

## **CODE OF STUDENT CONDUCT**

### **I. DEFINITIONS**

“Act of Misconduct” means any behavior that is inconsistent with University policy, or that is specified in Appendix 1.

“Administrative Hearing” means a hearing in which allegations of violations of the CSC by a Respondent are presented to a Hearing Officer to determine whether the Respondent is responsible.

“Appeal Officer” means an employee designated by the Office of Student Conduct to hear an appeal.

“CAB” or “Community Adjudication Board” means a panel of University Students designated by the Office of Student Conduct to conduct and hear a CAB Hearing.

“CAB Chair” means the chairperson of a CAB.

“CAB Hearing” means a hearing in which allegations of violations of the CSC by a Respondent are presented to a CAB to determine whether the Respondent is responsible.

“CSC” means this Code of Student Conduct.

“Complainant” means a person who alleges that a violation of the CSC has occurred, and provides that allegation to the Office of Student Conduct.

“Days” or “days” means business days that the University is open and operating, whether or not classes are in session.

“Hearing Officer” means a person, typically an employee, designated by the Office of Student Conduct to conduct and hear an administrative hearing.

“Hold” means a temporary or permanent status of a Student’s educational records that prevents a Student from being able to register for classes, change registrations, obtain transcripts, or perform other services.

“No Contact Order” means an order which prohibits a Student from having any communication with another person or persons by any means, including, but not limited to, comments, words or gestures, texts, email, written notes or letters, social networking sites, or by having others act on the Student’s behalf.

“Respondent” means a Student or Student Organization who is alleged to have violated the CSC.

“Student” means undergraduate, graduate and professional students who are currently enrolled, or who are not currently enrolled but have a continuing relationship with the University.

“Student Conduct Record” means records regarding a Student who has been found responsible for a CSC violation, maintained by the Office of Student Conduct.

“Student Organization” means a Student organization or group of Students that is recognized by the University through the formal University recognition and registration process, during the period of time that it is recognized by the University or has a continuing relationship with the University.

“Student Organization Headquarters” means any Student Organization’s “house”, or any office space on or off campus, leased, owned, licensed or controlled by the Student Organization.

“Student Organization Residence” means any dwelling where two or more members of a Student Organization: 1) live currently; 2) have lived in the past year, even if at separate times, or prior to membership; 3) are listed on the deed or lease at anytime in the past year; 4) receive mail or deliveries at the dwelling; or 5) have hosted events or conducted organizational business at the dwelling.

“University Premises” means all property owned, controlled, or used by George Mason University, including but not limited to 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).

“Witness” means a person present at the time of an incident who attends a hearing to share information about a particular incident.

## **II. AUTHORITY**

The Office of Student Conduct has authority over all non-academic disciplinary matters.

## **III. OBLIGATION**

No Student or Student Organization shall commit an Act of Misconduct in any location. Students and Student Organizations found responsible under this CSC of committing Acts of Misconduct are subject to sanctions by the University.

## **IV. GENERAL PROVISIONS**

### **1. Students.**

- a. The CSC applies to all Students.
- b. Graduate and professional students may also be subject to additional requirements and procedures relating to non-academic behavior, and are responsible for being aware of such procedures at all times.
- c. Students are responsible for their conduct at all times, including conduct occurring during the academic year, between academic terms, during periods of non-enrollment, before classes begin and after classes end, and during periods of suspension.
- d. Students are responsible for misconduct while a Student, even if such conduct is discovered after their status as a Student has ended. Misconduct charges may be brought subsequent to a Student's graduation or separation from the University, if the alleged misconduct occurred while a student, irrespective of the time lapse between the violation and the report of the violation.
- e. This Code shall also apply to a Student's conduct if the Student withdraws from the University while a disciplinary matter is pending.

## 2. Student Organizations.

- a. The CSC applies to all Student Organizations.
- b. A Student Organization shall be responsible for the conduct of its members at all times, including conduct occurring during the academic year, between academic terms, during periods of non-enrollment, before classes begin and after classes end, and during periods of suspension or dismissal. The CSC applies to Student Organizations even if the Student Organization disbands while a disciplinary matter is pending.
- c. A Student Organization shall be responsible for the actions or inactions of its members if:
  - i. such action or inaction was done on behalf of the Student Organization;
  - ii. such action or inaction was sanctioned by the Student Organization's officer;
  - iii. Student Organization funds were used for financing such action or inaction;
  - iv. such action or inaction was supported by a majority of the Student Organization's membership;
  - v. individual members or guests are responsible for a particular action or inaction;

- vi. the action or inaction, by its nature, was a Student Organization offense and not the actions or inaction of the individual members;
    - vii. such action or inaction occurred as a result of a Student Organization sponsored function; or
    - viii. such action or inaction occurred at a Student Organization Residence or Student Organization Headquarters.
  - d. A Student Organization shall be represented in hearings by its president or equivalent representative.
3. Scope. The CSC applies to all non-academic disciplinary matters. The University, at its discretion, may pursue disciplinary action against a Student or Student Organization while the Student or Student Organization is also subject to criminal proceedings, even if such criminal charges are pending, reduced, or dismissed.
  4. Constructive Notice. Each Student and Student Organization is responsible at all times for knowing and complying with all provisions of this CSC, as it may be amended from time to time.
  5. Notice by Email. Any written notice in this CSC may be provided to a Student's or Student Organization's official University email account. Such notice shall be deemed actually received by such Student or Student Organization on the day it is sent.
  6. Privacy Obligations. Students involved in a student conduct proceeding, including, but not limited to the initial referrer, the Respondent, witnesses, and CAB members, shall not reveal information about a case unless doing so is reasonably necessary to the investigation of a matter. Violation of this provision is a violation of the CSC, and may result in disciplinary action. This requirement for privacy does not apply between or among CAB members during CAB proceedings. A Respondent may waive the Respondent's right to privacy at any time by submitting a waiver in writing to the Office of Student Conduct.
  7. Headings. The headings in the CSC are convenience of reference only, and should not be interpreted to limit or otherwise affect interpretation of the CSC.

## **V. PROCEDURAL RIGHTS AND OBLIGATIONS OF THE RESPONDENT**

1. Respondents must represent themselves in Conduct Proceedings.
2. A Respondent, at the Respondent's own expense, may be accompanied at any time during the conduct process by one advisor of the Respondent's choosing. The advisor may be an attorney. The advisor may only consult with the Respondent and may not participate in, speak, or be heard, in connection with the hearing. Advisors may not participate in a hearing as witnesses. If a Respondent needs assistance in

finding an advisor, the Respondent should ask the Office of Student Conduct for assistance.

3. The Respondent has the right to be present at the Administrative Hearing or CAB Hearing; however, if the Respondent does not to attend the Administrative Hearing or CAB Hearing, the hearing may go forward in the absence of the Respondent.
4. In any Administrative Hearing or CAB Hearing, the Respondent is entitled to be informed in advance of the basis for the alleged violation(s) of Respondent.

## **VI. HEARING OFFICERS AND CABs.**

### **1. Hearings.**

- a. Administrative Hearings shall be heard by a Hearing Officer, and CAB Hearings shall be heard by a CAB.
- b. Hearings under the CSC are administrative proceedings, not criminal or civil trials. Formal rules of evidence that would apply in a trial do not apply in a hearing. The Hearing Officer or CAB Chair has discretion to interpret the CSC to promote a fair and just decision.

### **2. Duties of Hearing Officer or CAB Chair.**

- a. In an Administrative Hearing, the Hearing Officer is responsible for managing hearing scheduling and logistics. In a CAB Hearing, the Office of Student Conduct is responsible for managing hearing scheduling and logistics.
- b. The Hearing Officer or CAB Chair shall conduct the hearing. The Hearing Officer or CAB Chair is authorized to maintain order in the hearing, and may remove any participant, including advisors and witnesses, from the hearing. Failure to comply with the instructions of the Hearing Officer or CAB Chair is a violation of the CSC, and may result in disciplinary action.
- c. The Hearing Officer or CAB Chair has the authority to decide whether information presented is relevant.
- d. The Hearing Officer or CAB Chair speaks for the body in all exchanges with advisors, the Respondent, Complainants (if any), and witnesses; controls the proceedings and maintains order; instructs persons at the hearing on procedures; declares the rulings and orders; ensures proper completion and filing of all papers; and performs other duties as necessary.

- e. The Hearing Officer or CAB members may examine all information presented at the hearing, and may also ask for additional information from the Respondent, witnesses, Complainants, or the University.
- 3. CAB Composition. CABs shall be composed of three (3) to five (5) Students selected and trained by the Office of Student Conduct. CAB members who have a conflict of interest should disqualify themselves from the CAB. One CAB member shall be appointed by the Director of Student Conduct, or designee, to serve as CAB Chair for that hearing.
- 4. CAB Advisors. The Director of Student Conduct or designee shall serve as an advisor to each CAB, and may attend and advise the CAB at all CAB Hearings. The advisor may ask questions at the CAB Hearing.

## **VII. STUDENT CONDUCT HEARING PROCESS**

- 1. Referrals.
  - a. Any person may refer a possible Act of Misconduct by a Student or Student Organization. The referral must be written and signed (or electronic), and provided to the Office of Student Conduct. All referrals should be submitted as soon as possible after the event takes place. Each referral must include:
    - i. The name of Student(s) referred if known;
    - ii. A description of the conduct alleged to violate the CSC;
    - iii. The name of the complaining individual;
    - iv. The date the alleged violation was discovered; and
    - v. The date of the referral.
  - b. Upon receipt of a referral, the Office of Student Conduct will review the referral to determine whether there is enough information present to proceed. If there is insufficient information to substantiate the referral, or if it fails to allege an actual violation of the CSC, the referral will be dismissed.
- 2. Complainants.
  - a. If a Complainant serves as a witness in hearing, the Complainant may be accompanied by an advisor of the Complainant's own choosing, and at the Complainant's own expense. The advisor may not participate in the hearing.
  - b. A Complainant is not entitled to attend the entire hearing.
- 3. Charges and Notice.

- a. If there is enough information to proceed, the Hearing Officer will determine the charges against the Respondent.
- b. The Hearing Officer will send the Respondent a written notice including the following:
  - i. A link to the CSC;
  - ii. the provisions of the CSC which the Respondent is alleged to have violated;
  - iii. the date(s) of the alleged violation;
  - iv. the date, time, and location of the scheduled Administrative Hearing; and
  - v. a statement that the Respondent may obtain a copy of the written referral and other information related to the charges by emailing a request to the author of the notice.
- c. If the University elects to have the case heard before a CAB, the written notice will state this, and the rules for CAB Hearings shall apply.

4. Pre-hearing Procedures.

- a. At any time before the Administrative Hearing or CAB Hearing date, Respondents may challenge the objectivity or fairness of the assigned Hearing Officer, or CAB member or members, by notifying the Director of the Office of Student Conduct or designee.
- b. Election of a CAB.
  - i. The University, in its discretion, may assign any case to be heard by a CAB. Cases which may result in a suspension or expulsion will ordinarily be assigned to a CAB. A Respondent may refuse a CAB Hearing by sending written notice to the Office of Student Conduct. If a Respondent refuses a CAB Hearing, the case will be heard in an Administrative Hearing. If University assigns the case to a CAB, the Respondent will be provided written notice of the date, time, and place of the CAB Hearing.
  - ii. If the case is assigned for an Administrative Hearing, the Respondent may request a CAB Hearing instead by sending a written request to the Hearing Officer who provided the notice, within 24 hours of the scheduled administrative hearing. The Respondent is not entitled to a hearing before a CAB; the University may instead choose to assign the case to an Administrative Hearing instead based on the severity of the alleged offense, and based on availability of CAB members.

- iii. If it is not possible to assemble a CAB with 3 or more members on the scheduled date of the hearing, the Respondent may consent to proceed with a 2-member CAB, provided that the Respondent provides such consent in writing to the Office of Student Conduct prior to the CAB Hearing. If the Respondent does not so consent, then the CAB Hearing will be rescheduled, or, at the election of the Office of Student Conduct, the case will be heard in an Administrative Hearing.
    - iv. CAB hearings are subject to Student availability (which may be limited at times such as during final exams, summer sessions, or when classes are not in session); if an insufficient number of CAB members are available to hear charges against a Respondent, the University may elect to postpone the CAB Hearing, or have the case heard in an Administrative Hearing.
  - c. Pre-hearing conference. The Respondent may elect to have a pre-hearing conference with a representative of the Office of Student Conduct, at any time before the scheduled hearing. At a pre-hearing conference, the Respondent may ask questions about the CSC process.
  - d. Scheduling. Administrative Hearings and CAB Hearings will ordinarily be scheduled within 30 days following notification to the Respondent, but may be scheduled at a later date, in the discretion of the University, or if requested by the Respondent. In general, requests to postpone an Administrative Hearing or a CAB Hearing will be granted only for an academic or medical situation.
  - e. Accepting Responsibility. At any time, a Respondent may choose to accept responsibility for the charges. In such case, the Hearing Officer will determine sanctions, or in the case of a CAB Hearing, the CAB will recommend sanctions to the Office of Student Conduct, which will determine sanctions.
  - f. Information Prior to Hearing. Respondents may request access to written information for use at a hearing, subject to University policy and state and federal law. Access will be provided to materials in advance of a hearing upon written request to the Office of Student Conduct to the extent permitted. Requested information may be redacted, in the discretion of the University, in order to prevent identification, in cases where retaliation or safety is a concern.
5. Administrative Hearings.
- a. The Respondent must provide to the Hearing Officer all written materials, evidence, or statements, including witness statements, that the Respondent would like considered, prior to or at the beginning of the Administrative Hearing. Witness statements must include a description of the testimony which the Witness is expected to provide.

- b. Only the Respondent, the Respondent's advisor (if any), Complainants, and witnesses shall be permitted to attend the Administrative Hearing; the Administrative Hearing shall be closed to the public. The Hearing Officer shall determine who will be present at the Administrative Hearing at any time.
- c. At the Administrative Hearing, the Respondent may present and explain all written materials, evidence, and statements previously provided to the Hearing Officer. The Hearing Officer may limit the evidence presented, or direct the Respondent to proceed, if the information presented is irrelevant or redundant.
- d. The Hearing Officer shall consider all charges against the Respondent. The Hearing Officer can ask questions of all Witnesses, Complainants, and the Respondent.
- e. Administrative hearings may be recorded in the sole discretion of the Hearing Officer. A Respondent shall not make any recording of the hearing; any violation of this provision shall be a violation of the CSC, and may result in sanctions.
- f. Witnesses may appear in person when the Hearing Officer determines, after reviewing the witness statement, that such an appearance may be helpful to the determination of the case. Unless permitted by the Hearing Officer, the Respondent may not bring anyone to the hearing except an advisor. The Hearing Officer may limit the Respondent's ability to call witnesses if retaliation or safety is a concern. Character witnesses are not allowed and will not be taken into consideration when determining responsibility or sanction(s). The relevancy of witness information will be evaluated by the Hearing Officer.
- g. If the University presents a witness at an Administrative Hearing, the Respondent shall have the opportunity to ask questions of the witness.
- h. A Respondent is not compelled to be a witness against themselves. However, if a Respondent decides not to participate in the hearing, or does not provide information requested by the Hearing Officer, the Hearing Officer will render a decision in the absence of such information.
- i. Respondents will be found responsible of a violation if the Hearing Officer finds, by a preponderance of the information provided, that the Respondent was responsible for the misconduct charged. This burden of proof is the equivalent of a "more likely than not" standard.
- j. If the Hearing Officer finds the Respondent responsible, the Hearing Officer shall determine the sanction.

- k. In certain circumstances, rather than a finding of responsible or not responsible, the Hearing Officer may issue no finding. In such case, if no additional information regarding the case becomes available, no disciplinary record will exist with respect to the charge. In the event further information about the case becomes available, the result of “no finding” may be modified to a finding of responsible or not responsible.
- l. The Hearing Officer will ordinarily issue a decision within 10 days of the Administrative Hearing. The Hearing Officer will notify the Respondent in writing of the decision and sanction, if any.

6. CAB Hearings.

- a. The Respondent must provide to the CAB Chair all written materials, evidence, or statements, including witness statements, that the Respondent would like considered, no later than 5 days prior to the hearing, unless otherwise allowed by the CAB Chair in his or her discretion. Witness statements must include a description of the testimony which the Witness is expected to provide.
- b. Only the Respondent, the Respondent’s advisor (if any), Complainants, and witnesses shall be permitted to attend the CAB Hearing; the CAB Hearing shall be closed to the public. The CAB Chair shall determine who will be present at the CAB Hearing at any time.
- c. At the beginning of a CAB hearing, the Respondent shall present an opening statement to the CAB. A university representative may be present to provide information about the referral at the time of the hearing, and present information to the CAB in a similar format to that of the Respondent.
- d. At the CAB Hearing, the Respondent may present and explain all written materials, evidence, and statements previously provided to the Hearing Officer. The CAB Chair may limit the evidence presented, or direct the Respondent to proceed, if the information presented is irrelevant or redundant.
- e. The CAB shall consider all charges against the Respondent. CAB members can ask questions of all witnesses, Complainants, and the Respondent.
- f. The CAB hearing shall be recorded by the CAB; no other recording of the hearing is permitted. Other parties shall not make any recording of the hearing; any violation of this provision shall be a violation of the CSC, and may result in sanctions.
- g. Witnesses may not appear in person unless the CAB Chair determines, after reviewing the witness statement, that such an appearance may be helpful to the

determination of the case. Unless permitted by the CAB Chair, the Respondent may not bring anyone to the hearing except an advisor. Respondents may call witnesses at the CAB hearing only if Respondent has previously provided a written witness statement to the CAB Chair at least 5 days in advance of the hearing. The CAB Chair may limit the Respondent's ability to call witnesses if retaliation or safety is a concern. Character witnesses are not allowed and will not be taken into consideration when determining responsibility or sanction(s). The relevancy of witness information will be evaluated by the CAB Chair.

- h. If the University presents a witness to the CAB Hearing, the Respondent shall have the opportunity to ask questions of the witness.
- i. A Respondent is not compelled to be a witness against themselves. However, if a Respondent decides not to participate in the hearing, or does not provide information requested by the CAB, the CAB will render a decision in the absence of such information.
- j. At the conclusion of the CAB hearing, the Respondent will present a closing statement to the CAB.
- k. Respondents will be found responsible of a violation if the CAB finds, by a preponderance of the information provided, that the Respondent was responsible for the misconduct charged. This burden of proof is the equivalent of a "more likely than not" standard. The decision of the CAB shall be by majority vote.
- l. If the CAB finds the Respondent responsible, the Respondent and the Complainant (if any) shall have the opportunity to recommend a sanction to the CAB. The CAB shall recommend a sanction to the Director of the Office of Student Conduct, or designee. Sanctions shall be determined by the Director of the Office of Student Conduct, or designee.
- m. In certain circumstances, rather than a finding of responsible or not responsible, the CAB may issue no finding. In such case, if no additional information regarding the case becomes available, no disciplinary record will exist with respect to the charge. In the event further information about the case becomes available, the result of "no finding" may be modified to a finding of responsible or not responsible.
- n. The CAB will ordinarily issue a decision within 10 days of the Hearing. The Office of Student Conduct will notify the Respondent in writing of the decision and sanction, if any.

- o. When the University is the Complainant at a CAB Hearing, the Director of Student Conduct or designee will present the interests of the University to CAB. The University, at any time, reserves the right to present any alleged violation to the CAB where another person brought the original referral or alleged violation.

## **VIII. APPEALS**

1. The Respondent may appeal the decision of the Hearing Officer or the CAB.
2. An appeal must be based only upon one or more of the following reasons:
  - a. new and significant information not available at the hearing which, had it been available, would in all reasonable likelihood have produced a finding of not responsible;
  - b. substantial procedural irregularity;
  - c. bias of the Hearing Officer or a CAB member or members, for reasons other than the stated rationale for the decision; or
  - d. severity of sanction(s).

Discontentment with a finding is never a valid reason for an appeal. It is the sole responsibility of the Respondent to provide information to support the grounds for an appeal.

3. Appeals must be provided to the Office of Student Conduct in writing within 5 days of the hearing outcome being provided to Respondent. The writing must be provided using the form available on the Office of Student Conduct web page ([studentconduct.gmu.edu](http://studentconduct.gmu.edu)). Appeals consider only written materials, and no in-person appeal hearing is provided.
4. The appeal must include an explanation of the basis upon which it is sought. The Office of Student Conduct may grant the Respondent an extension of time to submit an appeal, provided that the request for an extension is timely delivered and demonstrates good cause.
5. Standard of Review. An Appeal Officer will review the request, as well as information presented at the initial hearing and contained in the student's record. The decision of the Hearing Officer or the CAB shall be sustained unless one or more of the appeal criteria have determined to be valid.
6. Powers. If the Appeal Officer determines that the Respondent has grounds for appeal and has provided evidence to substantiate those grounds, the Appeal Officer may:
  - a. affirm the original decision;
  - b. remand the case for a new hearing;

- c. modify the findings;
- d. modify the sanctions; or
- e. modify both the findings and sanctions.

The decision of the Appeal Officer is final.

- 7. A Respondent will typically be notified of the decision of the Appeal Officer within 15 days of the review; however, a decision may be issued later for the convenience of the University.
- 8. Only one (1) appeal may be submitted per case.
- 9. 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 (depending on the nature of the violations, certain restrictions may apply, or some privileges may be revoked on an interim basis).
- 10. The decision of a Hearing Officer or CAB becomes final: (1) if the time for requesting an appeal has passed without an appeal being made; or (2) if an appeal is timely made and rejected.

## **IX. SANCTIONS**

- 1. Possible Sanctions. The following sanctions may be imposed on any Respondent found responsible for an Act of Misconduct:
  - a. Warning – a notice that any future violation of the CSC may result in further disciplinary action.
  - b. Educational Sanction – a sanction requiring Respondent to perform mandated service, or to participate in an educational program or activity such as, 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.
  - c. Disciplinary Probation - A period during which the Respondent must behave in a manner acceptable to the University. Conditions of probation may restrict the Respondent's participation in co-curricular activities. A violation of the terms of probation or further misconduct while on probation may result in sanctions of suspension, or dismissal.
  - d. Restitution - repayment for damages as a result of the Respondent's actions or inactions. Restitution for 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, collection procedures, and collection costs and fees.

- e. Loss of Privilege - the withdrawal of a privilege, use of a service, participation in a program, event, or activity for a specific period of time. A Student or Student Organization may be prohibited from participating in co-curricular activities, continuing a degree program, being present in or using certain campus facilities or services, or enrolling in a class or classes.
- f. Termination of Recognition - terminating University recognition of a Student Organization for a specific or indefinite period of time.
- g. No Contact Order – A No Contact Order will remain in place until the Respondent and the other person agree in writing, to cancel the No Contact Order, if approved by the Office of Student Conduct.
- h. 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.

Students on suspension will not be allowed on University property unless pre-approved by, and at the discretion of, the Office of Student Conduct.

A suspension may be deferred based on the timing of the semester (e.g. end of semester). This decision is at the discretion of the sanctioning official, and will only be considered if the Respondent's presence on campus is deemed not to be a threat. Should the Respondent 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 in further disciplinary action.

A suspension will be in force once the appeal timeline 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.

A notation will be placed on a Student's transcript indicating disciplinary suspension. After the completion the term of the suspension and any other sanctions, the suspension transcript notation will be removed. Students must complete all sanctions, and the Respondent must comply with all academic admission standards then in effect in order to register.

- i. Deferred Suspension - a suspension that is delayed pending specified behavioral performance. A definite period of observation and review occurs during

deferred suspension. If a Respondent is again found responsible for a CSC violation, the suspension will take place immediately without appeal.

- j. 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 Respondent who has been dismissed is not eligible for readmission. Any Respondent who is dismissed will not be entitled to any refund of tuition or fees. A notation will be placed on the Respondent's transcript indicating disciplinary dismissal.

A pattern of lying or fabrication by a Respondent may be considered when sanctions are imposed.

- 2. Other University Measures. 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 privilege of using the University Student Centers for individuals or Students that do not comply to the regulations affecting a building.
- 3. Holds. A Hold may be placed on a Respondent's University account if:
  - a. a Respondent is accused of violations that could result in a suspension or expulsion;
  - b. a Respondent fails to schedule an appointment with the Hearing Officer after being notified to do so;
  - c. a Respondent fails to attend a scheduled meeting with the Hearing Officer;
  - d. a Respondent fails to complete an assigned sanction(s) by the specified deadline; or
  - e. a Respondent is sanctioned with a Hold; this typically occurs until all sanctions are completed or a suspension or expulsion is imposed.

In cases of Students who are graduating, a Hold may be placed that will delay awarding of a degree; however, if approved by the Office of Student Conduct, a Student with a Hold in place may participate in commencement activities without receiving a diploma. To remove a Hold, a Student should contact the Hearing Officer or the Office of Student Conduct.

## **X. INTERIM ACTIONS**

- 1. Authority. In order to ensure continuity of University operations and to ensure the well-being and safety of the University Community or of a Student, the Office of Student Conduct is authorized to impose certain interim measures on a Student

or Student Organization (“Interim Measures”). Interim Measures may include:

- a. suspending a Student or Student Organization on an interim basis (“Interim Suspension”);
- b. imposing a no contact order between a Student and another person or persons, on an interim basis (“Interim No Contact Order”);
- c. suspending a Student from any or all residential communities (“Interim Housing Suspension”);
- d. issuing an administrative trespass order from specific buildings, or from the entire campus (“Administrative Trespass Order”); and
- e. alteration of academic or work schedules.

2. Interim Measures Process.

- a. Student or Student Organization
  - i. To impose an Interim Measure, the Office of Student Conduct will notify the Student or Student Organization in writing of the Interim Measure.
  - ii. After the Interim Measure is issued, the Student or Student Organization will subsequently be provided notice of the underlying charge or charges related to the Interim Measure.
  - iii. The Interim Measure will remain in effect until the earlier of: (i) written revocation by the Office of Student Conduct, or (ii) completion of the CSC disciplinary process for the charge or charges.
  - iv. A Student or Student Organization may appeal the imposition of an Interim Measure by submitting an appeal submission form to the Office of Student Conduct, using the form on the web page of the Office of Student Conduct. The Student’s appeal will be reviewed by the Office of Student Conduct, which may deny the Student’s or Student Organization’s request, grant the Student’s or Student Organization’s request, or alter the Interim Measure applied. The outcome of this review is final.
  - v. Interim Measures may also be imposed by the Office of Compliance, Diversity, and Ethics, and by the Office of Housing and Residential Life. Those Interim Measures may be appealed by filing an appeal with the Office of Student Conduct, which will forward those appeals to the relevant office, for the process provided by those offices;

3. Interim Suspensions. In the event a Student or Student Organization is the subject of an Interim Suspension, and the Student or Student Organization is subsequently found responsible for the violation or violations for which an Interim Suspension was imposed, the suspension shall take effect beginning on the date of the Interim Suspension. The fact of Interim Suspension and subsequent disciplinary action shall become part of the Student’s or Student

Organization's disciplinary record. If the Hearing Officer or CAB concludes that there is insufficient information to support a finding that the Student or Student Organization committed the violation for which an Interim Suspension was imposed, no record of the Interim Suspension shall be maintained in the Office of Student Conduct. Solely within the discretion of the Office of Student Conduct and depending on circumstances, Students who are the subject of an Interim Suspension may be allowed to continue to attend classes.

In the case of interim suspension from the University, if a Student or Student Organization is suspended for a period of ten business days and no appeal has been filed, the matter will automatically be referred to an appeals officer for review. The appeal officer's decision to modify, or uphold the interim measure is final.

4. Interim Housing Suspensions. Interim Housing Suspensions may also be issued by the Assistant Dean and Chief Housing Officer, or designee.
5. Interim No Contact Orders. Students who are the subject of Interim No Contact Orders may not to contact the subject person using ANY means. This includes, but is not limited to, comments, words or gestures in person, postal mail, email, social networking sites, or by having others (friends, acquaintances, family members, etc.) act on the Student's behalf.

## **XI. RECORDS**

1. Student Conduct Records are maintained separately from the Student's official academic records, except in cases involving outcomes of suspension or dismissal.
2. In cases involving outcomes of suspension or dismissal, notations are made on the Respondent's academic record (transcript).
3. Student Conduct Records are be maintained in accordance with laws of the Commonwealth of Virginia, and federal law requirements.
4. Students who wish to review their conduct record or disclose their conduct record to another party should contact the Office of Student Conduct directly.
5. Records may be reviewed for expungement at the student's request. The Director of Student Conduct or Designee(s) will review such requests and make a determination on expungement. In certain cases (including but not limited to, suspension records), a committee of university administrators may be convened to review the expungement request.

## **XII. SEXUAL MISCONDUCT**

Allegations of sexual misconduct are not governed by the CSC, but are governed by University Policy 1202 (<http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>). If a referral is submitted to the Office of Student Conduct which could constitute a violation of Policy

1202, that referral will be referred to the Title IX Coordinator. Once the Title IX Coordinator or designee completes an investigation, the case may be referred to the Office of Student Conduct for resolution under the separate sexual misconduct procedures (see <http://studentconduct.gmu.edu/sexual-misconduct-procedures/> ).

### **XIII. MEDICAL AMNESTY PROGRAM**

The Office for Student Conduct website hosts information on the University's Medical Amnesty program for drug and alcohol incidents that require medical attention. The program encourages students to seek help for another person experiencing a medical emergency. Please see the Office of Student Conduct website ([studentconduct.gmu.edu](http://studentconduct.gmu.edu)) for more information.

### **XIV. ALTERNATIVE RESOLUTIONS**

Based on the nature and fact pattern of a particular incident, the Office of Student Conduct, at the discretion of the Director or designee, may refer a case to an alternative resolution method. This may include meditation or a Restorative Justice program.

### **XV. REVISIONS**

This CSC shall take effect as of the first day of the opening of the residence halls in the Fall semester. The University may revise the CSC at any time. The Office of Student Conduct applies the CSC in effect at the time of alleged violation.

Updated: January 26, 2018

**CODE OF STUDENT CONDUCT**  
**APPENDIX I: 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; and knowingly providing false information in a CSC process.
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/>.
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) An 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, regular 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 or where there is a reasonable expectation of privacy. 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 which subject 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, 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 a Student Organizations or non-recognized student organization 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 premises, 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 CSC including the failure to remove themselves from association or participation in any inappropriate behavior, or failure to report the incident to proper authorities. For purposes of this section, "complicity" means condoning, supporting, or encouraging any violation of the CSC.
23. Bias related incidents including, but are not limited to, any violation of the CSC 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 referring a Student out of concern for their well-being to another person, Student, or a University employee. Students may be found responsible for violating this policy regardless of the final outcome of the referral.
25. Stalking includes any behavior directed that is non-gender based at another person, on more than one occasion, that the stalker intends, knows, or reasonably should know, places the other person in reasonable fear of their safety or the safety of others or suffer emotional distress. Examples of behaviors include, but are not limited to, the following: non-consensual communication (to or about a person), including face-to-face, telephone calls,

voice messages, email, texts, written letters; unwanted gift; threatening or obscene gestures; pursuing or following; surveillance or other observation; trespassing; and vandalism. (Stalking behaviors that are gender-based and include sexual harassment or sexual misconduct in any form, are described and governed by University Policy 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.)