

## CODE OF STUDENT CONDUCT (CSC): 2020-2021

### **I. DEFINITIONS**

“Act of Misconduct” means any behavior that is specified in Appendix 1.

“Administrative Hearing” means a hearing in which allegations of violations of the Code of Student Conduct (CSC) by a respondent are presented to a hearing officer to determine whether the respondent is responsible.

“Advisor” means one other person who may accompany a complainant or respondent (at their own choosing and cost) to any proceeding in the conduct process. An advisor may consult with a student but may not speak on the party’s behalf.

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

“CAB” or “Community Adjudication Board” means a panel of University students designated by the Office of Student Conduct to facilitate a CAB hearing.

“CAB Facilitator” means a staff member who advises the process of a CAB hearing. Facilitators are present to clarify information, to ensure fairness, and to maintain an orderly process.

“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” 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.

“Hearing Facilitator” means a staff member who assists the hearing officer or board during the hearing and resolution process.

“Hold” means a temporary or permanent status on a student’s educational records that prevents a student from being able to register for classes, change registrations, obtain transcripts, receive a diploma, 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, gestures, texts, email, written notes, letters, social networking sites, or by having others act on the student’s behalf.

“Pre-Hearing Meeting or Conference” means a meeting with a professional staff member of the Office of Student Conduct or Housing and Residence Life to discuss the CSC or other disciplinary procedures prior to the start of a hearing.

“Record Review” means an administrative examination of a student’s conduct files for alteration or expungement within the Office of Student Conduct.

“Referral” means information received or obtained by the Office of Student Conduct regarding an incident or student behavior.

“Residential Adjudication Board” means a panel of students living in campus housing who are designated by the Housing and Residential Life Office to resolve student cases. Students may consult <https://studentconduct.gmu.edu/resboard> for additional information.

“Respondent” means a student or student organization that is alleged to have violated the CSC.

“Sanction(s)” means a mandated program, activity, or restriction imposed by the University as a result of being found responsible for an Act of Misconduct.

“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 a record maintained by the Office of Student Conduct when a student has been found responsible for a violation of the CSC.

“Student Organization” means a student organization or group of students that is recognized by the University or has completed the University organization registration process 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 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.

“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 who has relevant information about an incident and who attends a hearing to share information about a particular incident. Character witnesses will not be considered in any conduct process. The role of a witness in Sexual Misconduct proceedings is further described in University Policy 1202.

## **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 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 regardless of whether the Act of Misconduct occurred on University premises or elsewhere.
- e. Students are responsible for misconduct while a student, even if such conduct is discovered after their status as a student has ended. Conduct 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.

- f. This Code shall also apply to a student's conduct if the student withdraws from the University while a disciplinary matter is pending. The University may proceed with the student conduct process after a student has withdrawn or is no longer enrolled.
- g. This procedure does not apply to alleged acts of sexual misconduct in violation of University Policy 1202. Allegations of sexual misconduct or other violations of University Policy 1202 are handled through the procedures described in the appendices to University Policy 1202.

2. Student Organizations.

- a. The CSC applies to all student organizations.
- b. A student organization shall be responsible for the conduct of its members as described below in 2(c) at all times regardless of location, 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 one or more of the following apply:
  - i. Such action or inaction was done on behalf of the student organization;
  - ii. Such action or inaction was sanctioned by an officer of the student organization;
  - 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. The action or inaction was committed by individual members or guests of the student organization acting in the capacity as members or guests of the student organization;
  - vi. The action or inaction was committed by the student organization and was not the actions or inaction of the individual members;
  - vii. Such action or inaction occurred during or 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.
  - e. Student officers or leaders cannot knowingly permit, condone, or be complicit in any violation of the CSC by the organization or individual members. Officers, leaders, or other members may be held accountable to the CSC as individual students, as well as the organization as a whole.
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 is subject to change at any 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. Headings. The headings in the CSC are for 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 throughout the conduct process and at 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 contact the Office of Student Conduct or their assigned hearing officer for more information. University employees may serve as advisors at no cost to the student.
3. The respondent has the right to be present at the administrative hearing or CAB hearing; however, if the respondent does not 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).

## 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 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. Information is relevant if it makes a fact in question more or less likely to be true.
- d. The hearing officer or CAB chair (or facilitator) 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. If necessary, the hearing officer or CAB chair may continue the hearing or schedule additional hearings to allow for the opportunity to review additional information.

### 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 Hearing Facilitator. The Director of Student Conduct or designee shall serve as a facilitator to each CAB, and may attend and advise the CAB at all CAB Hearings. The facilitator 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 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 occurred; and
  - v. The date of the referral.

The Office of Student Conduct hosts a webform for referrals that can be accessed at <https://studentconduct.gmu.edu>.

- 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, additional information may be requested, or the referral will be dismissed.

### 2. Complainants.

- a. If a complainant serves as a witness in a hearing, the complainant may be accompanied by an advisor of the complainant's own choosing, and at the complainant's own expense.
- b. In certain circumstances a complainant may not be entitled to attend the entire hearing.

### 3. Charges and Notice.

- a. If there is enough information to proceed, a hearing officer or a staff member in Housing and Residence Life 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) if known, of the alleged violation;
  - iv. The date, time and location of the scheduled conduct 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 hearing officer who wrote 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 (and when necessary, the complainant) 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. The decision of the Director or designee will be final. The respondent or complainant can request the names of the Hearing Officer or CAB Members by submitting a request in writing to the Office of Student Conduct.
  
- 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. The University will ultimately decide the resolution process for a referral including a CAB hearing, administrative hearing, or other method.
  
  - 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 at its discretion may instead choose to assign the case to an administrative hearing.



- 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 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 resolved in an administrative hearing.
  - v. Students living in Housing and Residence Life facilities may also have a conduct case referred to the Residential Adjudication Board. This Board is comprised of members of the residential life community, and the Residential Adjudication Board will typically adjudicate cases where the likely outcome will not result in housing suspension, nor University suspension or dismissal. The procedures for the Residential Adjudication Board are similar to those of the CAB. The Office of Student Conduct website hosts complete information on the Residential Adjudication Board at <https://studentconduct.gmu.edu/resboard>
- c. Pre-hearing conference. The respondent and complainant 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 parties may ask questions about the CSC process.
  - d. Scheduling. Effort will be made for administrative hearings and board hearings to be concluded 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 board hearing will be granted only for an academic or medical reason. The University will ultimately determine scheduling.
  - 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 board hearing, the board 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.

- g. Process for Parties to Present Information at Hearing. If the complainant or respondent wish to present information (either in the form of documents or witnesses) at the hearing, they must follow the following procedure. Failure to follow this procedure will result in the party being unable to present the information at the hearing.
  - 1. Five days prior to the hearing, the complainant and respondent shall provide to the Office of Student Conduct any documents<sup>[1]</sup> and/or witnesses they would like to present at the hearing. For any witness, the party must also at that time provide a witness statement providing the witness's testimony. The Office of Student Conduct shall send each party the documents and witness statements provided by the other party.
  - 2. Two days prior to the hearing the complainant and respondent shall provide the Office of Student Conduct any documents and/or witnesses they would like to present in rebuttal to documents or witnesses the other party intends to offer. For any witness, the party must also at that time provide a witness statement providing the witness's testimony. For each rebuttal witness and document, the party offering it must identify the information they intended to rebut. The Office of Student Conduct may decide to exclude any material submitted that is not rebuttal information. The Office of Student Conduct shall send each party the documents and witness statements provided by the other party. Rebuttal information may be submitted once per hearing.

5. Administrative Hearings.

- a. Only the respondent, the respondent's advisor (if any), complainants (and advisor, if any), 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. The Office of Student Conduct may invite observers to attend an administrative hearing.

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<sup>[1]</sup> Documents include any recording of information, including written recordings, audio recordings, graphic recordings, and electronic recordings.

- b. At the administrative hearing, the respondent may present and explain all written materials, evidence, and statements previously provided per the process described above. The hearing officer may limit the evidence presented or direct the respondent to proceed if the information presented is irrelevant or redundant.
- c. The hearing officer shall consider all charges against the respondent. The hearing officer can ask questions of all witnesses, complainants, and the respondent.
- d. Administrative hearings may be recorded in the sole discretion of the hearing officer. No other party is allowed to record any portion of the hearing; any violation of this provision shall be a violation of the CSC and may result in sanctions. Upon request, students may be provided access to review the recording.
- e. If the hearing officer determines that a witness's statement contains relevant information, the hearing officer shall consider the witness statement as the witness's testimony. The witness must be present at the time of the hearing to answer questions from the hearing officer and opposing party, only. 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.
- f. If the complainant presents a witness at an administrative hearing, the respondent shall have the opportunity to ask questions of the witness.
- g. 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.
- h. 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.
- i. If the hearing officer finds the respondent responsible, the hearing officer shall determine the sanction.
- j. In some 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.

- k. 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. Complainants will also be notified of the outcome of a hearing if the alleged violations involve an act of violence, or if sanctions include suspension or dismissal.

## 6. CAB Hearings.

- a. Only the respondent, the respondent’s advisor (if any), complainants (and advisor), and witnesses shall be permitted to attend the CAB Hearing; the CAB Hearing shall be closed to the public. The Director of Student Conduct or designee shall determine if others will be present at a CAB hearing at any time. The Office of Student Conduct may invite observers to attend a CAB hearing.
- b. At the beginning of a CAB hearing, the respondent and complainant shall present an opening statement to the CAB. Opening statements are limited to five minutes.
- c. In certain cases, the University may serve in the capacity of complainant. This will be determined by the Director of Student Conduct or designee and may occur in cases (including but not limited to) when the referring party is not available, there is a concern for safety or retaliation, or the complainant is not named. The University representative serving as complainant will participate in the CAB hearing in a format similar to that of the respondent.
- d. At the CAB hearing, the respondent and complainant may present and explain all written materials, evidence, and statements previously provided per the process described above. 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 Office of Student Conduct; 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. Upon request, students may be provided access to review the recording.

- g. If the CAB chair determines that a witness's statement contains relevant information, the CAB shall consider the witness statement as the witness's testimony. The witness must be present at the time of the hearing to answer questions from the CAB and opposing party, only. The CAB 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.
- h. If the University presents a witness at 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 and complainant will present a closing statement to the CAB. Closing statements are limited to ten minutes, unless the hearing officer extends this timeline.
- 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, and will be disclosed at the conclusion of the hearing.
- l. If the CAB finds the respondent responsible, the respondent and the complainant (if any) shall have the opportunity at the hearing to recommend a sanction to the CAB. The CAB shall recommend sanctions 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 Office of Student Conduct will notify the respondent in writing of the decision and sanction, if any. In limited circumstances, complainants may also notified of conduct findings and sanctions, 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 outcome of the hearing.
2. An appeal must be based only upon one or more of the following reasons:
  - a. The discovery of new and material information that was unavailable at the time of the hearing that, had it been available, it would likely have resulted in a different outcome of either the findings or sanctions. Information is unavailable if it was not known or could not have been discovered by the party through the exercise of reasonable diligence prior to the hearing. A witness or party failing to appear at the hearing is not valid grounds for an appeal.
  - b. Material procedural irregularity in any part of the hearing process that had a material and significant impact on the outcome of the process.
  - 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 (by 5:00 p.m.). The appeal must be submitted using the form available on the Office of Student Conduct web page (<https://studentconduct.gmu.edu>). Appeals will consider only written materials, and no in-person appeal hearing is provided. Late appeals will not be considered.
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 who has no substantive prior knowledge of the case 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 at a later time at the discretion of the University.
8. Only one (1) appeal may be submitted per case. If a case is remanded for a new hearing, the respondent will have a new opportunity for one appeal.
9. At the request of a student, and with the approval of the Office of Student Conduct, if the sanction(s) imposed include a housing suspension, university suspension or dismissal, or other restrictions, these sanctions will not be imposed until the appeal decision is rendered. Students must make requests when filing an appeal on the Office of Student Conduct Website.
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 submitted; or (2) if an appeal is timely 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 act 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. Housing Probation - A period in which a respondent living in a campus residence hall, must act in a manner acceptable to the University and Housing and Residence Life. A violation of the terms of probation or further misconduct while on housing probation may result in a suspension or loss of housing privileges.
- e. 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.
- f. 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.
- g. Termination of Recognition - Terminating University recognition of a student organization for a specific or indefinite period of time.
- h. No Contact Order – An order requiring that the student have no contact with another individual. A no contact order will remain in place until all parties agree in writing to cancel the no contact order, pending approval by the Office of Student Conduct.
- i. Trespass – A student may not be permitted to access portions of, or the entirety of University property for a specified period of time.
- j. Suspension - An action which excludes the student from registration, class attendance, residence in University-owned or managed housing, and/or 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 Office of Student Conduct, 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 implemented 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 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.

- k. **Deferred Suspension** - A suspension (or housing 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.
- l. **Dismissal** - The permanent loss of the privilege of registration, class attendance, and residence in University-owned or University-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.
- m. **Revocation of Degree** – A student's recognition as a graduate or alumna/us is rescinded. This sanction may occur if a student is found in violation of an Act of Misconduct following their graduation from George Mason, if the Act was committed while considered a student.

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 with the regulations affecting a building.
- 3. **Holds**. A hold may be placed on a respondent's University account if a respondent:

- a. Is accused of violations that could result in a suspension or expulsion;
- b. Fails to schedule an appointment with the hearing officer after being notified to do so;
- c. Fails to attend a scheduled meeting with the hearing officer;
- d. Fails to complete an assigned sanction(s) by the specified deadline; or
- e. 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;
  - 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.

The OSC may notify other campus offices of interim actions if an educational need to know exists.

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 an interim measure by submitting an appeal submission form on the Office of Student Conduct website. 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 Housing and Residence 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 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**

Student conduct records are maintained separately from the student's official academic records, except in cases involving outcomes of suspension or dismissal. In cases involving outcomes of suspension or dismissal, notations are made on the respondent's academic record (transcript). Suspension notations will be removed after the time of the suspension has passed, and when all sanctions are complete. Complaining parties will be notified if the outcome of a student conduct proceeding results in suspension or dismissal.

Student conduct records are maintained in accordance with University policy, laws of the Commonwealth of Virginia, and federal requirements.

Students who wish to review their conduct record or disclose their conduct record to another party should contact the Office of Student Conduct directly.

Student records will be released internally within the University based on an educational need to know, and in accord with the guidelines provided above.

Records may be reviewed for alteration or removal at the student's request. For more information on records expungement, please visit the Office of Student Conduct Website at <https://studentconduct.gmu.edu>.

## **XII. SEXUAL MISCONDUCT**

Allegations of sexual misconduct, sexual harassment, or interpersonal violence that fall within the scope of University Policy 1202 (<http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>) are not investigated and adjudicated under the procedures of the CSC. 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 Policy 1202 above).

## **XIII. MEDICAL AMNESTY PROGRAM**

The Office for Student Conduct website provides 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. As a result of seeking help, the Office of Student Conduct may choose to not pursue formal disciplinary action with an intoxicated student and those who are providing assistance. Please see the Office of Student Conduct website (<https://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: August 15, 2020

**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 or 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, sexual misconduct, or interpersonal violence 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. Any 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, 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;
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 stolen property, or causing 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. it is not a defense to a charge of hazing that the individual being hazed allowed themselves to be hazed). 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 organization 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, Residential Student Handbook, etc.);

21. 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. For purposes of this section, "complicity" means condoning, supporting, encouraging, failing to remove oneself from association or participation in, or failing to report to the proper authorities any violation of the CSC;

23. Bias related incidents including, but 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, gender expression, or sexual orientation may subject the student or student organization 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 or referring a student out of concern for their well-being to another person, student, or a University employee. In order for conduct to constitute retaliation the accused student must have taken an adverse action against another individual because of that individual's participation in any portion of the referral or student conduct process or in order to deter the participating in the referral or student conduct process. Students may be found responsible for violating this policy regardless of the final outcome of the original student conduct process;



25. Non Gender Based Stalking which includes but is not limited to, any behavior that is non-gender based directed 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).