

## **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 the 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 the 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 social fraternity and sorority groups may limit membership on the basis of sex.

## C. Professional Rights of the Faculty

Nothing in this Statement shall be deemed to revoke or alter any right a faculty member may have under the Faculty Code or other applicable agreement with the University.

## D. 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.

# 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 reported student concern based on allegation of unlawful discrimination for which other remedy is provided under "Student Discrimination Report 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. An allegation of improper academic evaluation may proceed either through the faculty peer review procedures established by the dean or the Student Discrimination Report Procedures (not both). 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, or using unauthorized technology in, 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, by itself, is not 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 the 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 policymaking 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 students to form and democratically elect their governing bodies as a means to participate in the 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 itself bar a student organization from registration or recognition. However, action may be taken to ensure that the university does not, through the activities of student organizations, stand in violation of laws that place limits on the 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 in order to receive the benefits of the use of university facilities and other university benefits. Registration or recognition may be withheld or withdrawn from organizations that violate university regulations. Registration and recognition procedures shall require the 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 Life.

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 registered student organizations. Access to facilities shall be consistent with the primary use of these facilities and access to funding shall be provided to the extent funding for other

university purposes permits. Use of facilities shall be in keeping with the best interests of the university.

#### **4. Signing Contracts**

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 Life 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 means 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 in 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 excessive legalism can only dissuade 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 to remind parties, witnesses, or support persons 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 the 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 in the university community poses a threat to any person 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 the 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 or criminal 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 of the Code, considering the seriousness of the

alleged conduct or proximity to the university or university-sponsored or affiliated events. 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. Conflict Education & Student Accountability (CESA) 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. Interim and Emergency Powers, and Implementation**

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

Amendments to this Statement may be initiated by the Provost, the Dean of Students or their designees. Substantial amendments will be shared with the Faculty Senate and Student Association prior to implementation. All amendments must be approved by the Provost and University President.

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 the approval action of the University President.

### **B. Implementation**

After approval by the President, 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 August 15, 2023.*



## Code of Student Conduct

### I. Purpose and Fairness in the Student Conduct Process

- A. The purpose of a student conduct process is to review reported violations of the Code of Student Conduct (the Code or this Code) and assess whether or not the evidence indicates it is more likely than not that those reported violations occurred. When Code processes determine that it is more likely than not that violations have occurred, the Code will also guide the process to determine outcomes for those violations.
- 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 conduct process is not a court of law and does not attempt to imitate a court of law. The purpose of publishing student conduct regulations is to inform the University community of prohibited behavior and the University's procedures for addressing reports of prohibited behavior.
- D. This Code is not written with the specificity of a criminal statute and it does not attempt to imitate criminal or civil codes, cases, or statutes. Any similarity to the language of any criminal statute does not mean that such language or statute applies or is relevant to the University's student conduct system.
- E. This Code and any changes to it will be interpreted to comply with applicable legal requirements.
- F. Procedures shall reflect standards of fundamental fairness. Minor deviations from procedural guidelines suggested in this Code, shall not invalidate a decision or process. The Vice Provost for Student Affairs and Dean of Students or designee may invalidate a decision or process when they determine deviations significantly impacted the rights of the involved students and/or the University.

### 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. **“Hearing body”** means any entity tasked with resolving matters under this Code. This can include but is not limited to presiding officers, Student Conduct Panel, and the Appeals Panel.

D. “**Institution**” and “**university**” mean The George Washington University and all its undergraduate, graduate, and professional schools, divisions, and programs.

E. “**Organization**” means any number of persons who have complied with university requirements for registration with the university as a student organization.

F. “**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.

G. “**Respondent**” means any individual student, organization, or group charged with a violation under this Code.

H. “**Student**” means any person currently enrolled whether full-time, part-time, or visiting, on a leave of absence or continuous enrollment, pursuing undergraduate, graduate or professional studies, whether or not in pursuit of a degree or of any form of certificate of completion. An individual new to the university is a student for purposes of this Code on the first day of classes or when participating in any official university activity, whichever occurs first. “Official university activity” can include residence in university residential facilities.

I. “**University premises**” means buildings or grounds owned, leased, or controlled by the university. University premises can also include buildings or grounds in which the university has an ownership interest. This includes, but is 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

- Are expressly authorized, aided, conducted, or supervised by the university; or
- Are funded in whole or in part by the university; or
- Are initiated by an officially registered student organization and conducted or promoted in the name of that student organization and/or the university.

#### K. **When and Where the Code Applies**

A. Conflict Education & Student Accountability (CESA) in the Division for Student Affairs is responsible for the general administration of this Code. This includes but is not limited to the following:

- Directing the efforts of students and staff members in matters involving student conduct.
- Supporting the university's mission of guiding students to become more responsible citizens.
- Determining the student conduct charges to be filed according to this Code.
- Developing procedures for informal and/or restorative conflict resolution.
- Collecting and sharing research and analysis concerning student conduct.
- Conducting student conduct proceedings.
- Gathering facts and relevant information in order to make an effective determination about case referrals and outcomes. This may include gathering relevant and available university records and interviewing parties and witnesses involved in reported incident,
- Providing information to community members, particularly student conduct process participants, regarding the student conduct process.
- Maintaining all records of matters that are handled through conduct processes.
- Resolving cases of student misconduct, including the assignment of sanctions.
- Training and advising the hearing bodies.

Conduct that is addressed through the university's Title IX Sexual Harassment and Related Conduct Policy is not addressed under this Code. Where conduct involves potential violations of both this Code of Student Conduct and the Title IX Sexual Harassment and Related Conduct Policy, the university may investigate that conduct under the Title IX Sexual Harassment and Related Conduct Policy.

B. The Code of Academic Integrity is a separate set of procedures for a separate category of cases. The Code, and any statements of procedure included in the Statement of Student Rights and Responsibilities, do not necessarily apply in Academic Integrity proceedings. In academic integrity cases, the Code of Academic Integrity determines the procedures. Procedures in the Code of Academic Integrity supersede this Code, as well as the Statement of Student Rights and Responsibilities, for those matters.

C. Further, nothing in this Code limits academic freedom, which is a leading value of the university. This Code shall not be interpreted to restrict 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 Code

D. This Code shall apply to behavior that occurs in any of the following settings:

- on university premises.
- at or as part of a university academic program or university-sponsored activities or events (virtual or in-person).
- at events hosted, organized, sponsored, or managed by registered student organizations (virtual or in-person).
- off university premises, considering the seriousness of the reported behavior or closeness to the university or university sponsored or affiliated events. This can include, but is not limited to, behavior which occurs in local neighborhoods, during study abroad or internships, through virtual settings, or among other situations or settings. CESA will make determinations about such student conduct action on a case-by-case basis.

- E. Students who violate the law also risk legal penalties from civil authorities. Students may be accountable both to civil authorities and to the university for behaviors that are violations of law and also of this Code. Even if criminal charges involving the same behaviors have been dismissed or reduced or that no criminal charges have been brought, student conduct processes at the university may proceed independently.
- F. This Code of Student Conduct (or any of its provisions) does not apply to students enrolled in the Medical Degree program unless expressly stated in the Regulations for M.D. candidates. Students enrolled in the Medical Degree program should refer to the Regulations for M.D. Candidates for their respective class to determine which provisions of this Code, if any, apply during their enrollment.
- G. This Code does not apply to students admitted to the University through any Pre-College Programs for the duration of their enrollment in that Pre-College Program.
- H. Further, nothing in this Code of Student Conduct prohibits individual schools and/or academic programs from establishing additional policies or regulations relating to expectations for student conduct. This could include, but is not limited to, standards of professional comportment and/or ethical conduct. Students may be held accountable to both this Code of Student Conduct and any such school/academic program-specific policies, as applicable.

#### **IV. Temporary and Immediate Suspension and Exclusion from Housing and Campus**

Whenever there is evidence that the continued presence of the respondent in the university community poses a threat to any person or to the stability and continuation of normal university functions, the university may take temporary and immediate action to limit the respondent's activities in the community. In these circumstances, the Vice Provost for Student Affairs and Dean of Students or designee may remove a respondent from university housing, exclude a respondent from campus, or suspend a respondent from the university. The Vice Provost for Student Affairs and Dean of Students or designee will make this decision following consultation with the Provost and Executive Vice President for Academic Affairs or designee and may consult with other university administrators, as appropriate. This will be for a temporary period not longer than 21 days, pending student conduct proceedings. This temporary action shall be considered an excused absence.

#### **V. 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 also included in 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 assisting another party in committing a violation of any university

policy, including this Code, may be subject to the same or similar charges as a directly accused party.

The following are general categories of misconduct subject to student conduct action.

A. Access without Authorization: Entering or remaining on or in any part of any university premises without valid permission.

B. Alcohol/Other Drug Violations:

- Alcohol Violations
  - Possession or use of alcohol by persons under 21;
    - 1. Possession or use of alcohol in a housing unit (including common areas) is strictly prohibited when all residents of a housing unit are under 21;
    - 2. When someone 21 or older is living with someone under 21 in a university housing unit, only persons 21 or older may possess and consume alcoholic beverages within the shared space. If alcohol is found in a shared space, the university assumes that the alcohol is shared by all residents unless the residents provide evidence that the alcohol was not shared with all residents;
  - Regardless of age, possession or use of alcohol that is prohibited by other university policies or includes open containers, alcohol-free locations, kegs or open-source containers, and drinking games;
  - Offering, providing, or otherwise making available any alcoholic beverage to any person under the age of 21;
  - Intoxication on university premises or public property.
- Drug Violations:
  - Possession or use of illegal drugs. This includes use/possession of marijuana, use/possession of another person's prescription medication, use/possession of prescription medication without a valid prescription, etc.
  - Abuse of controlled substances or intoxicating substances;
  - Possession or use of paraphernalia containing residue from illegally used/possessed drugs, controlled substances, or intoxicating substances;
  - Manufacture or distribution of illegal drugs or controlled substances.
- Alcohol and Other Drug-Related Harms:

- 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 and Other Drug 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.

C. 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 in a manner that disturbs others.

D. Discriminatory Misconduct: Prohibited Discrimination and Discriminatory Harassment

- Prohibited Discrimination is the adverse treatment of an individual or group(s) that meets both of the following criteria
  - Based on a protected characteristic, rather than individual merit and
  - Interferes with an individual's participation in a university program or activity. This could include, but is not limited to, restricting an individual's continued access to or participation in an education program or activity, including co-curricular and residential experiences. This also includes singling out or targeting an individual for different or less favorable treatment (for example, higher expectations, denial of a leadership role).
- Discriminatory Harassment is
  - 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; and
- 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; and
- These criteria are 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:

- May be blatant and intentional and involve an obvious action, a threat, or revenge.
- May be subtle and indirect, with a coercive aspect that is unstated.
- Does not have to include intent to harm or be directed at a specific target.

May be committed by anyone, regardless of protected characteristic, gender, age, position, or authority.

- May occur in any context, including but not limited to social, work, or educational relationships that include a power differential.
- 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. Incidents that occur off-campus can also be discriminatory harassment, consistent with other provisions in this Code regarding off-campus behavior.
- May be committed by or against an individual, organization, or group
- May occur in digital environments including but not limited to social media, websites, educational platforms, and electronic mail.
- May be a one-time event or may be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect not only the person at whom it is directed, but also third parties who witness or observe harassment.

E. Dishonesty and Misrepresentation: Non-academic dishonesty, including but not limited to,

- Misrepresenting information or providing false information to university officials. Misrepresentation of information includes but is not limited to age, name, date of birth, or residence;
- Providing false or misleading information regarding affiliation with or relationship to the university. This includes providing false or misleading information regarding enrollment status or degrees or credentials in progress or conferred by the university if that false or misleading information impacts the university (e.g., false information is provided to potential graduate schools or employers).
- Providing false or misleading information during any university process, including any conduct process;
- Forgery, unauthorized alteration, or unauthorized use or possession of any documents, records, or identification cards, including fraudulent government identification.

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

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

- Acting in a way that threatens, endangers, or harasses others, including verbal, written, or any other form of communication;
- Disrupting, obstructing, or interfering with the activities of others, including university events; or
- Behaving in a lewd or indecent manner or causing others to do so.

G. Hazing: Any action or situation that occurs as part of a program to join, remain in, or receive new status within a group or organization if that action or situation might reasonably lead to any one of the following:

- endangering mental or physical well-being or;
- include servitude, degradation, embarrassment, ridicule, or harassment or;
- actual or perceived safety risk,

An action or situation can be hazing 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:

- a. any activity that would subject the student to unreasonable mental stress, such as sleep deprivation;
- b. brutality of a physical nature, such as whipping, beating, branding, forced exercise, exposure to the elements;
- c. forced/encouraged activity that could adversely affect the mental health or dignity of the student.
- d. 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;
- e. forced/encouraged exclusion from social contact; forced/encouraged conduct that could result in extreme embarrassment; or
- f. pressuring or coercing a student into violating university rules or local, state, or federal law.

Individuals, groups, and organizations may be charged under this provision, as well as any other violations that may apply.

Students making good faith reports of hazing in which they did not participate or facilitate may be eligible for immunity from conduct action for (a) hazing and (b) personal consumption of drugs or alcohol. In order to be eligible for immunity, the following must be all be true:

- The report must be made in good faith.
- The reporting student must not have been participating in or facilitating the reported hazing behavior. Victims of hazing will not be considered to have been



- “participating in” the hazing.
- The report must be made before or during the reported act of hazing.
- The reported incident of hazing must have caused injury or be likely to cause injury.

The university may still assign educational and restorative outcomes to those receiving immunity.

Regardless of whether students are eligible for immunity as described above, the following will typically be considered a mitigating factor for individual student conduct cases, as stated in Section XI(E) (Student Groups and Orgs) of this Code:

- reporting to the university or any university official,
- cooperating with any related student conduct processes, and/or
- seeking assistance to remedy situations of student group hazing or other prohibited conduct.

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

I. Non-compliance: Failure to comply with reasonable directions of university officials (provided in writing or verbally) acting in performance of their duties. This includes but is not limited to including GW Police officers and representatives of Student Affairs. This includes directions to produce identification or comply with barring notice, and no contact orders.

J. Outcome Violation: Violating the terms of any student conduct sanction or other outcome assigned in accordance with this Code.

K. Physical Abuse: Engaging in conduct that is likely to cause physical harm except where the conduct is in self-defense. Self-defense means the minimal amount of effort needed to prevent a clear and imminent threat of physical harm to oneself. Degree of harm and intent of harm may indicate mitigating or exacerbating circumstances.

L. Regulation Violation: Any violation of other published university regulations and policies, including but not limited to the following:

- The Events with Alcohol 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>

M. 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 Campus Living & Residential Education.

- Animals: Keeping or hosting an animal in residential facilities that has not been registered through Disability Support Services. This includes animals brought for brief visits by a non-resident visitor. This does not include service animals.
- Quiet Hours: Violation of established quiet hours in residential facilities. This includes 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 can be heard beyond the confines of the room.
- Residential Safety Hazards: Possession or use of items identified by the Office of Safety & Facilities as prohibited due to their hazardous nature. A detailed list of prohibited items is available on the Office of Safety & Facilities website at: <https://safety.gwu.edu/prohibited-items-list>. Use of heat-producing appliances for food preparation in the resident's licensed space or in any other area not specifically designated for this purpose is prohibited. Hanging sheets or similar combustible materials are also prohibited.
- Responsibility for Visitors: Responsibility for non-resident visitors' conduct prohibited under this Code (including non-resident GW students).

N. Safety Measures Violation:

- Misuse or damage to safety equipment, such as fire extinguishers, window stops, exit signs, or sprinkler heads (including hanging items from sprinkler heads);
- Knowingly or negligently causing or attempting to cause a fire in a university building;
- Initiating or causing to be initiated any false alarm/report, warning, or threat of fire, explosion, or other emergency;
- Failing to evacuate a building during an emergency drill or actual emergency;
- Intentionally or unintentionally 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
- Use or possession of fireworks on university premises.

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. 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.

Q. Violation of Law: Violation of federal, state, and/or local law.

R. Violation of Privacy:

- When a person has a reasonable expectation of privacy and has not given their permission to be observed, recorded, or photographed, students are prohibited from doing any of the following:
  - Surreptitiously or secretly observing, photographing, or recording another person;
  - Surreptitiously or secretly receiving photographs or recordings of another person; or
  - distributing photographs or recordings of another person

These actions are also prohibited in a learning environment (e.g., classroom or online learning) where the instructor has communicated that these actions are prohibited. In addition, 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.

- In a situation in which it is prohibited to observe or take a photograph or make a recording, it is also prohibited to publicly disclose that observation or publish a photograph or recording. Transmission, in print, by phone, via email, via social media, or any other means of technology is considered 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.

Documentation for the sole purpose of reporting possible violations of law or university policy to the relevant officials may mean the recording does not violate this policy or it may be treated as a mitigating factor. Note that this policy does not necessarily alter obligations to follow state, local, or federal laws regarding recordings and privacy.

S. Weapon Violation: Unauthorized use, possession, or storage of any object prohibited by the university firearms and weapons policy as outlined in <https://compliance.gwu.edu/firearms-and-weapons>. This includes items that could reasonably be construed as weapons.

## **VI. Case Referrals**

- A. Any person may refer students or student groups, or organizations suspected of violating any part of this Code to CESA (202-994-6757, or [cesa@gwu.edu](mailto:cesa@gwu.edu)). Any person who witnesses a violation in progress should report it immediately to the GW Police Department at 202-994-6111.
- B. The Director of CESA 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, CESA may offer the involved parties options and services regarding informal conflict

management and resolution.

- C. In cases where the Director of CESA 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 Integrity and Conduct Council as designated by the Director of CESA 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 CESA or designee determines that outcomes could reasonably include removal from housing, suspension, or expulsion, the matter will be referred to a Student Conduct Panel for resolution.
- E. A Student Conduct Panel is composed of between three and five students to be selected from the pool. The pool shall consist of at least 10 students selected according to the Selection and Removal of University Integrity and Conduct Council Members section of this Code. If the alleged misconduct may result in suspension or expulsion from the university, a faculty member or administrator will be included on the Panel whenever possible. The absence of a faculty member or administrator will not prevent the Student Conduct Panel from hearing a case. Minimally, the Panel will consist of at least three students.
- F. The Director of CESA or designee may use their discretion to appoint an Ad Hoc Panel. For example, this may occur because of the nature of the case or because a Student Conduct Panel cannot be convened to resolve the case in an appropriate timeframe. Ad Hoc Panels shall be composed of between one and five people including any combination of administrators, faculty members, students.
- G. Any respondent scheduled for a hearing before a Student Conduct Panel may choose to have a Student Conduct Conference instead. In such a case, the conference will be considered a “Panel-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 CESA 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 of CESA or designee. If a respondent declines to accept a Student Conduct Agreement, the case will proceed as originally referred (i.e., to a Student Conduct Conference or a Student Conduct Panel; if the case was originally referred to a Student Conduct Panel, the respondent may still choose a Panel-Level Conference).
- I. When the Director of CESA or designee determines (a) that the initial facts of a case

indicate a low-level educational sanction and (b) a warning status sanction against similar future behavior is the maximum appropriate outcome, then a warning may be issued following the 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 warning status and any attending educational sanction. In that event, the respondent will be offered a Student Conduct Conference.

- J. Any case that occurs or is reported 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 resolved during the following academic semester.
- K. In cases that could have resulted in removal from housing, suspension, or expulsion (i.e., those initially referred to a Student Conduct Panel or Ad Hoc Panel, regardless of the eventual method of resolution) the recommended outcome will be forwarded to the Director of CESA or designee for review. The Director of CESA or designee shall (a) adopt the sanction recommended by the Panel or (b) assign another or no sanction within their discretion. In cases of suspension or expulsion, the Vice Provost for Student Affairs and Dean of Students or designee and the Provost and Executive Vice President for Academic Affairs or designee, will agree upon assigned sanctions.

## **VII. Procedural Guidelines**

- A. 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 appropriate.
- B. Student conduct processes will be closed to the public.
- C. Student conduct processes may be recorded. The method used is at the discretion of the Director of CESA or designee.
- D. A reporting party may request to participate in a student conduct process as a complainant. The Director of CESA or designee determines whether or not they may participate and to what extent. The participation as a complainant may be authorized by the Director of CESA or designee for the purpose of creating a complete and fair hearing record, including an assessment of harm and how that harm 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 the law.
- E. Respondents and authorized complainants may challenge a Panel member or presiding officer on the grounds of personal bias before the student conduct proceeding commences. The decision to disqualify a Panel member or presiding officer will be made by the Director of CESA or designee. This decision is final.
- F. Formal rules of evidence will not be applicable in student conduct proceedings described in this Code.
- G. Statements regarding the character of respondents, complainants, and witnesses will not be considered unless deemed directly relevant to specific facts of the case by the Director of CESA or designee. Participating parties are permitted to provide impact statements that address how the reported behavior has affected them and others.
- H. The following rights shall be provided to a respondent in any university student conduct proceeding.
- The right to notice of charges and date of a student conduct proceeding at least three days before that conduct proceeding.
  - The right to receive notice with enough specificity to reasonably prepare a response.
  - The right to question and respond to information that will be used to make a decision in a case.
  - The right to produce witnesses or witness statements on one's own behalf. This may include witnesses or witness statements from persons, who are not affiliated with the university.
  - The right 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 considered by the hearing body.
  - The right to request that CESA call additional witnesses provided such witnesses are reasonably available and would provide information relevant to the charge(s). The university will not compel any student witness to participate in any student conduct proceeding.
  - 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.
  - The right not to be sanctioned unless the hearing body finds by a preponderance of the evidence that the respondent is in violation.
  - The right to be accompanied in all proceedings by a support person (student, faculty,

or other) of their choosing and at their own expense. This does not include a right to have the support person participate in the student conduct proceedings or have the proceedings scheduled around the availability of the support person.

- The right to the appeal and review processes, as described in this Code.
  - The right to have cases processed in a time frame that balances timeliness with thoroughness. This includes the right to be kept informed of any delays and their cause to the extent allowed by law.
  - 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 with CESA.
- I. The Director of CESA or designee or the presiding officer may limit the presentation or number of witnesses to prevent (a) repetition, (b) delay, or (c) the presentation of irrelevant or immaterial information.
- J. If a respondent or authorized complainant does not appear after written notice, the case will proceed without their participation, and a decision will be made based on the available information.
- K. The university will not compel any student to participate. The university will not require student participants to answer questions.
- L. Instead of in-person statements, written statements whose author is confirmed or other forms of participation may be accepted at the discretion of the Director of CESA or designee.
- M. The presiding officer will maintain order over the proceedings in accordance with the Rules for Order in Conduct Proceedings, established by CESA. Anyone failing to adhere to the Rules for Order in Conduct Proceedings or this Code may be removed by the presiding officer, the Director of CESA or designee. Such disruption is a violation of this Code, and a person may be charged following their disruption and removal.
- N. Only the (a) authorized complainants and (b) respondent(s) and their support person (if applicable) to the alleged violation may be present throughout the proceeding. All respondents, complainants, witnesses, and support persons will be excluded during deliberations. In cases involving multiple respondents and/or authorized complainants, the Director of CESA or designee may require or permit one or more parties to participate from a separate location by means of audio and/or video communication.
- O. The Panel/presiding officer will question respondents, complainants, and witnesses who attend (whether in person or remotely) the proceeding. Questions are asked 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.

- P. All respondents and authorized complainants may question witnesses who participate (whether in person or remotely) in the proceeding. In certain cases, the university may require that questions be asked indirectly and/or from a separate location.
- Q. 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 Panel/presiding officer finds the respondent to be in violation, the report will also include a recommendation of sanction and a rationale for that recommendation.
- R. The outcome of the proceeding and the sanction (as relevant) shall be provided to the respondent in writing within a reasonable amount of time after the proceeding ended.

### **VIII. Representatives and Support Persons**

Legal representation is not permitted in any proceeding or meeting. Parties may be accompanied by a support person. The support person may be any attorney, but may not act as an attorney. Support persons may not have another role in the specific case process (e.g., witness). The role of a support person shall be limited to consultation with the person(s) they are advising. The support person may not address the Panel, question witnesses, or otherwise speak on behalf of the party. A violation of this limitation may result in a support person being removed from the proceeding at the discretion of the presiding officer or the Director of CESA or designee. At least two business days before a meeting or proceeding, respondents and authorized complainants must notify CESA (a) if they will have a support person during any student conduct proceeding and (b) if their support person is an attorney. The university retains the right to have legal counsel present at any meeting or student conduct proceeding.

### **IX. 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 on the individuals involved;
- the impact or implications of the conduct on the university community;
- prior misconduct by the respondent. This includes the respondent’s relevant prior student conduct history, both at the university or elsewhere. This also includes any criminal convictions, if any such information is available and known;



- any expression of remorse or acceptance of responsibility by a respondent;
- maintenance of a safe and respectful environment supportive of learning;
- protection of the university community;
- Evidence indicating that prohibited behavior was motivated by bias or prejudice against actual or perceived protected characteristic(s); the necessity of any specific action in order to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects on members of the university community; and,
- any mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

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

A. Status Sanctions - Those sanctions that reflect a change in the respondent's status in the student conduct system.

- Warning - An initial directive against similar behavior in the future. For purposes of external reporting, cases resulting in a warning do not create a student conduct record that is subject to release unless a subsequent violation occurs.
- Censure - An official written reprimand for violation of specified regulations, including a warning that continued or repetitive violations will be cause for additional student conduct action.
- Disciplinary Probation - Period of probation where additional restrictions or conditions may be assigned. Violations of the student's probation or additional violations of this Code or other university policy during the period of probation may result in removal from housing, suspension, or expulsion from the university if the student is found in violation of new charges.
- Limitation of Privileges - Limits access to participate in specified university activities or resources for the designated period of time. Limitation of privileges may be assigned to any of the following and is not limited to this list.
  - parking,
  - use of facilities,
  - use of information technology resources,
  - leadership roles in student organizations (including club athletic events),
  - participation in student organizations,
  - study abroad,
  - academic honor ceremonies,
  - university-related travel

These limitations apply during disciplinary probation or other status sanction terms. This does not limit the ability of other services and offices at the university to place greater limits on participation on the basis of a student's conduct record or other circumstances.

- Removal from Housing – Termination of residence contract. This may include

exclusion from visiting within certain or all residential facilities. 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 Campus Living and Residential Education and Conflict Education & Student Accountability. A respondent may submit a written request to return to university housing after one year from a case outcome unless indicated otherwise.

- Suspension - Exclusion from classes and other privileges or activities, including access to university premises or university-sponsored activities off campus for a specified period of time. Any student who is suspended shall not be entitled to any tuition or fee refund and is barred from university premises until readmitted to the university.
- Expulsion: Permanent termination of student status and exclusion from university privileges and activities, including access to university premises or university-sponsored activities off campus. Any student who is expelled shall not be entitled to any tuition or fee refund and is barred from university premises.
- Other status sanctions - Other sanctions may be assigned instead of, or in addition to, those specified above. For example, students may be directed to have “no contact” with other students and/or may be forbidden to access specified areas (barring notice, also known as persona non grata).

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

- Alcohol and other drug review – Various 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. CESA will make the referral to those professionals. This sanction also requires students 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 CESA 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 CESA.
- Apology - A possible sanction when the respondent’s wish to apologize is demonstrably sincere and the harmed party is open to receiving the apology.
- Circle of Support and Accountability (COSA) - COSA is a restorative program intended to support students. If the respondent or other needed parties are unwilling or unavailable to participate, an alternative activity will be assigned. That alternative activity will be designed to support the respondent's holistic success at the university.

- 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.
- Community restitution project - A project or activity to be designed primarily by the respondent with a focus on repairing the harm caused by the incident.
- Fine - A monetary or other quantifiable, material payment the respondent will make, typically to the university.
- 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.
- 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.
- 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.
- Workshop - Assignment to complete a specific training workshop, designed or selected to address specific learning outcomes or topics.
- 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.

## **X. 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:

- There was a material deviation from the procedures that affected the outcome of the student conduct process.
- There is new and relevant information that (a) could materially affect the outcome (b) was unavailable to the respondent at the time of the proceeding, and (c) would have been unavailable if they had used reasonable diligence and effort.
- 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 CESA within five business days after the

outcome letter is provided to the respondent. Failure to appeal within the time limit will make the original decision final and conclusive.

- B. An appeal submitted within five business days will be reviewed by an employee designated by the Vice Provost for Student Affairs to determine if the appeal provides grounds as described above. This review by a designee will generally be completed within 14 days of the date the appeal is filed. In certain cases, additional time may be required depending on the complexity of the case and other factors.
- C. If an appeal is found to have provided grounds as described above, the appeal will be forwarded to an Appeals Panel. The Appeals Panel shall consist of one student, one faculty, and one staff member who did not participate in the original proceedings. In order to serve as a member of an Appeals Panel, individuals will confirm they do not have a personal bias regarding the parties and that they do not have previous knowledge of the incident or original proceeding. Respondents will also have the opportunity to review a list of potential Appeals Panel members for a conflict of interest. The decision to grant or deny the appeal will be based on information supplied in the written appeal and, when appropriate, the record of the original proceedings. As a general practice, the Panel will attempt to reach its decision within 45 days. The Panel may take additional time in individual cases depending on the circumstances involved, the complexity of the facts, and other factors. The decision of the Panel or the outcome and sanctions (if any) shall be final and conclusive. No further appeals will be permitted based on the original resolution of the case. If the case is returned to the original or new panel or conference officer for a new panel or conference, the respondent retains appeal rights regarding that outcome.
- D. The Appeals Panel may
- Affirm the finding of the original panel or conference;
  - Recommend a revised sanction to the Vice Provost for Student Affairs or designee if the appeal is found to have grounds on the basis of inappropriate/disproportionate sanctioning (as described above);
  - Return the case to the original panel or conference officer for a new panel or conference; or
  - Request that a new panel or conference officer hear the case.

Sanctions will not be imposed while an appeal is pending unless the Vice Provost for Student Affairs determines that the continued presence of the respondent in the university community poses a threat to any person, or to the stability and continuance of normal university functions.

## **XI. 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 CESA 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 regarding sanctioning 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 CESA 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 CESA 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.

## **XII. Transcript Notations**

- A. CESA may place a hold on a respondent's student account under the following circumstances: (a) while student conduct proceedings are in progress; (b) if sanctions are not completed by the assigned date, or (c) in accordance with assigned sanctions or other university policies. The hold will typically prevent the student from registering for classes, and could include but is not limited to, preventing the student from withdrawing from courses, applying for on-campus housing assignments, graduating, or receiving copies of academic transcripts. Holds for incomplete sanctions will be lifted upon completion of all sanctions required by the university.
- B. When a student is suspended or expelled, notation of student conduct action will be made on the transcript. Transcript notations may also occur 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.

D. After three years from the outcome of a case, students may petition for removal of a suspension transcript notation. Such petitions may be granted at the discretion of the Director of CESA or designee. Factors to be considered in reviewing petitions for suspension notation removal include the following: (a) the current demeanor of the student, (b) the student's conduct subsequent to the violation, and (c) the nature of the violation, including the damage, injury, or harm.

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

**XIV.** 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 consistent with the law (for example, with student authorization) if the student is found in violation and the sanction is more than a warning. If the respondent is found not in violation, the record is retained for administrative archive purposes, as noted below.

**XV.** For purposes of this Code, "graduation," means the completion of degree requirements at any post-secondary institution, not solely the George Washington University.

**XVI.** Upon graduation or three years from the date of the incident, whichever is longer, student conduct records that do not include expulsion will be transferred to an administrative archive status and therefore become internal and administrative only (i.e. non-conduct) records. Such files are not part of general third-party releases, even with authorization from the student. Such records may be released to third parties upon specific request of the student or as required by law.

**XVII.** Student conduct records including expulsion will not be transferred to an administrative archive status at any point.

**XVIII.** Transfer of student conduct records to an administrative archive 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. For administrative purposes, the university may retain records of all proceedings regarding violations of the Code, including those for which a student was found not in violation.

**XIX.** Students who wish to view their own records may request them at any time. Students have access to all of their records with CESA, which may be beyond what is reported to third parties in a standard release.

**XX.** Third parties (i.e., individuals and organizations external to the university) who request information from, or copies of, conduct records will only be granted access to active conduct records unless (a) broader release is specifically requested by the student or (b) disclosure is otherwise required by law. If a student authorizes release to a third party, the general release will include (a) the date of the incident, (b) in violation findings, (c) sanctions, and (d) sanction completion. Other materials associated with the case will not be provided unless the student specifically requests the inclusion of such records in the release or as otherwise required by

law.

#### **XIV. Selection and Removal of UICC Members**

**XV.** Student members of each Panel and the presiding officer are selected in accordance with procedures developed by the Director of CESA or designee. The Vice Provost for Student Affairs and Dean of Students 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.

**XVI.** Members of the UICC who are charged with any violation of this Code or with a criminal offense will be suspended from their UICC positions by the Director of CESA or designee while the charges are pending. 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. This disqualification may occur 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 CESA or designee.

**XVII.** Students, faculty, and staff appointed as members of any Panel 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 appropriate.

#### **XVIII. Conflicts**

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

*Approved – October 1996, last revised for August 15, 2023 implementation.*

## Alcohol & Other Drug Medical Amnesty Program



The health and safety of students at The George Washington University are of great importance to the entire GW community. It is understood that the potential for non-academic student conduct action may deter students from seeking needed medical assistance, either for themselves or others, as the result of harmful use of alcohol and other drugs. The university has adopted a limited "amnesty" program in an effort to address this concern in the first instance where a student receives medical attention for the harmful use of alcohol and/or other drugs and otherwise violates no additional university policies. The Alcohol and Other Drug Medical Amnesty Program and the Good Samaritan Statement may also apply to university-registered student groups and organizations.

Through the university's Alcohol & Other Drug Medical Amnesty program, a student needing to be evaluated for transport, regardless of the outcome of that evaluation, to medical professionals for the first time as the result of alcohol intoxication and/or other drug use will not face formal non-academic student conduct action by Conflict Education & Student Accountability (CESA), provided that the student has not committed any other violations of the Code of Student Conduct that warrant formal nonacademic disciplinary action. A "Good Samaritan" who makes a call to obtain medical assistance for a student following harmful use of alcohol and other drugs also will not face formal non-academic student conduct action, provided that they have committed no violation of the Code of Student Conduct other than the possession or use of alcohol by persons under 21 years of age or intoxication on or off university premises or possession or use of other drugs. A student who participates in the university's Alcohol & Other Drug Medical Amnesty program will be required to meet with professional staff members at the university for an educational conversation, assessment, and potential referral for additional services. In the event that a student fails to meet with the professional staff member as required or chooses not to participate in the required follow-up, the student will be subject to formal non-academic student conduct action.

Previous administrative or student conduct history or lack of cooperation with University or responding officials, among other factors, may limit eligibility for this program.



For more information about The George Washington University's Alcohol and Other Drug Medical Amnesty program, please contact Conflict Education & Student Accountability (CESA) at [cesa@gwu.edu](mailto:cesa@gwu.edu) or call us at (202) 994-6757.

## Good Samaritan Statement

The health and safety of each and every member of the GW community is of paramount importance. The Division of Student Affairs including Conflict Education & Student Accountability (CESA) understands that the potential for non-academic student conduct action may deter students from seeking needed medical assistance, either for themselves or others, as the result of the harmful use of alcohol and/or other drugs.

The university has instituted a “Good Samaritan” policy in an effort to encourage students to obtain help when needed. We urge members of GW’s community to contact the Emergency Medical Response Group (EMeRG) through the GW Police Department (GWPD) when they believe a person may be in need of assistance. To reach medical help if on campus, contact GWPD at 202-994-6111 and contact 911 if off campus. We encourage all students who reach out for assistance to identify themselves so that the university can acknowledge their role as Good Samaritans.

GW is thankful to the students who take an active role in caring for fellow students by acting in responsible and timely ways during a serious situation such as alcohol or other drug overdoses. Seeking help that is critically needed for a fellow student shows courage and leadership. Therefore, a Good Samaritan who makes a call to obtain medical assistance for another student due to harmful use of alcohol or other drugs also will not face formal nonacademic student conduct action, provided that they have committed no violation of the Code of Student Conduct other than the possession or use of alcohol by persons under 21, intoxication on or off University premises, or possession or use of other drugs.

Additionally, GW recognizes that situations may arise during a university-sponsored activity at which alcoholic beverages are served where an individual may need medical assistance as a result of the over-consumption of alcohol. Therefore, the university has implemented policies to protect the health and safety of students and their guests during a sponsored activity. However, should a situation arise, the university will consider the actions taken by students into consideration when addressing any policy violation(s) which may have occurred.

For more information about The George Washington University’s Good Samaritan policy, please contact Student Rights & Responsibilities at [cesa@gwu.edu](mailto:cesa@gwu.edu) or at (202)994-6757.