full description of record holds is available in Section XIX of this document.
11. Community Adjudication Board (CAB) - A group of trained students who determine if a student(s) is responsible for a violation(s) of the Code of Student Conduct (excluding cases of sexual misconduct) and recommend appropriate sanction(s) as needed. Also referred to as 'board' or 'hearing board' in this document. A chairperson will be responsible for facilitating and managing the adjudication process. The Office of Student Conduct may refer cases (if a student is found responsible) that are likely to result in suspension or expulsion to the CAB for adjudication.
12. Complainant - A person who makes a referral to the Office of Student Conduct alleging that a violation of the Code of Student Conduct has occurred. In the absence of a student who initiates a conduct referral, a University representative may serve as the Complainant in

abstentia.

13. Organization Residence – Any dwelling where two or more members of a University recognized organization: 1.) Live currently; 2.) Have lived in the past year – even if at separate times, and prior to membership; 3.) Are listed on the deed or lease at any time in the past year; 4.) Receive mail or deliveries at the dwelling; or 5.) Have hosted events or conducted organizational business at the dwelling.

14. Organization Headquarters – Any “organization’s house” and any office space on or off campus, leased, owned, licensed or controlled by a University recognized student organization.

15. Pre-Hearing conference (or meeting) – A meeting with a professional staff member where a student can learn more about the conduct process, as well as ask any questions related to the actual hearing. Pre-Hearing meetings are to discuss processes and procedures only, and do not review the facts or substantive nature of a conduct referral.

16. Preponderance of Information - A standard of proof that indicates that the information provided leads an administrative hearing officer or hearing board to decide that “more likely than not” a violation did or did not occur. This is the standard of proof for all alleged violations of the Code of Student Conduct.

17. Recording Devices – Any item used to make an audio or video copy of a conduct proceeding. These included but are not limited to phones, tablets, computers, or any other device with the capacity to record. Cases that are adjudicated by the Community Adjudication Board or resolved via the Sexual Misconduct process will be audio recorded. Administrative hearings may be recorded at the discretion of the hearing officer and the Office of Student Conduct. This will be the sole recording of the hearing and kept as an educational record in the Office of Student Conduct. All other recording devices are strictly prohibited.

18. Respondent – A person who is alleged to have violated the Code of Student Conduct.

19. Sanction - An outcome imposed for the violation of the Code of Student Conduct. Generally, sanctions are educational in nature and intended to modify the student’s behavior as well as build an awareness of personal responsibility and community standards. Sanctions may also be given to protect the Mason community and preserve a safe educational environment for all members.

20. Sanction Officer – Under the Sexual Misconduct policy, a hearing officer who is selected to determine an appropriate sanction for a respondent who has claimed responsibility for a particular violation(s) of this policy. Sanctions officers are used in sexual misconduct hearings only.

21. Sexual Misconduct - See University Policy 1202 for a complete description of this term as well as the resolution process for sexual misconduct referrals. This policy can be accessed at <http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>.

22. Sexual Misconduct Hearing Process – The process by which a complaint of Sexual Misconduct is resolved. In conjunction with Policy 1202 (above), procedures specific to the Office of Student Conduct resolution process can be accessed at <http://studentconduct.gmu.edu>

23. Student - Student - An individual who has applied to the university and/or is taking courses at George Mason University on a full-time, part-time, or non-degree seeking basis. Included in this definition are those enrolled at distributed campuses and remote locations (i.e. online, study abroad, etc.). Student status lasts until conferral of a degree or certificate, or is permanently separated from the university for academic or non-academic reasons. Also included are those individuals who are not officially enrolled for a particular term, but who have a continuing relationship with the University.

24. Student Organization – Any number of persons who have complied with the formal requirements for George Mason University student organization recognition and registration. Also known as Recognized Student Organizations (RSO).

25. University Official - Any individual who is employed, contracted with or appointed and performing administrative or professional responsibilities within the scope of the person’s authority by the University.

26. University Premises - The premises of George Mason University, including all land, buildings, facilities, and other property in the possession of, owned, used, leased, licensed, managed, or controlled by the University (including adjacent streets and sidewalks).

27. Witness – a person present at the time of an incident who attends a hearing to share information about a particular incident. Character witnesses are not allowed and are not taken into consideration when determining responsibility or sanction(s). The relevancy of witness information will be evaluated by the hearing officer or chairperson of a board hearing. Witnesses cannot serve as advisors.

VIII. ACTS OF MISCONDUCT

Acts of misconduct include, but are not specifically limited to:

1. Possession, use, manufacture, distribution, or sale of alcohol in violation of University policy or law. Also, impairment which can be attributed to the use of alcohol, possession of alcoholic beverages in designated “dry areas,” or other violations of the University Alcohol Policy;

2. Possession, use, distribution, manufacture, or sale of drugs, narcotics, chemicals and/or drug paraphernalia in violation of University policy or law, or other violations of the University Drug Policy;

3. Illegal gambling;

4. Breach of peace or disorderly conduct;

5. Trespassing and/or any unauthorized entry;

6. Acts of dishonesty including, but not limited to, knowingly furnishing false information, including fabrication, forgery, alteration, or misuse of University documents, identification and keys or access cards;

7. Infliction of, or threat of physical harm to any person(s), including self (when disruptive or detrimental to the community), or their property;

8. Any form of sexual harassment or sexual misconduct including, but not limited to sexual assault, stalking, dating violence, domestic violence, and sexual exploitation. Sexual harassment is further defined by University Policy Number 1202 and can be accessed at: <http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/> . The resolution process for sexual misconduct referrals is also described within this policy.

9. All hostile, threatening, or intimidating behavior that by its very nature would be interpreted by a reasonable person to threaten or endanger the health, safety or well-being of another. Examples of such behavior may include, but are not limited to a) Act(s) that alarms or seriously disrupts another person's ability to participate in any aspect of University life; or b) communicating verbally (either directly or indirectly) through another party, by telephone, or electronic mail, voice mail or any verbal, mechanical, electronic or written communication in a manner that would likely restrict or deny an individual's access to educational resources, university activities, and University-related opportunities;

10. Any form of harassment based on perceived or actual identities;

11. All forms of invasion of privacy including, but not limited to the recording, filming, photographing, viewing, transmitting or producing the image or voice of another person without the person's knowledge and expressed consent while in an environment that is considered private. In such circumstances, the use of undisclosed and/or hidden recording devices is prohibited, as is the storing, transmission and/or distribution of any such recordings. This policy pertains to areas on campus that are considered private or where there is an expectation of privacy, including but not limited to a residence, restroom, shower, office, locker room, or gym. This policy does not pertain to the recording of public events or discussions or recordings made for law enforcement purposes;

12. Theft, attempted theft, possession, sale or barter of, or damage to property;

13. Possession or use of firearms, fireworks, other weapons (including replicas or likenesses), or chemicals which are of an explosive or corrosive nature on University property or at University functions;

14. The instigation of false fire/explosion, or emergency alarms, bomb threats, tampering/misusing or damaging fire extinguishers, alarms or other safety equipment;

15. All forms of hazing, such as any action taken or situation created, recklessly or intentionally, to produce mental or physical discomfort, embarrassment, ridicule, or possibly cause mental or physical harm or injury to any person on or off the University campus - participant's consent is notwithstanding (i.e. allowing oneself to be hazed is a violation of this policy). Hazing is a broad term that encompasses a multitude of actions or activities. The term hazing refers to any actions or activities that do not contribute to the positive development of a person or an organization; which cause mental or physical harm; or subjects individuals to harassment, embarrassment, ridicule, or distress. Examples of situations that are considered hazing include, but are not limited to tests of endurance, physical abuse, psychological abuse, morally degrading or humiliating activities, forced ingestion of any substance, activities which interfere with academic pursuits, paddling in any form, and/or use of alcohol and servitude. Hazing is typically associated with membership selection and initiation into an organization. It is possible for hazing to occur before, during, and after membership selection and initiation;

16. Non-recognized student organizations using the name of the University or attempting to use the

name of the University without the express written consent of the University. Non-recognized student organizations participating, or attempting to participate in activities reserved for recognized student organizations. Non-recognized student organizations using or attempting to use University services reserved for recognized student organizations. Non-recognized student organizations and recognized student organizations participating in, or attempting to participate in, events or activities with each other where such participation is forbidden by the recognized student organization's bylaws, charters, or rules. Individual students of the organizations may be charged whether or not the student was directly involved in the violation.

17. Failure to comply with the direction of, and/or present identification to any University official when that official has been identified and is acting expressly within their authority to uphold a University policy. University officials include faculty and staff of the University. Also included are student employees who are carrying out assigned work responsibilities. Failure to comply with a verbal or written directive given by a University official, including obligations associated with any disciplinary sanction(s);

18. Misuse, abuse, and unauthorized use of technology, and/or use of technology for unauthorized purposes;

19. Interfering with the normal operation of the teaching/learning environment;

20. Violation of written University policy or regulations contained in any official publication or administrative announcement of George Mason University (i.e., University Catalog, Resident Student Handbook, etc.);

21. Alleged or actual violation(s) of any local, state, federal or international law, provision of a lease, homeowner's or condominium's association rules or bylaws, whether on University premise, or off campus, when such violation has or may have an adverse impact upon the University's image, community, or its members.

22. Attempting to commit and/or complicity in any prohibited act(s) of the Code of Student Conduct, including the failure to remove one's self from incriminating situations and/or report the incident to proper authorities.

23. Bias related incidents including, but are not limited to any violation of the Code of Student Conduct motivated by a consideration of race, sex (including gender identity), color, religion, ancestry, national origin, age, disability, veteran status, or sexual orientation may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation.

24. Retaliation against another student or member of the Mason community for their participation in any portion of the referral or student conduct process which includes, but is not limited, to serving as a witness in conduct hearings. This includes making a referral for student out of concern for well-being. Students may be found responsible for violating this policy regardless of the final outcome of the referral.

IX. GENERAL PROCEDURAL ASSURANCES

The following is a list of procedures that are generally provided to any student participating in the University disciplinary process. Each case presents a unique set of facts and circumstances. Other than

receiving notice and an opportunity to be heard, none of the following procedures are guaranteed. Similarly, additional procedures not listed below may apply or be available to the student. The conduct officer determines what procedures are available on a case by case basis.

Respondents

1. Respondents will receive notification of the alleged violation and the date, time, and place of any meeting or hearing on the alleged violation.
2. In a disciplinary proceeding, students may be accompanied in a disciplinary proceeding by an (one) advisor of the student's choosing and at the student's own expense. Advisors may only consult with the respondent and are not permitted to speak on the respondent's behalf or address the hearing board or officer.
3. Students may request postponement of a disciplinary proceeding if circumstances warrant. In most cases, a postponement will only be granted for an academic or medical situation. The decision to postpone a disciplinary proceeding rests with the hearing officer or designee from the Office of Student Conduct.
4. Respondents may request access to any written information that may be used by a hearing board or at an administrative proceeding as permitted under the Family Educational Rights to Privacy Act (FERPA). Access will be provided to materials in advance of a meeting/hearing upon written request to the Office of Student Conduct. In cases where retaliation is a legitimate safety concern, the information may be redacted or presented in such a way as to prevent identification.
5. Respondents will have the opportunity to challenge the objectivity or fairness of any of the person serving in an administrative hearing or hearing board. The decision to uphold any challenge made by the respondent rests with the chairperson of the proceedings, and/or the Director of Student Conduct or designee.
6. Students have the opportunity to introduce documents, call witnesses, and present information. The opportunity to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness in writing, at least two business days in advance of a meeting or hearing to the conduct officer or CAB chairperson. In cases where retaliation is a legitimate safety concern, the Office of Student Conduct may limit the respondent's opportunity to call or examine witnesses. The presentation of information by the respondent is not unlimited. The chairperson may at any time direct the respondent to move on from irrelevant, or redundant witnesses, documents, facts or argument.
7. Students may pose questions to witnesses who presented against them at board hearings. In certain circumstances, at the sole discretion of the chairperson, questioning may be done outside of the physical presence of those participating in the conference or hearing.
8. A student(s) typically will not be compelled to be a witness against himself or herself. However, if a student decides not to participate in the hearing or does not provide additional information, the conduct officer or board will render a decision in the absence of this information.
9. Students and registered student organizations will receive a finding of 'responsible,' or 'not responsible,' based on the preponderance of the information, and to be notified of such decision in writing. The burden of proof is a 'more likely than not' standard. In certain circumstances, the Office of

Student Conduct may issue a “no finding” where the Office determines it is in the best interest of the University and the students to stay a final finding pending further Code of Student Conduct or Honor Code violations. In such unique circumstances, if no further incidents occur with respect to a student who has been issued a “no finding,” a disciplinary record will not exist within the Office of Student Conduct. The Office of Student Conduct reserves the right to issue a final resolution at any time with respect to a “no finding.” “No finding” option is not an outcome in sexual misconduct cases.

10. Students may appeal the decision of a disciplinary proceeding in accordance with University Appeal procedures. The Office of Student Conduct website hosts a form for such requests.

Complainants

1. Complainants may be accompanied in a disciplinary proceeding by an advisor (one) of the student’s choosing and at the student’s own expense. Advisors may only consult with the complainant and are not permitted to speak on the complainant’s behalf or address the hearing board or officer.

2. Complainants have the opportunity to decide whether or not to notify local law enforcement authorities and/or to file a report with the Office of Student Conduct.

3. Complainants may request information about victim advocacy, counseling, mental health or medical services available on and off campus.

4. The Complainants have the ability to report retaliation or harassment as a result of reporting acts of misconduct.

5. Complainants may request the status of proceedings throughout the process subject to federal and state privacy laws.

6. Complainants may request the opportunity to answer questions posed by the respondent outside of the physical presence of the respondent. The Director of Student Conduct or designee will determine if such a request will be granted. Other procedures may be provided on a case by case basis to protect the safety and well-being of the University community.

7. Complainants have the opportunity to submit (orally or in writing) an impact statement to any conduct body should the respondent be found responsible for one or more of the alleged violations.

8. In the case of sexual misconduct violations or physical assault cases, complaining parties will receive timely notification of any decision made, including appeal results.

9. When reasonable complainants may be granted a change in living assignment, academic arrangement, or other measures (determined on a case by case basis) necessary to prevent unnecessary or unwanted contact.

In Cases of Physical Harm

Although not guaranteed or exhaustive, a complainant who reports an alleged violation of physical harm may be provided the following:

The opportunity to make a request for a reasonable change in living assignment, academic arrangement,

or other steps necessary to prevent unnecessary or unwanted contact-regardless of the outcome of the hearing.

The opportunity to be informed, in writing, of the outcome of any administrative or CAB hearing decision and any sanction(s) that may have been assigned, including appeal results.

In addition to these procedural assurances, complainants and respondents will be provided information on University resources available for support.

(In cases where sexual misconduct is reported, see Section XVI of this Code.)

X. UNIVERSITY CONDUCT PROCESS

All non-academic discipline matters fall under the authority of the Office of Student Conduct. The Director of Student Conduct or designee may appoint University staff to serve as an administrative hearing officers or appeals officers. Disciplinary procedures are administrative proceedings, not criminal or civil in nature. Therefore, formal rules of evidence and procedures akin to civil or criminal trials are not applicable. The hearing officer or board shall have discretion to interpret, vary, and adjust procedural requirements in order to promote a fair and just decision.

The primary responsibility for maintaining order lies with the hearing officer, hearing board advisor, or hearing board chairperson. However all members of the hearing board have a duty to assure an orderly and fair proceeding. It is the duty of the hearing officer or hearing chairperson to make sure that presentations to the board are relevant and that issues raised by complaint, appeal, petition are reasonably developed and addressed.

It is also the duty of the hearing officer or board adviser to manage the logistics of the hearing; to coordinate schedules, paperwork, and reports with the Director of Student Conduct; to speak for the body in all exchanges with counsel, parties, and others (except when the bodies are engaged in general conference with their advisor present); to control the proceedings and maintain order; to instruct persons before the body on the appropriate procedures of that hearing body; to declare the rulings and orders of the hearing body; to ensure proper completion and filing of all papers; and to perform other duties as necessary.

A conduct system can be effective only to the extent that the cooperation of all participants assures an orderly and fair exchange of information. All parties appearing before the various hearing bodies are expected to show consideration for one another so that the fact finding and analysis may proceed in a reasoned and reliable way. The hearing chairperson or administrative hearing officer shall have the authority to remove any participant (including advisors and witnesses) from the hearing or to inform any disorderly and disruptive person(s) that if their behavior does not subside, such acts may result in disciplinary action against the offenders.

In cases resolved by a hearing board, confidence is placed in the character and judgment of the board members, and they should hear, examine, and consider all information relevant to the specific issues before the body. Members should feel free to require counsel of the board advisor, the University, the complainant, or the respondent to explain information presented. Members are expected to commit themselves diligently and in good faith to the business of the board and to disqualify themselves, if necessary. Finally, members are reminded that all matters before the hearing board concerning identifiable individuals are strictly private and cannot be revealed to, or discussed with, persons outside

the hearing body in which the matter arises. Violation of this expectation may result in disciplinary action.

XI. ADMINISTRATION

Any person may file a complaint against a student or organization for misconduct. The complaint must be prepared in writing, signed (in ink or electronically), and directed to the Office of Student Conduct. All complaints should be submitted as soon as possible after the event takes place. Upon receipt of a complaint, a representative from the Office of Student Conduct will review the report to determine if there is enough information to proceed with the conduct process. If, based on the review, there is not sufficient information to substantiate the complaint, the complaint will be withdrawn.

Professional staff members in the Office of Student Conduct will assist students accused of violating the Code by providing them with information on procedures, notifying them of meetings and hearings, and informing parties seeking to file complaints about their options, and procedural assurances.

The Director of Student Conduct or designee has the authority to review all complaints submitted to the Office of Student Conduct, and may refer or file formal complaints with the proper hearing body.

In addition, the Director of Student Conduct or designee has the authority to review complaints, resolve cases on behalf of the University, and exercise other such reasonably provided powers and authority.

When the University is the complainant, the Director of Student Conduct, or designee will present the interests of the University to the appropriate hearing body. The University reserves the right at any time to present any alleged violation to the appropriate hearing body when an allegation is brought forth.

The Director of Student Conduct will work closely with all members of the University community to evaluate, maintain, and facilitate a fair and effective student conduct process and campus environment that is conducive to academic learning and personal growth.

XII. STUDENT CASE RESOLUTION PROCESS

Students notified of an alleged violation of the Code of Student Conduct have the option of having their case heard before the Community Adjudication Board (upon request) or before an administrative hearing officer. Depending on the nature and severity of the alleged infraction and its impact on the community, the University, reserves the right to adjudicate cases before an administrative hearing officer - even where a student opts for a student hearing board. Community Adjudication Board (CAB) hearings are subject to availability. All hearings are closed to the public. The Office of Student Conduct may make a recording of a hearing. This record is property of the University and additional recordings are prohibited. Violations of privacy expectations may result in disciplinary action.

Procedures for the resolution of Sexual Misconduct cases can be referenced in University Policy 1202 at <http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/> or at <http://studentconduct.gmu.edu>

George Mason University may forward information about an incident to another college or university if the individual involved is enrolled at that institution, or is dually enrolled.

XIII. ORGANIZATION CASE RESOLUTION PROCESS

Registration as an official student organization with the University is voluntary. By doing so, the student organization voluntarily assumes the responsibilities associated with recognition.

If during an individual student's hearing it is determined that the alleged violation is an organizational offense, charges may also be brought against the organization. Violations of University rules and regulations by a student organization will be adjudicated through the University's Conduct System. A student organization is subject to the disciplinary process in the following situations:

1. An alleged violation was committed by one or more members of a student organization and was done so on behalf of the organization.
2. An alleged violation was committed by one or more members of a student organization and was sanctioned by an organization's officer.
3. An alleged violation was committed by one or more members of a student organization and student organization funds were used for financing.
4. An alleged violation was committed by one or more members of a student organization and was supported by a majority of the student organization's membership.
5. If individual members or guests are responsible for a particular violation.
6. The hearing officer/board deems that the violation, by its nature, was a student organization offense and not the actions of the individual members.
7. An alleged violation occurred as a result of a student organization sponsored function.
8. An alleged violation occurred at a student organization's house or organization's headquarters.

XIV. RESPONSIBILITIES OF HEARING BODIES AND OFFICERS

Each person involved in the administration of the student conduct system at George Mason University will set as a goal the fair, objective, and humane approach to the resolution of all incidents of misconduct. While consistent and equitable treatment in the disciplinary process is a goal, each case will be managed by the circumstances of that particular situation. Those involved in the conduct system should also be aware that their efforts are directed toward:

Protecting the integrity and order of the institution;

Preserving the health and safety of the University community;

Educating the students involved so that they understand the consequences of their behavior, learn self-

discipline, and accept the responsibilities affiliated with of membership in a University community; and

Identifying and acting upon factors, environmental and/or personal, which may have significantly contributed to the alleged violations.

XV. THE COMMUNITY ADJUDICATION BOARD (CAB)

The CAB is organized to provide the student community an opportunity to serve the University by upholding its behavioral expectations of the Code of Student Conduct (excluding sexual misconduct violations). The Office of Student Conduct, at its discretion, will refer cases that may result in suspension or expulsion to the CAB for adjudication. A student may refuse a CAB referral and request an administrative hearing by making this request in writing to the Office of Student Conduct.

CAB hearings shall have jurisdiction over violations of all university-wide, non-academic regulations. The CAB shall be composed of three to five members of the University student community. Quorum to conduct a CAB hearing is three to five members, one of whom shall serve as the chairperson. If for any reason a quorum is not obtained (i.e. less than 3 members), students must agree (in writing) for a hearing to proceed with 2 board members. This documentation must be submitted in advance of the hearing to the CAB advisor. Otherwise, the CAB hearing will be rescheduled.

CAB hearings are based on student availability therefore, CAB hearings may have limited availability during summer sessions, final exams, or when classes are not in session. The Chairperson(s) of CAB will be designated by the Director of Student Conduct or designee. The Director of Student Conduct or designee shall serve as the advisor. The advisor should attend and advise the board at all hearings. The advisor may ask questions as appropriate. A majority vote by the members will determine the findings. If a student is found 'responsible' the Board will recommend appropriate sanction(s) to be imposed by the Director of Student Conduct or designee.

XVI. SPECIAL PROCEDURES FOR ALLEGED VIOLATIONS OF SEXUAL MISCONDUCT

Referrals for alleged violations of Sexual Misconduct will be resolved by specific policies and procedures unique to other forms of resolution described in this document. See University Policy 1202 for a complete description of this policy and the resolution process for sexual misconduct referrals. This policy can be accessed at <http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>. Information may also be accessed at <http://studentconduct.gmu.edu>.

XVII. SANCTIONS

The Office of Student Conduct may take any action it deems necessary for the reasonable operation of George Mason University. The following sanctions may be imposed upon any student or a student organization that has been found responsible for a violation(s) of the Code of Student Conduct.

Interim changes in the status of a student or organization that are not disciplinary in nature, not intended neither as punishment nor as censure, but required by administrative, academic, or security interests of the University and its community are not governed by these disciplinary procedures.

1. Warning - Notice that continuation or repetition of wrongful conduct in the indefinite future may be

cause for further disciplinary action.

2. Educational Sanction - An order requiring the student or student organization to perform mandated service, or to participate in an educational program or activity, including but not limited to an educational seminar, a treatment program for alcohol or drug abuse, or other program/task designed to assist the student in learning more about how their behavior impacted themselves and/or the community.

3. Disciplinary Probation - A period during which a student must behave in a manner acceptable to the University. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate University officials. Conditions of probation may be set forth which restrict the student's participation in co-curricular activities. Violation of the terms of probation, or additional incident(s) of misconduct while on probation may result in suspension or dismissal.

4. Restitution - Repayment to the University for damages resulting from a violation of the Code of Student Conduct. Restitution sanctions that involve theft, misappropriation of University funds, or damage to University property, will be charged to the student's account and may be referred to the Office of Risk Management. Any unpaid debt may result in a hold being placed on a student's account, collection procedures, and responsibility for any associated collection costs and fees.

5. Loss of Privileges - The withdrawal of a privilege, use of a service, participation in a program, event, or activity for a specific period of time. The loss of privileges may prohibit a student or student organization from participating in co-curricular activities, continuing in a degree program, being present in or using certain campus facilities or services, and/or prohibit a student from enrolling in a class or classes.

6. Termination of Recognition - An order terminating University recognition of a registered student organization for a specific or indefinite period of time.

7. No Contact Order - No contact orders are designed so that students involved in a campus conduct process do not have any communication with each other to help minimize further altercations between those involved. Students who receive no contact orders are directed to refrain from contacting an identified individual using ANY means. This includes, but is not limited to comments, words or gestures in person, through postal mail, email, social networking sites, or by having others (friends, acquaintances, family members, etc.) act on the student's behalf. An order of no contact will remain in place until both parties agree in writing to cancel the order, pending final approval by the Office of Student Conduct.

8. Suspension - An action which excludes the student from registration, class attendance, residence in University-owned or managed housing, and use of University facilities for a specified period of time. The privilege of the use of University facilities/property is withdrawn by this action unless specific written permission, otherwise obtained from the conduct officer.

a. A suspension may be deferred based on the timing of the semester (i.e. end of semester). This decision is at the discretion of the hearing board and/or hearing officer, and will only be considered if the student's presence on campus is deemed not to be a threat. Should the student be readmitted, further incident(s) of misconduct will result in additional suspension periods or dismissal from the university. Additionally, the failure to observe the terms and conditions of a suspension may cause the extension of the suspension period or further disciplinary action.

- b. A suspension will take place once the appeal timeframe or process is complete. In the event of a suspension, students are encouraged to consult with Student Accounts and the University Registrar regarding possible tuition and fee refunds. The Office of Student Conduct has no authority in financial matters. Furthermore, a notation will be placed on a student's transcript indicating a disciplinary suspension. After a completion of the term of the suspension and any other sanctions, the suspension transcript notation will be removed. Upon completion of the period of suspension and fulfillment of all disciplinary requirements, the student must comply with all academic admission standards then in effect in order to register.

9. Deferred Suspension - This sanction is a suspension that is delayed pending specified behavioral performance. A definite period of observation and review occurs during a deferred suspension. If a student is again found responsible of violating the Code of Student Conduct, the suspension will take place immediately, without appeal.

10. Dismissal - The permanent loss of the privilege of registration, class attendance, and residence in University owned or managed housing. The privilege to use University facilities or property is also permanently withdrawn by this action. A student who has been dismissed is not eligible for readmission. Any student who is dismissed will not be entitled to any refund of tuition or fees. A notation will be placed on a student's transcript indicating disciplinary dismissal.

Interim Actions

Depending on the nature of the alleged misconduct, interim actions may be taken as deemed necessary for the reasonable operation of George Mason University. Examples include, but are not limited to administrative trespasses from specific buildings or the entire campus, administrative no contact orders between individuals or groups, and alteration of academic or work schedules.

Interim Suspension - In certain circumstances, the Director of Student Conduct or designee has the authority to suspend a student or recognized student organization from the University on an interim basis, pending a disciplinary hearing. A student or organization will be suspended on an interim basis to ensure the safety and well-being of community members and/or George Mason University property to ensure the student's own physical or emotional safety and well-being, or protect the community if the student poses a threat to the normal operations of the university. The hearing will be held according to the procedure set forth in the Code of Student Conduct. In the event the student is found responsible for the violation that student was notified, any sanction imposed shall take effect from the date of the interim suspension. The fact of interim suspension and subsequent disciplinary action shall become part of the student's disciplinary record. If the hearing officer or hearing board concludes that there is insufficient information to support a finding that the student committed a violation, no record of the interim suspension shall be maintained in the Office of Student Conduct. Depending on circumstances and at the sole discretion of the Office of Student Conduct, students who are interim suspended may still be allowed to attend classes. The Office will attempt to work with students on interim suspension so that their academic career and on-campus living arrangements are uninterrupted as much as reasonably practical. However, in most cases where a student is interim suspended, the nature of the incident is usually very serious and poses a significant risk for the entire University community. Such widespread risks usually far outweigh the temporary, protective measure of an interim suspension which prohibits students from physically being present on University property.

Interim Housing Suspension - In certain circumstances, the Assistant Dean and Chief Housing Officer (or

designee) and/or the Director of Student Conduct (or designee) has the authority to suspend a student from all residential communities on an interim basis, pending a hearing. A student may be interim suspended from all residential communities to ensure the safety and well-being of members and/or George Mason University property, to ensure the student's own physical or emotional safety, and well-being, or to protect the community.

Interim No Contact Order - No contact orders are designed so that students involved in a campus conduct process do not have any communication with each other to help minimize further altercations between those involved. Students who have no contact orders are not to contact each other using ANY means. This includes, but is not limited to comments, words or gestures in person, through postal mail, email, social networking sites, or by having others (friends, acquaintances, family members, etc.) act on his/her behalf.

A student who is placed on an interim status may challenge the imposition of this status by requesting a review with a senior official in University Life, Compliance Diversity and Ethics, or Housing and Residential Life - depending on the office that imposed the original interim measure. The reviewing University official will have the authority to deny the student's request or alter the interim actions as deemed appropriate. The outcome of this review is final.

Other University Measures

In addition, University administrators and faculty members may take actions for situations that are not so serious as to justify referral to the University conduct system. Examples of this include, but not limited to the withdrawal of minor privileges upon administrative determination of misconduct, or the loss of the privilege of using the University Student Centers for individuals or students that do not comply to the regulations affecting the building. Actions of this kind are necessary for the reasonable operation of the University.

XVIII. APPEAL PROCEDURES

The purpose of an appeal is to ensure all parties that the original findings of fact, the reasoned integration of them, and the imposition of sanctions or other solutions are consistent with University policies and procedures.

Any persons desiring an appeal will submit within five business days (or in the case of reason #1 below 30 days) from the date of the decision a written statement outlining the specific issues and rationale for the appeal. Requests for an appeal will only be considered for one or more of the following:

1. Information not available at the hearing which, had it been available, would in all reasonable likelihood have produced a different finding;
2. A substantial procedural irregularity as determined by the conduct officer;
3. Perceived hearing officer bias (or bias by a board member) based on factors other than the hearing officer's decision and rationale for such decision; and
4. Severity of sanction(s).

Discontentment with a particular finding is not a valid reason for appeal. All appeals must be

based on the grounds for appeal as stated above.

Once received, the appeal will be assigned to an appeal officer. If the sanction(s) imposed include a housing suspension, or university suspension or dismissal, these sanctions will not be imposed until the appeal decision is rendered however, depending on the nature of the violations, certain restrictions may apply, and/or some privileges may be revoked on an interim basis. The appeal officer will first determine if the student or student organization has grounds for appeal based on the criteria above. It is the sole responsibility of the appealing student to provide information to support the grounds for an appeal. If there are grounds for an appeal, the appeal officer may choose to modify the finding, modify the sanctions, modify both the finding and sanction; remand the case for a new hearing; or uphold the original decision.

Students who file an appeal will typically be notified of the decision within fifteen (15) business days of the appeal review. However, the Office of Student Conduct reserves the right to extend this timeline as needed to complete the appeal. Students have the opportunity to submit one appeal per conduct case.

A form to file an appeal request can be accessed at <http://studentconduct.gmu.edu/our-process/contact/>.

XIX. HOLDS ON STUDENT RECORDS

An administrative hold may be placed on a student's University account for the following reasons:

- The student is accused of violations that could result in a suspension or expulsion;
- The student fails to schedule an appointment with the hearing officer/advisor by the date specified in correspondence sent to the respondent;
- The student fails to attend a scheduled meeting with the hearing officer/advisor;
- The student fails to complete an assigned sanction(s) by the specified deadline;
- The student is sanctioned with a 'hold on student account.' This typically occurs until all sanctions are completed or a suspension or expulsion is imposed.

In cases involving students who are graduating, a hold may be placed that will delay the awarding of a diploma. This may not hinder the ability for a student participate in commencement activities, pending approval from the Office of Student Conduct. To remove a hold, a student should contact their hearing officer or the Office of Student Conduct.

XX. SPECIAL PROCEDURES

To facilitate the prompt adjudication of disciplinary cases, a special hearing committee may be appointed to hear the case upon the recommendation from the Director of Student Conduct or designee.

XXI. MEDICAL AMNESTY PROGRAM

The goal of medical amnesty is to foster and protect the health and safety of the George Mason University community. The details of the Medical Amnesty Program are further described at <http://studentconduct.gmu.edu/>

XXII. DISCIPLINE RECORDS

George Mason University maintains a record of students who have been found in violation of University policies and regulations. Student conduct records are maintained separately from the student's official academic records, except in cases involving suspension or dismissal. In these cases, notations are made on the academic record (i.e. transcript). Conduct records will be maintained by the University in accordance with laws of the Commonwealth of Virginia and by federal legislation and guidance. Virginia legislation states that a transcript notation will be made if a student withdraws from the University while under investigation for certain acts of misconduct.

Information about the status of a student's conduct records will be handled in compliance with the provisions of the Family Educational Rights and Privacy Act. In accordance with these provisions, no information will be released to external authorities or to others outside of the conduct system unless the student has provided written permission, authorizing such release. In other circumstances, the student's records may be released to third parties, only as authorized by subpoena or court order. In most cases, the student is notified of the subpoena or court order at the known last address prior to releasing the information.

The Office of Student Conduct may audio record a hearing and keep this as an educational record. This record is the property of the University and additional recordings are prohibited. Violations of this expectation may result in disciplinary action.

XXIII. REVISIONS TO THE CODE OF STUDENT CONDUCT

This Code shall take effect as of the first day of the opening of the residence halls in the Fall semester. It is the general duty of all persons affiliated with the University conduct system to advise the Director of Student Conduct of modifications that should be considered in order to improve the fairness and effectiveness of the system. The Director of Student Conduct, in consultation with University administration will bear the responsibility for identifying and considering any proposed revisions to the Code of Student Conduct. George Mason University reserves the right to make changes to the Code of Student Conduct as deemed appropriate.

Updated: August 25th, 2016