

## **Statement on Student Rights and Responsibilities**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community at the George Washington University, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on campus, in all learning experiences regardless of modality, and in the larger community. Students should exercise their freedom with responsibility.

All members of the academic community share the responsibility to secure and to respect general conditions conducive to the freedom to learn, regardless of the mode of interactions, including face-to-face and virtual, digital, or online settings or through electronic media. The university has a duty to develop policies and procedures that provide and safeguard this freedom.

The George Washington University believes that the procedures, rights, and safeguards outlined below are indispensable to achieving the goals desired -- freedom to teach, to learn, and to search for truth.

The primary purpose for the maintenance of conduct in the university setting is to protect the university community and to establish clear standards for civil interaction among community members. The university's goal, through maintenance of standards set forth in the Code of Student Conduct (Code), is to help students experience democratic citizenship and its attendant obligations and responsibilities.

### **I. Basic Assumptions**

#### *A. Freedom of Expression*

Student organizations and individual students shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. At the same time, it shall be made clear to the academic and the larger community that students and student organizations speak only for themselves in their public expressions or demonstrations.

GW students have the rights and responsibilities of a free academic community. They shall respect not only their fellow students' rights but also the rights of other members of the academic community to free expression of views based on pursuit of the truth and the right to function as citizens independent of the university.

*B. Freedom from Unlawful Discrimination*

The university will not permit unlawful discrimination on grounds of age, color, disability, gender, gender identity or expression, genetic information, marital or familial status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, and/or other characteristics protected by applicable law in any university-recognized area of student life. However, those organizations that are essentially and avowedly social fraternity and sorority groups may limit membership on the basis of sex.

*C. Student Rights in the Governing of the University*

The university is a community of scholars engaged in the search for knowledge. Students, faculty, and administrators participate in this search. In light of this, the student body shall have clearly defined means, including membership on appropriate committees and administrative bodies, to participate in the formulation and application of the institutional policy affecting student affairs. The concern of students, however, legitimately extends beyond what has normally been considered student affairs. Their interest in academic policies, for example, is a development to be encouraged bearing in mind the teaching -- learning context of the university community.

*D. Professional Rights of the Faculty*

In order to safeguard the professional rights of the faculty, no provision for the rights of students can be considered valid if it suspends professional rights or in any measure invades them.

**II. Students in Academic Programs**

The professor in the course and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

*A. Protection of Freedom of Expression*

Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

*B. Protection Against Improper Academic Evaluation*

Students should have protection through orderly procedures against discriminatory or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Except in instances that involve a student grievance based on allegation of unlawful discrimination for which other remedy is provided under "Student Grievance Procedures," a student who alleges an instance of arbitrary or capricious academic evaluation shall be heard and the allegation reviewed through faculty peer review

procedures established by the dean and faculty of the school in which the contested academic evaluation took place. Should the faculty member persist in refusing to alter the academic evaluation at issue, notwithstanding a finding by the peer review processes in favor of and upholding the complaint of the student, the Dean's Council and the dean shall afford the student an appropriate remedy after consultation with the peer review body.

*C. Protection Against Disclosure*

Information about student views, beliefs, and political associations, which professors acquire in the course of their work as instructors, advisors, and counselors, should be considered confidential. Protection against disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

*D. Standards of Behavior in Courses*

The primary responsibility for managing the learning environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the instructor to leave the class for the remainder of the class period. The term “prohibited . . . acts” includes behavior prohibited by the instructor (including, but not limited to, making unauthorized recording of any part of a class, online meeting, or other academic settings, persistently speaking without being recognized or called on, refusing to be seated, leaving or entering in a manner that is disruptive.). It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior. Longer suspensions from a class or dismissal on conduct grounds must be preceded by a student conduct process, as set forth in the Code.

### **III. Student Participation in Academic Policy-Making**

In light of the basic assumption of student involvement in academic affairs, each department or academic unit administering a degree program should encourage formation of an organization of its majors to reflect student views on matters of academic policy, and each department or other academic unit administering a degree program shall establish an advisory council representing faculty, students, and others as deemed advisable so as to provide a meaningful exchange of views on departmental policies among the parties so represented; provided, however, that the application to specific individuals of department policies on salary, promotions, and tenure is a matter of faculty and administrative responsibility.

In addition, clearly defined means for student participation in academic policy-making at the college or school level of the respective college or schools, where college- or school-wide advisory councils have not been established in accordance with the provisions above, shall be developed by faculty-student committees.

## **IV. Students as Members of the University Community**

### *A. Student Government*

The university recognizes the right of the students to form and democratically elect their governing bodies as a means to participate in discussion of issues and problems facing the academic community. The governing bodies shall function as representatives of the student to the administration and faculty of the university, as well as to the entire community.

The electorate of a university-wide student government shall consist of the entire student body. Any elected members of a governing body representing less than the entire student body shall be elected in such manner as to create or preserve essential representational equality.

### *B. Student Organizations*

#### **1. Freedom of Student Association**

The students of the George Washington University are free to organize and join organizations to promote their common and lawful interests, subject to university regulations. All members of a student organization must be currently registered students of the university. The fact of affiliation with any extramural association or national organization or political party should not of itself bar a student organization from registration or recognition. However, action may be taken to insure that the university does not, through the activities of student organizations, stand in violation of laws that place limits on use of university resources related to political campaigns. The administration and faculty shall not discriminate against a student because of membership in any student organization meeting the conditions of this section.

#### **2. Registration, Recognition, and Disclosures**

All student organizations shall be registered and recognized in accordance with university regulations. Registration or recognition may be withheld or withdrawn from organizations that violate university regulations. Registration and recognition procedures shall require identification of responsible officers. On a case-by-case basis, upon request of the university, organizations may be asked to provide a list of all members of their group to the Office for Student Engagement.

Once recognition of a student group or like organization has been withdrawn, no actions may be taken at or within the university in the name of that group or organization. Students who do so may be subject to student conduct action.

#### **3. Use of University Facilities**

Meeting rooms, technological resources, other university facilities, and funding should be made available, on an equitable basis, only to all registered student organizations, as far

as the primary use of these facilities and funding for other university purposes permits and in keeping with the best interests of the university.

Under the Bylaws of the university, only designated officers of the university may sign contracts binding on the university. Students may not sign contracts or agreements in the name of the university or a student organization or otherwise commit university or organization funds. Students who do so shall be held personally and financially liable for all costs and commitments made. Students should refer to the resources provided to student organizations, including policies and guidelines, found on the [Office for Student Engagement website](#) for information on contracting procedures.

*C. Student-Sponsored Forums*

Students shall have the right to assemble, to select speakers, and to discuss issues of their choice, provided that the assembly is lawful in nature, does not interfere with the processes of the university, and does not infringe upon the rights of others; the university reserves the right to prohibit assemblies having in its judgment the clear likelihood of failing to meet one or more of these conditions.

Students shall be allowed to invite and hear any person of their own choosing, subject to the conditions listed here. Those routine procedures required by the university before a guest speaker is invited to make an appearance shall be designed only to ensure that there is orderly scheduling of facilities, adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The control of university facilities shall not be used as a device to restrict a guest speaker's expression solely on the basis of disapproval or apprehension of that speaker's ideas or motives. However, it shall be made clear to the academic and larger community by sponsoring organizations that sponsorship of guest speakers does not necessarily imply university approval or endorsement of views expressed.

Students must recognize their responsibility to uphold the right of free speech and to permit invited speakers to appear and speak without disruption. The members of the university community are urged to hear all sides of controversial issues represented.

*D. Assembly, Petitions, and Demonstrations*

The George Washington University is committed to the protection of free speech, the freedom of assembly, and the safeguarding of the right of lawful protest at the university, including virtual, online and digital settings. Therefore, student organizations and individual students shall have the right to engage in behaviors such as distributing pamphlets, collecting names for petitions, and conducting orderly demonstrations provided these actions are not disruptive of normal university functions and do not encompass the physical takeover or occupation of university facilities and spaces, whether or not they are in use at that time.

While all students have the right to dissent and to protest, these rights shall not be exercised in such a manner as to obstruct or disrupt teaching, research, administration, conduct procedures, or other university activities. No one group or organization holds a monopoly on dissent or on freedom to hear all sides. Further, the fact that students may pursue their interests through speech and assembly at the university does not abrogate their accountability as citizens to the laws of the larger society, and the university is entitled to reflect these constraints in its own regulations.

Notwithstanding the foregoing, the university recognizes that protecting impromptu and spontaneous assembly for the purpose of expression, protest, and dissent is essential to fulfilling this commitment. Thus, the lack of a reservation to use space or other university resources is not by itself a basis for terminating any expressive activity, including impromptu activities, unless the protest or assembly conflicts with a previously scheduled event in the same location or is identified as engaging in behavior prohibited under university policy.

*E. Student Publications and Media*

The student press and media shall be free of censorship and advance approval of copy, while being governed by the canons of responsible journalism.

Editors and managers of student publications or broadcast stations shall be free from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes shall editors and managers be subject to removal and then by orderly and prescribed procedures. Such removal shall be deemed a form of student conduct action and therefore subject to fundamental fairness in student conduct cases. The agency responsible for the appointment of editors and managers shall be the agency responsible for their removal.

Even though certain publications may be financially dependent on the university, in the delegation of editorial responsibility to students, the university shall provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

All student publications that are published and financed by the university shall explicitly state on the editorial page that the opinions expressed are those of the publication and are not necessarily those of the university or the student body.

Any committees for the supervision of such publications or media shall have student members.

## **V. Regulations Concerning Student Life**

### *A. The Enactment of Regulations*

University-wide regulations intended to formalize general standards of student conduct may be recommended to the Board of Trustees by appropriate committees composed entirely of students or jointly of students, faculty, and administrative representatives. University-wide regulations do not contemplate specialized regulations or rules governing academic, business, administrative, or contractual matters, nor rules or regulations published by administrators, students, or faculty for the control of facilities or programs, such as those not normally submitted to the Board of Trustees for approval. Generally understood standards of conduct, such as respect for the persons or property of others, continue to apply and may form the basis of student conduct action though nowhere specified in particular detail.

It is the intent of this section to bring students into active participation in the formulation of certain university-wide regulations, and to encourage the inclusion of students as active participants in the formulation of those regulations to the extent that such involvement can be accomplished reasonably and practicably.

### *B. Standards of Fairness and Student Rights in Student Conduct Cases*

The George Washington University respects and is determined to protect the individual dignity and educational access of its students. At the same time, it requires that students comply with those conventions and regulations of university life that are necessary to maintain order, to protect individuals and property, and to fulfill its purposes and responsibilities as a university. To this end, the university realizes that the prevailing rule in matters of student conduct must continue to be that of common sense, and an excessive legalism can only disserve the university and its community of students, faculty, and staff. The model for student conduct procedures that the university adopts is that of the administrative process, not that of the criminal or civil courts.

The university student conduct process should not become excessively legalistic or adversarial. The student conduct bodies may find it necessary frequently and firmly to remind parties, witnesses, or advisors that the proceedings are not criminal or civil trials, that criminal or civil standards and rules of evidence are not controlling, and that the student conduct bodies shall enjoy considerable discretion to interpret, vary, and waive procedural requirements to the end that a just and fair decision may be obtained.

Following an alleged act of student misconduct, and until final disposition of the charges, the status of a respondent shall not be altered nor will their right to be present at the university and to attend courses be suspended, except when interim suspension is assigned because the continued presence of the respondent at the university, poses a threat to themselves or to others or to the stability and continuance of normal university functions.

The status of a student may change for reasons that are not related to student conduct or for reasons that are not based on student conduct action under the Code. Status changes that are administrative, academic, or in the interest of security of the university community are not governed by these student conduct procedures.

## **VI. Students as Members of the Community**

Students who violate a local ordinance or any law risk the legal penalties prescribed by civil authorities. An educational institution need not concern itself with every violation. Nevertheless, the university may take student conduct action against those students whose behavior off university premises is a violation to the Code, considering the seriousness of the alleged conduct or proximity to the university. This could occur not only in local neighborhoods, but also during study abroad or internships, through virtual, online, or digital settings, or through electronic media, among other situations or settings. The Office of Student Rights and Responsibilities will make determinations about such student conduct action on a case-by-case basis.

No student conduct action shall be taken by the university against a student for engaging in activities such as political campaigning, picketing, or participating in public demonstrations, so long as the student's behavior during such events does not otherwise violate university policy.

## **VII. Amendment, Interim and Emergency Powers, and Implementation**

### *A. Amendment, Interim and Emergency Powers*

In conformity with the University Charter and the Bylaws of the university, this statement may be amended by the Board of Trustees; the faculty retains interim power to discipline students prior to action of the Board of Trustees under regulations adopted by the Board of Trustees.

Nothing in this statement can infringe or intends to infringe upon the authority of the Board of Trustees to amend the statement. Further, this statement shall not prevent administration of the university from taking such action as it deems necessary to the functioning or welfare of the university in any matter prior to action of the Board of Trustees.

### *B. Implementation*

After adoption by the Board of Trustees, the provisions of this statement shall be put into effect in a manner that provides for both speedy implementation and orderly transition.

*Adopted by the Executive Committee of the Board of Trustees, August 7, 1970.*

*Last modifications effective July 1, 2019.*



## Code of Student Conduct

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

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

### II. Definitions

When used in this Code,

- A. **“Distribution”** means any form of sale, exchange, or transfer.
- B. **“Group”** means a number of persons who are associated with each other, but who have not complied with university requirements for registration as a student organization.

- C. **“Institution”** and **“University”** mean the George Washington University and all of its undergraduate, graduate, and professional schools, divisions, and programs.
- D. **“Organization”** means any number of persons who have complied with university requirements for registration with the university as a student organization.
- E. **“Protected Characteristics”** as used in this Code means those personal traits, characteristics, and/or beliefs that are defined by applicable law as protected from unlawful discrimination and/or harassment. They include age, color, disability, gender, gender identity or expression, genetic information, marital or familial status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, and/or other characteristics protected by applicable law.
- F. **“Respondent”** means any individual student, organization, or group charged with a violation under this Code.
- G. **“Student”** means any currently enrolled person, full-time or part-time, or on continuous enrollment, pursuing undergraduate, graduate, or professional studies, whether or not in pursuit of a degree or of any form of certificate of completion.
- H. **“Hearing Body”** means any entity tasked with resolving matters under this Code. This can include but is not limited to presiding officers, University Hearing Boards, and the Appeals Board.
- I. **“University Premises”** means buildings or grounds owned or leased by the university, or in which the university has an ownership interest, including, but not limited to, buildings or grounds in which students reside and university food service facilities are located; or facilities operated in the name of any officially registered student organization. This definition is not limited to buildings or grounds owned or leased by the university at the Foggy Bottom Campus.
- J. **“University-Sponsored Activities”** means events and activities initiated by a student, student organization, university department, faculty member, or employee that
  - i. Are expressly authorized, aided, conducted, or supervised by the university; or
  - ii. Are funded in whole or in part by the university; or
  - iii. Are initiated by an officially registered student organization and conducted or promoted in the name of that student organization and/or the university.

### **III. Interpretation of Regulations**

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

applies to the university's student conduct system or is relevant to the interpretation or application of the Code.

#### **IV. Inherent Authority**

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

#### **V. Interim Suspension**

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

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

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

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

- H. Resolving cases of student misconduct, including the assignment of sanctions.

## **VII. Prohibited Conduct**

Any student, group, or organization found to have committed misconduct is subject to student conduct action and to the sanctions outlined in this Code. Attempts to commit any of these acts of misconduct are included in the scope of these definitions. Acts of misconduct may occur in person, through a virtual, digital or online presence, or through electronic media. A party who is accused of being an accessory to a violation may be subject to the same charges as a directly accused party. The following are general categories of misconduct subject to student conduct action.

### A. Alcohol/Other Drug Violations:

#### i. Alcohol Violations

- a. Possession or use of alcohol by persons under 21;
  - 1. Possession or use of alcohol in a housing unit is strictly prohibited when all residents of a housing unit are under 21;
  - 2. Where persons 21 or older reside in university housing with a person who is under 21, only persons 21 or older may possess and consume alcoholic beverages within the shared space. If alcohol is found in a shared space, it will be presumed to belong to all members of the housing unit, regardless of age, unless evidence indicates otherwise;
- b. Possession or use of alcohol by persons 21 or older under circumstances not permitted by other university policies (e.g. open containers, alcohol-free locations, kegs or open-source containers, drinking game, etc.);
- c. Offering, providing, or otherwise making available any alcoholic beverage to any person under the age of 21;
- d. Intoxication on university premises or public property;

#### ii. Drug Violations:

- a. Possession or use of illegal drugs or controlled substances;
- b. Possession of paraphernalia containing residue from drugs or controlled substances;
- c. Manufacture or distribution of illegal drugs or controlled substances.

#### iii. Alcohol and Other Drug Related Harms:

- a. Use or possession of alcohol or other drugs with the intent of causing harm to another.

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

B. Destruction of Property: Destroying, defacing, or damaging the property of others. This includes but is not limited to university property, such as library holdings and residence hall equipment or furnishings.

C. Discriminatory Misconduct: Unlawful Discrimination and Discriminatory Harassment.

i. Unlawful Discrimination is adverse treatment of an individual based on a protected characteristic, rather than individual merit. Examples of conduct that can constitute unlawful discrimination if based on an individual's protected characteristic include but are not limited to:

- a. Singling out or targeting an individual for different or less favorable treatment (e.g. higher expectations, denial of leadership role) because of their protected characteristic;
- b. Restricting an individual's continued access to an educational program or activity or participation in a student organization or activity based on a protected characteristic.

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

ii. Discriminatory Harassment is any unwelcome conduct based on a protected characteristic where such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the university's educational, co-curricular, and/or campus-residential experience when viewed through both a subjective and objective standard. This means that an aggrieved party's subjective perception that certain conduct violates this provision must be objectively reasonable to constitute discriminatory harassment.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Discriminatory harassment:

- a. May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.

- b. Does not have to include intent to harm or be directed at a specific target.
- c. May be committed by anyone, regardless of gender, age, position, or authority.
- d. May occur in any context, although the context often involves a power differential between two persons, which may be due to differences in social, or educational relationships.
- e. May occur in the classroom, in the workplace, in residential settings, or in any other context or setting connected to the university or related activities.
- f. May be committed by or against an individual, organization, or group.
- g. May occur in digital environments including but not limited to social media, web sites, educational platforms, and electronic mail.
- h. May be a one-time event or may be part of a pattern of behavior.
- i. May be committed in the presence of others or when the parties are alone.
- j. May affect not only the person at whom it is directed, but also third parties who witness or observe harassment.

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

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

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

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

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

E. Disorderly Conduct: Disorderly conduct may include but is not limited to:

- i. Verbally abusing university officials acting in performance of their duties;
- ii. Acting in a manner that threatens, endangers, or harasses others;
- iii. Disrupting, obstructing, or interfering with the activities of others; or
- iv. Behaving in a lewd or indecent manner

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

F. Community Disturbance: Making excessive noise either inside or outside a building, including but not limited to shouting, pounding objects or surfaces, or playing music or other electronics at a loud volume.

G. Hazing: - Any action taken or situation created as part of a program to join, remain in, or receive new status within a group or organization which might reasonably endanger mental or physical well-being; or entail servitude, degradation, embarrassment, harassment, actual or perceived safety risk, or ridicule regardless of an individual's willingness to participate and regardless of the intent of those who create the situation or take the action.

Examples of hazing include but are not limited to:

- i. pressuring or coercing a student into violating university rules or local, state or federal law;
- ii. brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements;
- iii. forced/encouraged consumption of any food, liquor, drug, or other substance, or other forced/encouraged physical activity that could adversely affect the physical or mental health or safety of the student;
- iv. any activity that would subject the student to unreasonable mental stress, such as sleep deprivation;
- v. forced/encouraged exclusion from social contact;
- vi. forced/encouraged conduct that could result in extreme embarrassment; or
- vii. forced/encouraged activity that could adversely affect the mental health or dignity of the student.

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

H. Interfering With University Events: Interfering with any normal university or university-sponsored events, including but not limited to studying, teaching, research, university administration, fire, police, or emergency services.

I. Non-compliance: Failure to comply with reasonable directions of university officials, including University Police officers and representatives of Enrollment and the Student Experience acting in performance of their duties. This includes directives to adhere to orders of “no contact” or a “*persona non grata*” status, or to produce identification.

J. Physical Abuse: Engaging in conduct that is likely to cause physical harm. Degree of harm, intent to harm, and minimal self-defense to prevent a clear and imminent threat may indicate mitigating or exacerbating circumstances.

K. Regulation Violation: Any violation of other published university regulations including but not limited to The Alcoholic Beverage Consumption and Distribution Policy, regulations governing student organizations, residential agreements with the university, the Acceptable Use Policy for Computing Systems and Services, and the Gelman Library Rules and Regulations. A list of university policies is generally maintained at <https://compliance.gwu.edu/find-policy>

L. Safety Measures Violation:

- i. Misuse or damage to safety equipment, such as fire extinguishers, window stops, exit signs, or sprinkler heads (including hanging items from sprinkler heads);
- ii. Knowingly or negligently causing or attempting to cause a fire in a university building;
- iii. Initiating or causing to be initiated any false alarm/report, warning, or threat of fire, explosion, or other emergency;
- iv. Failing to evacuate a building during an emergency drill or actual emergency;
- iv. Intentional or unintentional throwing, dropping, allowing to fall, lowering of, or in any way putting any object, solid or liquid, out of a window or from any building structure including but not limited to a balcony, rooftop deck, stairwell, or any equivalent interior structure of any building; and
- vi. Use or possession of fireworks.

M. Sanction Violation: Violating the terms of any student conduct sanction assigned in accordance with this Code.

N. Sexual Misconduct: is an umbrella term, referring to a wide-range of unwelcome conduct of a sexual nature. Reported sexual misconduct violations will be addressed through the Sexual and Gender-Based Harassment and Interpersonal Violence Policy, not the Code of Student Conduct. This change is effective for reports made as of July 1, 2018.



- O. Theft: Theft of property or of services (e.g. parking or recreational facilities). This includes when a person is knowingly in possession of stolen property.
- P. Trespass: Entering or remaining on or in any part of any university premises without proper authorization.
- Q. Unauthorized Use of the University's Name: Any unauthorized commercial use (including for non-monetary gain) of the university's name, logo, or other representation.
- R. Violation of Law: Violation of federal, state and/or local law.
- S. Violation of Privacy:
- i. Taking photographs or making audio or video recordings of another person, without their permission, in any context in which that person has a reasonable expectation of privacy is prohibited. For example, individuals may not photograph or make recordings of other individuals in restrooms, locker rooms, residence hall rooms or suites without permission. In all instances, permission must be granted by all persons being photographed or recorded.
  - ii. In a situation in which it is not acceptable to take a photograph or make a recording, it is also not acceptable to publish a photograph or recording. Transmission, in print, by phone, via email, via social media, or any other means of technology constitutes publication. Publication of any photograph or recording is also subject to all applicable policies and laws, including copyright, in the same manner as any other image or document.
- T. Weapon Violation: Use, possession, or storage of any firearms, ammunition, knives, other weapons, or objects that could be construed as weapons. Items that pose a potential hazard to the safety or health of others are also prohibited.
- U. Residential Facilities Prohibited Conduct: The following acts of misconduct shall apply to all students residing in residential facilities owned or rented by the university through GW Housing.
- i. Responsibility for Visitors: Responsibility for non-resident visitors' conduct prohibited under this Code (including non-resident GW students).
  - ii. Animals: Keeping or hosting an animal in residential facilities that has not been registered through Disability Support Services, including animals brought for brief visits by a non-resident visitor. This does not include service animals brought by non-resident visitors with disabilities.
  - ii. Quiet Hours: Violation of established quiet hours in residential facilities, including failure to respond to requests from other residents or university personnel to lower the noise level of activity. Excessive noise in residential facilities may be defined as, but is not limited to, the following: blaring sound systems, banging on doors or

walls, shouting out of windows or down hallways, music, and shouting or talking that is audible beyond the confines of the room.

- iv. Residential Safety Hazards: Possession or use of items identified by the Office of Safety & Security as prohibited due to their hazardous nature. Prohibited items as determined by the Office of Safety & Security include, but are not limited to, the following: candles, incense, lanterns, oil lamps, flammable liquids for cleaning, burners for heating or any other purpose (ex. objects with open flames), halogen lamps of any shape or style, and any other potentially dangerous materials. Use of heat-producing appliances for food preparation in resident's licensed space or in any other area not specifically designated for this purpose is prohibited. Hanging sheets or similar combustible materials is also prohibited. A detailed list of prohibited items is available on the Office of Safety & Security website at:  
<https://safety.gwu.edu/prohibited-items-list>.

### **VIII. Case Referrals**

- A. Any person may refer students or student groups or organizations suspected of violating any part of this Code to the Office of Student Rights and Responsibilities ([studentconduct.gwu.edu](http://studentconduct.gwu.edu), 202-994-6757, or [rights@gwu.edu](mailto:rights@gwu.edu)). Any person who witnesses a violation in progress should report it immediately to the University Police Department at 202-994-6111.
- B. The Director of the Office of Student Rights and Responsibilities or designee will review the reported information to determine whether charges should be brought forward alleging violations of this Code. If charges are not appropriate, the relevant information may still be provided to another appropriate office at the university for further review and follow-up. Additionally, the Office of Student Rights and Responsibilities may offer the involved parties options and services regarding informal conflict management and resolution.
- C. In cases where the Director of Student Rights and Responsibilities or designee determines that outcomes are not likely to include removal from housing, suspension, or expulsion, the matter will be referred to a Student Conduct Conference for resolution. A Student Conduct Conference will normally consist of an informal, non-adversarial meeting between the respondent, and a university administrator or an experienced member of the University Hearing Board as designated by the Director of the Office of Student Rights and Responsibilities or designee. This person shall have all the roles and responsibilities assigned to a "presiding officer" under this Code.
- D. In cases where the Director of Student Rights and Responsibilities or designee determines that outcomes could reasonably include removal from housing, suspension, or expulsion, the matter will be referred to a University Hearing Board for resolution.

- E. The University Hearing Board is composed of between three and five full-time students to be selected from the pool. The pool shall consist of at least 10 full-time students selected according to the Selection and Removal of Hearing Board Members section of this Code. If the alleged misconduct may result in suspension or expulsion from the University, whenever possible, a faculty member or administrator will be included; however, the absence of a faculty member or administrator will not prevent the University Hearing Board from hearing a case. Quorum will consist of at least three students.
- F. An Ad Hoc Board may be appointed to hear any case which the Director of the Office of Student Rights and Responsibilities or designee determines in their discretion warrants resolution in this manner, and any case in which a University Hearing Board has been appointed but after reasonable effort cannot be constituted, obtain a quorum, or hear the case for other reasons. Ad Hoc Boards shall be composed of between one and five administrators, faculty members, students, or any combination thereof.
- G. Any respondent scheduled for a hearing before a University Hearing Board may elect to have a Student Conduct Conference instead. In such a case, the conference will be considered a “Board- Level Student Conduct Conference”. If violations are found, the full range of sanctions may be assigned as appropriate, including removal from housing, suspension, and expulsion.
- H. In cases where the respondent wishes to accept responsibility, the case may be resolved via a Student Conduct Agreement at the discretion of the Director of Student Rights and Responsibilities or designee. The agreement will include a statement that the respondent accepts a finding of in violation for all alleged violations. The agreement will also include sanctions appropriate to the totality of information known about the case. Student Conduct Agreements can include any status sanction (see sanction section), up to and including suspension and expulsion. If a Student Conduct Agreement is reached, the respondent waives all rights to appeal. Student Conduct Agreements take effect when signed by the respondent and the Director or designee. If a respondent declines to accept a Student Conduct Agreement, the case will proceed as originally referred.
- I. When the Director of the Office of Student Rights and Responsibilities or designee determines that the initial facts of a case indicate a low-level educational sanction and a warning status sanction against similar future behavior is the maximum appropriate outcome, a warning may be issued following initial review of the case. (See status sanctions section on “warning.”) This warning does not constitute a student conduct record and will not be reported as such to third parties. The respondent may request a fact-finding process to refute the assignment of a warning status and any attending educational sanction. In that event, the respondent will be offered a Student Conduct Conference.

- J. Any case that arises before or during a summer, academic, or holiday break period may be heard during that same break period if a relevant hearing body is available. Otherwise, the case will be adjudicated during the following academic semester.
- K. The Student Parking Violations Board considers appeals of offenses for which a ticket was issued by Parking Services, as well as other parking matters referred by the Office of Parking Services. It may both assign and reduce prescribed fines or suspensions of parking privileges. The Board is composed of three full-time students. Board decisions are subject to administrative review at the discretion of the Director of the Office of Student Rights and Responsibilities or designee, but are otherwise considered final and conclusive. Requests for appeal of parking tickets must be submitted in writing to the Office of Parking Services within thirty business days from the date the ticket was issued. Failure to appeal within this allotted time will render the original decision final and conclusive.
- L. In cases that could have resulted in removal from housing, suspension, or expulsion (i.e. those initially referred to a University Hearing Board, regardless of the eventual method of resolution) the recommended outcome will be forwarded to the Director of the Office of Student Rights and Responsibilities or designee for review. The Director of the Office of Student Rights and Responsibilities or designee shall either adopt the sanction recommended by the Board or assign another or no sanction within their discretion. In cases of suspension or expulsion, the Dean of the Student Experience or designee, in concurrence with the Provost and Executive Vice President for Academic Affairs or designee, will assign sanctions.

## **IX. Procedural Guidelines**

- A. The following procedural guidelines are generally applicable to all forms of student conduct proceedings, unless otherwise noted. These procedures exist to establish standards of fundamental fairness, and minor deviations from procedural guidelines for proceedings suggested in this Code shall not invalidate a decision or proceeding unless significant prejudice to the participating parties, including the university, may result, as determined by the Dean of the Student Experience, or designee.
- B. It is expected that all participants in the student conduct process will provide information that is true and correct. Any student who knowingly provides false information during a student conduct process may be charged according to this Code. Any faculty or staff member who knowingly provides false information during a student conduct process will be referred to Human Resources and/or the Office of the Provost as is appropriate.
- C. Student conduct processes will be closed to the public.
- D. Student conduct processes may be recorded. The method used is at the discretion of the Director of the Office of Student Rights and Responsibilities or designee.

- E. Prior to any proceeding, the Director of the Office of Student Rights and Responsibilities or designee may appoint a presiding officer in complex cases.
- F. For cases where a reporting party or complainant requests to participate in a student conduct process, the Director of Student Rights and Responsibilities or designee may allow the reporting party/complainant to participate to the extent necessary, in the sole determination of the SRR Director or designee, to create a complete and fair hearing record, including an assessment of harm and how it might be remedied. This participation could include any of the following:
- attending any student conduct proceeding,
  - questioning the respondent,
  - responding to questions from the respondent and the hearing body,
  - presenting witnesses,
  - submitting an impact statement describing how the alleged misconduct has affected the reporting party/complainant, or
  - receiving information about the outcome, consistent with law.
- G. Any party may challenge a Board member or presiding officer on the grounds of personal bias before the student conduct proceeding commences. The decision to disqualify a Board member or presiding officer will be made by the Director of the Office of Student Rights and Responsibilities or designee. This decision is final.
- H. Formal rules of evidence will not be applicable in student conduct proceedings described in this Code.
- I. Statements regarding the character of parties will not be considered unless deemed directly relevant to specific facts of the case by the Director of Student Rights and Responsibilities or designee. Participating parties are permitted to provide impact statements that address how the reported behavior has affected them and others.
- J. The following rights shall be provided to a respondent in any university student conduct proceeding.
- i. The right to notice of charges and date of a student conduct proceeding at least three days before that conduct proceeding.
  - ii. The right to receive notice with enough specificity to reasonably prepare a response.
  - iii. The right to question and respond to information that will be used to make a decision in a case.
  - iv. The right to produce witnesses or witness statements on one's own behalf, including the possibility to present witnesses or witness statements from persons, who are not affiliated with the university; to present evidence; to know prior to the proceeding the contents of and the names of the authors of any written statements that may be introduced against themselves and to respond to such statements.

- v. The right to request that SRR call additional witnesses provided such witnesses are reasonably available and would provide information relevant to the charge(s).
  - vi. The right to a decision based upon evidence. The student conduct process does not, however, attempt to adhere to formal rules of evidence, as in a court of law. The reliance upon evidence shall be determined by principles of fundamental fairness.
  - vii. The right not to be sanctioned unless the hearing body finds by a preponderance of the evidence that the respondent is in violation.
  - viii. The right to be accompanied in all proceedings by an advisor (student, faculty, or other) of the party's choosing and at the party's own expense. This does not include a right to have all student conduct proceedings scheduled around the availability of the advisor.
  - ix. The right to appeal decisions to a higher authority or hearing body within the administrative processes provided in this Code.
  - x. The right to have cases processed in a time frame that balances expediency with thoroughness. This includes the right to be kept informed of any cause of any delays to the extent allowed by law.
  - xi. The right to reasonable access to the case file will be provided at least three days prior to and during the proceeding. Case files contain student educational records so access will be provided consistent with the Family Educational Rights and Privacy Act of 1974 ("FERPA"). This typically includes the ability for a student to view or listen to the entirety of documents relevant to their individual case, with the identifying information of other students removed. The personal notes of university staff members will not be included in the case file. The case file will be retained in the Office of Student Rights and Responsibilities.
- K. The Director of Student Rights and Responsibilities or designee or the presiding officer may limit the presentation or number of witnesses in order to prevent repetition or delay or the presentation of irrelevant or immaterial information.
- L. If a respondent does not appear after written notice, the case will proceed without their participation, and a decision will be made based on the available information.
- M. Any student participant may decline to answer questions or elect not to speak on their own behalf.
- N. Written statements authenticated by the Director of the Office of Student Rights and Responsibilities or designee may be accepted or other forms of participation may be made at the discretion of the Director of Student Rights and Responsibilities or designee in lieu of in-person statements.

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

#### **X. Representatives and Advisors**

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

## **XI. Sanctions**

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

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

- the nature of the violation and the incident itself;
- the impact of the conduct to the individuals;
- the impact or implications of the conduct on the university community;
- prior misconduct by the respondent, including the respondent's relevant prior student conduct history, both at the university or elsewhere, and any criminal convictions, if such information is available and known;
- any expression of remorse or acceptance of responsibility by a respondent;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the university community;
- the necessity of any specific action in order to eliminate the prohibited conduct, prevent its recurrence and remedy its effects on members of the university community; and,
- any mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

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

- A. Status Sanctions - Those sanctions that reflect a change in the respondent's status in the student conduct system.
  - i. Warning - An initial directive against similar behavior in the future. For purposes of external reporting, cases resulting in a warning do not create a student conduct record that is subject to release unless a subsequent violation occurs.
  - ii. Censure - An official written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct will be cause for additional student conduct action.
  - iii. Disciplinary Probation - Period of probation when access to participate in certain activities may be limited, including activities in which the student represents the university (e.g. intercollegiate or club athletic activities), student leadership positions, study abroad programs, academic honor ceremonies (e.g. graduation), and other programs (e.g. student organizations or groups). Additional restrictions or conditions may also be assigned. Violations of student's probation or



additional violations of this Code during the period of probation, may result in suspension or expulsion from the university if student is found in violation of new charges.

- iv. Removal from Housing - Termination of residence contract and exclusion from visiting within certain or all residential facilities as set forth. Any respondent who is removed from housing shall not be entitled to a refund of room fees. Respondents who are removed from housing may not reside in other university-owned/controlled housing unless a waiver is granted by SRR.
  - v. Suspension - Exclusion from classes and other privileges or activities, including access to university premises or university-sponsored activities off campus, as set forth in the notice of suspension, for a specified period of time. Any student who is suspended shall not be entitled to any tuition or fee refund and is barred from university premises until readmitted to the university.
  - vi. Expulsion - Termination of student status and exclusion from university privileges and activities, including access to university premises or university-sponsored activities off campus, in perpetuity. Any student who is expelled shall not be entitled to any tuition or fee refund and is barred from university premises.
  - vii. Other status sanctions - Other sanctions may be assigned instead of, or in addition to, those specified above. For example, students may be subject to restrictions regarding certain university privileges (e.g. parking, use of recreational facilities, use of information technology resources). Students may be directed to have “no contact” with other students and/or may be forbidden to access specified areas (“persona non grata”).
- B. Active Sanctions - Those sanctions that require action by the respondent in order to be completed.
- i. Alcohol and other drug review - This sanction encompasses a variety of assessments and interventions designed to help individuals make choices regarding alcohol and other drug use that are consistent with their goals and continued presence at the university. Specific assessments or interventions will be determined by health and wellness professionals; SRR will make the referral to those professionals. Those assigned this sanction will be required to comply with any and all requirements determined by the health and wellness professionals. To the extent permissible under relevant law, those professionals will provide SRR with a brief summary of what assessments or interventions were assigned, as well as whether or not the respondent completed them. Details of those assessments and interventions will not routinely be provided to SRR.
  - ii. Apology - A possible sanction when the respondent’s wish to apologize is demonstrably sincere and the harmed party is open to receiving the apology.

- iii. Community engagement - Attendance at or development of an event within the community. The event should be focused on repairing the harm caused to the community, as well as restoring the respondent's connection to the GW community.
- iv. Community restitution project - A project or effort to be designed primarily by the respondent with a focus on repairing the harm caused by the incident.
- v. Fine - A monetary or other quantifiable, material payment the respondent will make, typically to the university.
- vi. Meetings - An assignment to meet with a designated person or office for the purpose of specific educational topics or outcomes. The number and frequency of meetings will be determined on a case-by-case basis.
- vii. Reflective project - A project by the respondent, possibly in the format of their choosing (spoken word (recording), visual art, writing, etc.) in which they reflect upon and demonstrate their learning from the incident and how they will move forward.
- viii. Restitution - Repayment (monetary or otherwise) to the university or to a harmed third party for damages, loss, or injury resulting from a violation of this Code.
- ix. Workshop - Assignment to complete a specific training workshop, designed or selected to address specific learning outcomes or topics.
- x. Other - At the discretion of the hearing body, other active sanctions may be assigned. Active sanctions should always focus on helping the respondent understand the harm related to their incident, how to repair that harm, and how to succeed as an active and contributing citizen in the GW community.

In determining what sanction or other action might be appropriate, the university may require a behavioral assessment conducted by a licensed professional to assess the respondent's capacity to change behavior and succeed in the GW community.

## **XII. Appeals**

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

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

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

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

- A. Student groups and organizations may be charged with violations of this Code.
- B. When a student or student organization has reportedly violated university policy, the adjudication, resolution, and assignment of sanctions regarding that conduct shall occur as described in the relevant university policy. Student organizations may only take adjudicatory or sanctioning action for violation of university policies with the written

approval of the Director of Student Rights and Responsibilities or designee. Groups affiliated with national organizations that have established guidance and procedures over disciplinary matters, may follow the directive of those national organizations with regard to member conduct but must do so in consultation with the university.

- C. A student group or organization may be held collectively responsible and its officers may be held individually responsible when violations of the Code by those associated with the group or organization have occurred.
- D. A position of leadership in a student group, organization, or athletic team entails responsibility. Student officers cannot permit, condone, or acquiesce in any violation of this Code by the group or organization.
- E. This section of the Code is also designed to hold a group, including athletic teams, student organizations, and their officers, accountable for any act of hazing or other prohibited conduct. Reporting to the university or any university official, cooperating with any related student conduct processes, and seeking assistance to remedy such situations will typically be considered a mitigating factor in such cases.
- F. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Director of the Office of Student Rights and Responsibilities or designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Director of the Office of Student Rights and Responsibilities or designee's directive shall be considered a violation of this Code by the officers, leaders, or spokesperson for the group or organization and by the group or organization itself.
- G. Sanctions for group or organization misconduct may include revocation and denial of registration, as well as other appropriate sanctions.

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

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

Responsibilities or designee. Factors to be considered in reviewing petitions for suspension notation removal include the current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the damage, injury, or harm.

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

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

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

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

## **XVII. Conflicts**

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

*Approved – October, 1996, last revised for July 1, 2019 implementation.*