

George Mason University Code of Student Conduct 2014-2015

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I. PURPOSE OF THE STUDENT CONDUCT SYSTEM

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

II. STATEMENT OF VALUES

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

- The importance of personal integrity.
- The opportunity for every student and University employee to be treated with respect and dignity.
- The freedom of intellectual inquiry in the pursuit of truth.
- The freedom of speech and open exchange of ideas.
- The acceptance and appreciation of diversity.
- The freedom from discrimination on the basis of gender, religion, sexual orientation, age, disability, ethnicity, and political views.
- The freedom from violence aimed at limiting freedom, interfering with, or disrupting University activities.

III. STATEMENT ON FREEDOM OF EXPRESSION

George Mason University believes that through active participation in an intellectually and culturally diverse learning community, students will be better prepared to deal with the issues they will face in a rapidly changing and diverse society.

In the presentation of ideas, the University encourages a balanced approach and respect for contrary points of view. Being open to the ideas and opinions of other members of the community will lead to discussion that is characterized by courtesy, mutual respect, and charity.

Congruent with these ideas is the principle that all members of the George Mason University community enjoy the right to freedom of speech and expression.

The right to free speech and expression does not include unlawful activity or activity which endangers or threatens to endanger the safety or well-being of any member of the community. Further, it does not include any activity which materially interferes with the education or well-being of other students or the mission of the institution.

It is expected that members of the community will actively participate in programs and activities of the University and will support efforts to foster the identified values of the community. All members of the community are expected to abide by local, state, federal, and international laws.

IV. SCOPE OF AUTHORITY

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

V. STUDENTS

The Code of Student Conduct and all applicable processes apply to undergraduate, graduate and professional students as well as all those individuals who are not officially enrolled for a particular term, but who have a continuing relationship with the University. Graduate and professional students may be subject to an additional procedure(s) or code relating to non-academic behavior. Such students are encouraged to consult with the chairperson or dean of such program or degree to see if any additional rules or procedures apply.

Students will also be held accountable for their conduct at all times including behavior that may have occurred before classes began, after classes ended, or if it was discovered after the student graduates. Additionally, inappropriate behavior during the academic year, between academic terms or during periods of suspension or dismissal is not permitted. All policies, processes, and procedures outlined in the Code shall also apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

VI. STUDENT ORGANIZATIONS

The Code of Student Conduct and all applicable processes apply to recognized student organizations. Student organizations shall be responsible for the conduct of members from the time of application for recognition until such time as they are no longer recognized by the University. Organizations and/or individual members shall be held accountable for their conduct, even though the behavior may have occurred before classes began, after classes ended, or if it was discovered after the student graduates. Additionally, inappropriate behavior during the academic year, between academic terms or during periods of suspension or dismissal is not permitted. The Code shall apply to an organization even if the organization disbands while a disciplinary matter is pending.

VII. DEFINITIONS

1. Acts of Misconduct - Any behavior that is inconsistent with University policy or as outlined in the Code of Student Conduct or other University publication. Acts of misconduct are subject to the terms, conditions, and processes described herein.

2. Administrative Hearing - A process in which the facts of an alleged violation of the Code of Student Conduct are presented to an administrative hearing officer to determine if a violation(s) took place and if sanction(s) are appropriate.

3. Administrative Hearing Officers or Conduct Officers – University staff, faculty or graduate students designated by the Director of Student Conduct or designee and trained to adjudicate violations of the Code of Student Conduct.

4. Advisor - A person who attends a hearing to support a student during the conduct process. Advisors may only confer with the student they are advising, and cannot speak on a student's behalf. An advisor can be any person of the student's choosing, at the student's expense. Students may only have one advisor during a conduct hearing. Advisors cannot serve as witnesses. If a student would like assistance in finding an advisor, the Office of Student Conduct will provide this information upon request.

5. Appellate Process - The appellate process is designed to ensure the integrity of the deliberations and decisions of the University hearing board(s) and/or the decisions of an administrative hearing officer.

6. Complicity - Complicity is condoning, supporting, or encouraging any violation of the Code of Student Conduct. Students who anticipate or observe any violation of the Code are expected to remove themselves from association or participation in any such inappropriate behavior. Individuals who fail to do so may be subject to the disciplinary process for the alleged violations.

7. Fundamental Fairness - A standard that includes minimally the opportunity to receive notice of the alleged violation(s) and the time, date and location of the opportunity to be heard.

8. Community Adjudication Board (CAB) - A group of trained students who determine if a violation(s) of the Code of Student Conduct took place and recommend appropriate sanction(s) as needed. Also referred to as 'board' or 'hearing board' in this document. A Chairperson will be responsible for facilitating and managing the adjudication process.

9. Complainant - A person who makes a referral to the Office of Student Conduct alleging that a violation of the Code of Student Conduct has occurred.

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

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

12. Preponderance of Information - A standard of proof that indicates that the information provided leads an administrative hearing officer or hearing board to decide that “more likely than not” a violation did or did not occur.

13. Respondent – a person who is alleged to have violated the Code of Student Conduct.

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

15. Sexual Misconduct - Any attempt or actual unwanted sexual contact, physical or nonphysical, in the absence of clear and voluntary consent. Clear and voluntary consent is consent that is given freely and actively in mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not clear or voluntary if it results from the use of physical force, threats, intimidation, or coercion. It is a violation of policy to have sexual contact with someone who is known to be, or should reasonably be known to be incapable of making a rational, reasonable decision. (See the Sexual Misconduct section of this Code for a complete description.)

16. Sexual Misconduct Hearing Board – a hearing body comprised of professional faculty and staff members of George Mason University, having received specialized training in matters of sexual misconduct, who serve as panelists to resolve a sexual misconduct referral. (See the Sexual Misconduct section of this Code for a complete description.)

17. Student - An individual who has applied to the university and/or is taking courses at George Mason University on a full-time, part-time, or non-degree seeking basis. Student status lasts until conferral of a degree or certificate, or is permanently separated from the university for academic or non-academic reasons. Also included are those individuals who are not officially enrolled for a particular term, but who have a continuing relationship with the University.

18. Student Organization - The term "Student Organization" means any number of persons who have complied with the formal requirements for George Mason University student organization recognition.

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

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

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

VIII. ACTS OF MISCONDUCT

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

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

2. Possession, use, distribution, manufacture, or sale of drugs, narcotics, chemicals and/or drug paraphernalia in violation of university policy or law, or other violation of the University Drug Policy;
3. Illegal gambling;
4. Breach of peace or disorderly conduct;
5. Trespassing and/or any unauthorized entry;
6. Acts of dishonesty including but not limited to knowingly furnishing false information, including fabrication, forgery, alteration, or misuse of University documents, identification and keys or access cards;
7. Infliction of or threat of physical harm to any person(s), including self (when disruptive or detrimental to the community), or their property;
8. Any unwelcome sexual behavior and/or all forms of sexual misconduct including but not limited to: a) Deliberate touching or penetration of another person without consent; or b) Requests for sexual favors; or c) Conduct of a sexual nature so severe, pervasive, or objectionably offensive that it effectively creates a hostile environment for an individual's participation in any aspect of university life; or d) Any form of sexual harassment. Sexual harassment is further defined by University Policy Number 1202, and sexual misconduct (including sexual assault, domestic violence, dating violence, stalking, and sexual exploitation) is described in greater detail in the Sexual Misconduct section of this Code.
9. All hostile, threatening, or intimidating behavior that by its very nature would be interpreted by a reasonable person to threaten or endanger the health, safety or well-being of another. Examples of such behavior may include, but are not limited to: a) An act(s) that alarms or seriously disrupts another person's ability to participate in any aspect of University life is prohibited; or b) Communicating verbally either directly or indirectly through another party, by telephone, regular or electronic mail, voice mail or any verbal, mechanical, electronic or written communication in a manner that would likely restrict or deny an individual's access to educational resources, university activities, and university-related opportunities;
10. Any form of harassment based on perceived or actual identities;
11. All forms of invasion of privacy including but not limited to the recording, filming, photographing, viewing, transmitting or producing the image or voice of another person without the person's knowledge and expressed consent while in an environment that is considered private or where there is a reasonable expectation of privacy. In such circumstances, the use of undisclosed and/or hidden recording devices is prohibited, as is the storing, transmission and/or distribution of any such recordings. (This policy pertains to areas on campus that are considered private or where there is an expectation of privacy, including but not limited to a residence, restroom, shower, office, locker room, or gym. This policy does not pertain to the recording of public events or discussions or recordings made for law enforcement purposes.);
12. Theft, attempted theft, possession, sale or barter of, or damage to property;

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

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

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

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

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

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

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

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

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

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

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

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

IX. GENERAL PROCEDURAL ASSURANCES

The following is a list of procedures that are generally provided to any student who is participating in the University disciplinary process. Each case presents a unique set of facts and circumstances. Other than receiving notice and an opportunity to be heard, none of the following procedures are guaranteed. Similarly, additional procedures not listed below may apply or be available to the student. The conduct officer determines what procedures are available on a case by case basis.

Respondent

1. To receive notification of the alleged violation and the date, time, and place of any meeting or hearing on the alleged violation.

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

3. Students may request postponement of a disciplinary proceeding if circumstances warrant. In most cases, a postponement will only be granted for an academic or medical situation. The decision to postpone a disciplinary proceeding rests with the hearing officer or designee of the Office of Student Conduct.

4. To be provided access to any written information that may be used by a hearing board or at an administrative proceeding. Access will be provided to materials in advance of a meeting/hearing upon written request to the Office of Student Conduct. In cases where retaliation is a legitimate safety concern, the information may be redacted or presented in such a way as to prevent identification.

5. The opportunity to challenge the objectivity or fairness of any of the persons serving in an administrative hearing or hearing board. The decision to uphold any challenge made by the respondent rests with the chairperson of the proceedings, and in administrative hearings, the Director of Student Conduct or designee.
6. The opportunity to introduce documents, to call witnesses, and present other information. The opportunity to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness, in writing, at least two business days in advance of a meeting or hearing to the conduct officer or CAB chairperson. In cases where retaliation is a legitimate safety concern, the Office of Student Conduct may limit the respondent's opportunity to call or examine witnesses. Presentation of information by the respondent is not unlimited. The Chairperson may at anytime direct the respondent to move on from irrelevant, or redundant witnesses, documents, facts or argument.
7. Students may pose questions of witnesses presented against the student at board hearings. In certain circumstances, at the sole discretion of the Chairperson, questioning may be done outside the physical presence of those participating in the conference or hearing.
8. Students typically will not be compelled to be a witness against oneself. However, if a student decides to not participate in the hearing or does not provide additional information, the conduct officer or board will render a decision in the absence of this information.
9. The opportunity to a decision of responsible, or not responsible, based on the preponderance of the information, and to be notified of such decision in writing. The burden of proof is a 'more likely than not' standard. Students and student organizations are usually found "responsible" or "not responsible" for violating the Code of Student Conduct. In certain circumstances, the Office of Student Conduct may issue a "no finding" where the Office determines it is in the best interest of the University and the students to stay a final finding pending further Code of Student Conduct or Honor Code violations. In such unique circumstances, if no further incidents occur with respect to a student who has been issued a "no finding" by the Office of Student Conduct, the disciplinary record will not exist within the Office of Student Conduct. The Office of Student Conduct reserves the right to issue a final resolution at any time with respect to a "no finding." "No finding" is not an available finding in sexual misconduct cases.
10. The ability to appeal the decision of a disciplinary proceeding in accordance with University Appeal procedures. The Office of Student Conduct website hosts a form for such requests.

Complainant

1. Students may be accompanied in a disciplinary proceeding by an advisor of the student's choosing and at the student's own expense. Advisors may only consult with the complainant and are not permitted to speak on the complainant's behalf or address the hearing board or officer.
2. The ability to decide whether or not to notify local law enforcement authorities and/or to file a report with the Office of Student Conduct.
3. Students may request information about victim advocacy, counseling, mental health or medical services available on campus.
4. The ability to report retaliation or harassment as a result of reporting acts of misconduct.

5. Complainants may request the status of proceedings throughout the process subject to federal and state privacy laws.
6. Students may request the opportunity to answer questions posed by the respondent outside of the physical presence of the respondent. The Director of Student Conduct or designee will determine if such a request will be granted. Other procedures may be provided on a case by case basis to protect the safety and well-being of the University community.
7. The opportunity to submit, orally or in writing, an impact statement to any conduct body should the respondent be found responsible for one or more of the alleged violations.
8. In the case of sexual misconduct violations or physical assault cases, complaining parties will receive timely notification of any decision made (only in sexual harassment and physical assault cases).
9. Students may be granted, if these changes are reasonably available, a change in living assignment, academic arrangement, or other measures (determined on a case by case basis) necessary to prevent unnecessary or unwanted contact.

In Cases of Sexual Misconduct or Physical Harm

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

1. The opportunity to answer questions posed by the respondent outside of the physical presence of the respondent.
2. The opportunity to remain present throughout the entire hearing except deliberations.
3. Typically, complainant or respondent's past behavior not directly related to the alleged incident are not relevant, however, the hearing chairperson shall make such determinations with respect to each question.
4. The opportunity to make a request for a reasonable change in living assignment, academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact regardless of the outcome of the hearing.
5. The opportunity to be informed, in writing, of the outcome of any administrative or CAB hearing decision and any sanction(s) that may have been assigned.
6. The opportunity to appeal the decision of a hearing in accordance with University procedures.

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

X. UNIVERSITY CONDUCT PROCESS

All non-academic discipline matters fall under the authority of the Office of Student Conduct. The

Director of Student Conduct may appoint an appropriate number of University staff to serve as an administrative hearing officer, and to provide supervision and/or administrative support for the George Mason University Conduct System. The model for disciplinary procedures is that of a University administrative proceeding, rather than criminal or civil trial. Therefore, formal rules of evidence and procedures akin to what takes place in such trials are not applicable. The hearing officer or board shall have discretion to interpret, vary, and adjust procedural requirements in order to promote a fair and just decision.

The primary responsibility for maintaining order lies with the hearing officer, board advisor or hearing board chairperson, however all members of the hearing board have a duty to assure an orderly and fair proceeding. It is the duty of the hearing officer or hearing chairperson to make sure that presentations to the board, by any hearing participant, are relevant and that matters raised by complaint, appeal, petition or other business before the body are fully and reasonably developed.

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

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

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

XI. ADMINISTRATION

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

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

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

The Director of Student Conduct or designee will have the authority to review complaints, settle cases on behalf of the University, and exercise other such reasonably provided powers and authority.

When the University is the complainant, the Director of Student Conduct, or designee will present the interest of the University to the appropriate hearing body. The University, at any time, reserves the right to present any alleged violation to the appropriate hearing body where a student brought the original referral or alleged violation.

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

XII. STUDENT CASE RESOLUTION PROCESS

Students notified of an alleged violation of the Code of Student Conduct have the option of having their case heard before the Community Adjudication Board (upon request) or before an administrative hearing officer. Depending on the nature and severity of the alleged infraction, and the impact on the community, the University, at any time, reserves the right to hear cases before an administrative hearing officer even where a student opts for a student hearing board. Community Adjudication Board hearings are subject to availability. All hearings are closed to the public.

XIII. ORGANIZATION CASE RESOLUTION PROCESS

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

If, during an individual student's hearing, it is determined that the alleged violation is an organization offense, charges may also be brought against the organization within the university's disciplinary process. A student organization is subject to the disciplinary process in the following situations:

1. An alleged offense was committed by one or more members of a student organization and was done so on behalf of the organization.
2. An alleged offense was committed by one or more members of a student organization and was sanctioned by an organization's officer.
3. An alleged offense was committed by one or more members of an student organization and student organization funds were used for financing.

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

Violations of University rules and regulations by a student organization will be adjudicated through the University's Conduct System.

XIV. RESPONSIBILITIES OF HEARING BODIES AND OFFICERS

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

- Protecting the integrity and order of the institution;
- Preserving the health and safety of the University community;
- Educating the students involved so that they may gain insight into the reasons and consequences of their behavior, learn self-discipline, and accept the responsibilities of membership in the University community;
- Identifying and acting upon factors, environmental and/or personal, which may have significantly contributed to the alleged violations;
- The student's unacceptable behavior.

XV. THE COMMUNITY ADJUDICATION BOARD (CAB)

The CAB is organized to provide the student community at George Mason University an opportunity to serve the University by upholding its behavioral expectations of alleged violations of the University Code of Student Conduct for which the community, students included, has set as the behavior expectations for those students who voluntarily enter its doors.

CAB hearings shall have jurisdiction over violations of all university-wide, non-academic regulations that may result in sanction (s). The CAB shall be composed of three to five members of the University student community. Quorum to conduct a CAB hearing shall be no less than three (3) students, one of whom shall serve as the chairperson.

The Chairperson(s) of CAB will be designated by the Director of Student Conduct. The Director of Student Conduct or designee shall serve as the advisor. The advisor should attend and advise the board at all hearings. The advisor may ask questions as he or she feels are appropriate. A majority vote by the members will determine the findings. If a student is found 'responsible' the Board will recommend appropriate sanction(s) to be implemented by the Director or designee.

XVI. SPECIAL PROCEDURES FOR ALLEGED VIOLATIONS OF SEXUAL MISCONDUCT

It is the policy of the University (Policy 1202) to provide an academic and work environment free from sexual harassment. Sexual harassment, a form of gender discrimination, is contrary to the standards and mission of the University. Sexual harassment is illegal and will not be tolerated. Each member of the University community has a responsibility to maintain an academic and work environment free from sexual harassment. The University will take whatever action necessary to prevent, stop, correct, or discipline harassing behavior. Same-sex sexual harassment violates this policy and is subject to discipline under the same procedures. Sexual harassment does not include verbal expression or written material that is relevant to course subject matter or curriculum and this policy shall not abridge academic freedom or George Mason University's educational mission.

Sexual harassment is defined by law as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or other forms of expressive communication of a sexual nature, when submission to or rejection of such conduct is used as a basis for employment or academic decisions, or such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or sexually offensive work or academic environment. While the Student Conduct process is neither a criminal nor civil process, the following are examples of inappropriate sexual behaviors and are prohibited by the Code of Student Conduct. This policy applies to all students, regardless of the location of the incident:

- A. *Sexual Misconduct* is a range of behaviors, including but not limited to, sexual harassment, sexual assault, domestic violence, dating violence, stalking and sexual exploitation. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that (a) is sufficiently severe, persistent, or pervasive to limit a student or employee's ability to participate in or benefit from an education program, or (b) explicitly or implicitly affects an individual's employment or academic environment, unreasonably interferes with an individual's academic or work performance, or creates an intimidating, hostile, or offensive academic or work environment.
- B. *Sexual Assault* is any unwanted, non-consensual sexual contact against any individual by another. Sexual assault can occur either forcibly (against a person's will) or when a person cannot give consent (under the age of consent, intoxicated, developmentally disabled, mentally/physically unable to consent, etc.). Sexual assault can include non-consensual touching or fondling of a sexual nature, which can include touching of breasts, buttocks and/or genitalia.
- C. *Domestic Violence* includes violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the Commonwealth of Virginia, or by any other person

against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Virginia.

- D. *Dating Violence* is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such relationship shall be determined based on a consideration of three factors: (1.) The length of the relationship; (2.) The type of relationship; and (3.) The frequency of interaction between the persons involved in the relationship.
- E. *Stalking* includes any behavior directed at another person, on more than one occasion, that the stalker intends, knows, or reasonably should know, places the other person in reasonable fear of his or her safety or the safety of others or suffer substantial emotional distress. Examples of stalking behaviors include, but are not limited to, the following: non-consensual communication, including face-to-face, telephone calls, voice messages, email, texts, written letters; unwanted gifts; threatening or obscene gestures; pursuing or following; surveillance or other observation; trespassing; vandalism; and non-consensual touching.
- F. *Sexual Exploitation* occurs when a person takes non-consensual or abusive sexual advantage of another for that person's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy; prostituting another person; non-consensual recording or broadcast of sexual activity; going beyond the boundaries of consent (such as letting someone hide in the closet to watch another have consensual sex); engaging in voyeurism; knowingly transmitting an STD or HIV to another person; exposing one's genitals in non-consensual circumstances – inducing another to expose their genitals; and sexually-based stalking, bullying and cyber-bullying.

Definition of Consent:

Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the condition of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn at any time.

If any of the following are present, consent cannot be given:

1. *Force* is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
2. *Coercion* is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
3. *Incapacitation* is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). Sexual activity with

someone who you should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of university policy. University policy covers a person whose incapacity results from mental disability, sleep, involuntary physical restraints, or from taking drugs or other substances.

Reporting:

Confidential Reporting: The University will protect the identity of persons who report sexual assault, domestic violence, dating violence, stalking or sexual exploitation to the fullest extent possible or required by law. However, when accessing university resources, individuals should be aware of the University's confidentiality and mandatory reporting obligation in order to make informed choices. Some on-campus resources offer confidentiality, sharing options and advice without having an obligation to tell anyone unless the complainant wants them to. This is limited to counselors in Counseling & Psychological Services and staff members in Student Health Services and Wellness, Alcohol and Violence Education Services. In addition, complainants may speak on- or off-campus with members of the clergy and chaplains who will keep reports made to them confidential.

Private Reporting: Students are encouraged to speak to officials of the University to make reports of incidents (e.g., Deans, Directors, Vice Presidents, Department Chairs, Faculty, University Police, Human Resources staff, Resident Director and Advisors, etc.). The University considers these people to be "responsible employees." Notice to them is official notice to the University. Students who feel they are victims have the right and can expect to have incidents of sexual misconduct taken seriously by the University when reported, and to have those incidents investigated and properly resolved through appropriate administrative procedures. Only people who need to know will be told and information will be shared only as necessary with investigators, hearing board members, administrators, witnesses and the respondent.

Interim Actions:

Upon becoming aware that an act of sexual misconduct is alleged, the Director of Student Conduct or designee will notify the University Title IX Coordinator, and at his or her direction will gather all pertinent information, and take interim actions deemed necessary to protect the emotional well-being of the students involved, as well as the educational environment of the University. These actions are subject to appeal to the Dean of Students or designee, and will remain in effect until the resolution of the alleged misconduct unless explicitly continued as a sanction imposed following a sexual misconduct hearing. These may include, but are not limited to, administrative trespasses from specific buildings, the entire campus, administrative no contact orders between individuals or groups, and alteration of academic or work schedules, alternative residential accommodations, or other provisions deemed necessary by the Director of Student Conduct or designee, in collaboration with the Title IX Coordinator or designee. Common examples include:

Interim Suspension – In circumstances involving incidents, Director of Student Conduct or designee in collaboration with the Title IX Coordinator or designee has the authority to suspend a student or student organization from the University on an interim basis, pending a disciplinary hearing. A student or organization will be suspended on an interim basis to ensure the safety and well-being of members and/or property of George Mason University, ensure the student's own physical or emotional safety and well-being, or protect the community if the student poses a threat to the normal operations of the

university. The hearing will be held according to the procedure set forth in the Code of Student Conduct. In the event the student committed the violation for which he/she was notified of, any sanction imposed shall take effect from the date of the interim suspension. The fact of interim suspension and subsequent disciplinary action shall become part of the student's disciplinary record. If the hearing body concludes that there is insufficient information to support a finding that the student committed the violation for which he or she was notified of, no record of the interim suspension shall be maintained in the Office of Student Conduct. At the discretion of the Office of Student Conduct, in collaboration with the Title IX Coordinator, students that are interim suspended may still be allowed to attend classes depending on the circumstances. The Office will attempt to work with students on interim suspension so that their academic career and on-campus living arrangements are uninterrupted as much as reasonably practical. However, in most cases where a student is interim suspended, the nature of the charges is usually very serious and as such poses a significant risk for the entire University community. Such widespread risks usually far outweigh the temporary, short protective measure of an interim suspension which prohibits students from physically being present on University property.

Interim Housing Suspension – In circumstances involving incidents of sexual misconduct, the Executive Director of Housing and Residence Life or designee, and/or the Director of Student Conduct or designee, in collaboration with the Title IX Coordinator or designee, may suspend a student from all residential communities on an interim basis, pending a hearing. A student may be interim suspended from all residential communities to ensure the safety and well-being of members and/or property of George Mason University, ensure the student's own physical or emotional safety and well-being, or protect the community.

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

Regardless of the outcome of a sexual misconduct hearing, a student may at any time make a request for reasonable accommodations to prevent unnecessary or unwanted contact with the other party.

Resolution of Sexual Misconduct Referrals

Pre-hearing

Once in receipt of a formal complaint alleging sexual misconduct, the Office of Student Conduct provides the complainant (person who made the referral) with written notification of a bilateral order of no contact. Simultaneously, a letter will be provided to the respondent (person responding to charges) with a letter notifying them of their involvement in an alleged incident of sexual misconduct, imposition of a bilateral order of no contact, and provides details for a pre-hearing meeting with the Office of Student Conduct. Both parties may request information or referrals for other campus resources for support [i.e. Wellness, Alcohol, and Violence Education and Services, Counseling and Psychological Services, Health Services, etc.]. A list of campus resources is contained within this policy (below).

Before resolving the alleged violations, both parties will each have an individual, mandatory meeting with a professional staff member in the Office of Student Conduct. During this time, discussion will focus

on a review the resolution process, including procedural assurances and responsibilities of all parties. Questions are also addressed at this time.

The procedural assurances for all student conduct cases will apply, however, due to the nature of sexual misconduct cases, the certain assurances may differ. Although not guaranteed nor exhaustive, a Complainant and Respondent who participate in a sexual misconduct hearing may be provided the assurances below.

Complainant:

1. The opportunity to answer questions posed by the respondent outside of the physical presence of the respondent. The Office of Student Conduct will use its best efforts to work with the complainant and utilize the most practical, non-prejudicial and equitable way to accommodate the complainant's request.
2. The opportunity to remain present throughout the entire hearing except deliberations.
3. Typically, complainant or respondent's past behavioral histories (including sexual history) not directly related to the alleged incident are not relevant, however, the hearing chairperson shall make such determinations with respect to each question.
4. The opportunity to make a request for a reasonable change in living assignment, academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact regardless of outcome of the hearing.
5. The opportunity to be informed, in writing, of the outcome of any administrative or sexual misconduct board hearing decision and any sanction(s) that may have been assigned.
6. The opportunity to request an appeal of the decision of a hearing in accordance with University procedures.

Respondent:

1. The opportunity to answer questions posed by the complainant outside of the physical presence of the complainant. The Office of Student Conduct will use its best efforts to work with the respondent and utilize the most practical, non-prejudicial and equitable way to accommodate the respondent's request.
2. The opportunity to remain present throughout the entire hearing except deliberations.
3. Typically, complainant or respondent's past behavioral histories (including sexual history) not directly related to the alleged incident are not relevant, however, the hearing chair shall make such determinations with respect to each question.
4. The opportunity to make a request for a reasonable change in living assignment, academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact regardless of outcome of the hearing.

5. The opportunity to be informed, in writing, of the outcome of any administrative or sexual misconduct board hearing decision and any sanction(s) that may have been assigned.
6. The opportunity to request an appeal of the decision of a hearing in accordance with University procedures.

Both parties are allowed the opportunity to have an advisor during the hearing. Advisors may only confer with the student they are advising, and cannot speak on their behalf. An advisor can be any person of the student's choosing, at their expense. Students may only have one advisor during any conduct hearing. If a student would like assistance in finding an advisor for a sexual misconduct hearing, the Office of Student Conduct will provide a list of trained faculty and staff members upon request.

In addition to these procedural assurances, complainants and respondents will be provided information regarding University resources available for support. A list of campus resources is contained within this policy (below).

Once a hearing board has been secured, the complainant and respondent receive written notification providing details for the upcoming hearing. This notice further establishes deadlines for submission of witnesses and document information, and discusses the process designed to ensure an exchange of information across parties without direct contact at the time of the hearing.

Hearing

The hearing board will determine whether there has been a violation of the Code of Student Conduct, and will recommend sanctions to the Office of Student Conduct, if applicable. This board is comprised of three George Mason University professional staff/faculty members appointed by the Office of Student Conduct and in collaboration with the Title IX Coordinator or designee. Each member of the board will have received specialized training unique to sexual misconduct cases. No more than two shall be of the same sex. All members of the board will have been trained in advance on adjudicating sexual misconduct cases. A chairperson for each hearing will be selected by the Director of Student Conduct or designee from among those appointed to hear the case. The complainant and respondent may have an advisor present during the hearing, but advisors are not permitted to address the board or examine the witnesses. The Board will also be advised by a professional staff member from the Office of Student Conduct. At any time throughout the hearing, the Office of Student Conduct reserves the right to call for recesses, or to adjourn the hearing temporarily before concluding.

The following outlines the policies and procedures used when resolving sexual misconduct cases:

1. The sexual misconduct hearing board will be comprised of three George Mason University professional staff/faculty members appointed by the Director of the Office of Student Conduct. No more than two shall be of the same gender. A chairperson for each hearing will be selected by the Director from among those appointed to hear the case.
2. The hearing will normally take place as soon as possible after the filing of the complaint to the Office of Student Conduct. Every effort will be made to resolve cases of sexual misconduct in 60 days or less. The Office of Student Conduct reserves the right to extend this timeline due to unforeseen circumstances.

3. At the hearing, normally, the complainant and respondent will have the opportunity to present their respective narrative opening and closing statements, written questions of one another, witnesses, questions of such witnesses, and records. It is the complainant and responding party's sole responsibility to prepare and present their respective statements, written questions, witnesses, questions to witnesses, and records. The hearing board cannot request or compel the attendance of any witness or the production of any record.

4. Both the complainant and respondent shall have an opportunity to present an opening and closing narrative statement. The chairperson may disallow, limit or end the narrative statement based on relevancy, unfair prejudice, redundancy, inappropriate behavior, or harassment/delay tactics.

5. The complainant and respondent will have the opportunity to present written questions directed towards the opposing complainant or respondent. The written questions will be asked by the chairperson on behalf of the complainant or respondent. Direct questioning between the complainant and respondent is not permitted. The chairperson may disallow, limit or end such questioning to the complainant or respondent based on relevancy, unfair prejudice, redundancy, inappropriate behavior, or harassment/delay tactics. Hearing board members will have the opportunity to ask their own questions of both the complainant and respondent.

6. Typically, the complainant and respondent will have the opportunity to present witnesses that they both may question directly. The chairperson may disallow, limit or end questions to witnesses based on relevancy, unfair prejudice, redundancy, inappropriate behavior or harassment/delay tactics. Hearing board members will have the opportunity to ask their own questions of witnesses.

7. In some cases, the complainant and respondent may be allowed to present records during the hearing. Records may include, but are not limited to, written or electronic communications, receipts, and photographs. The chairperson may disallow, limit or terminate any presentment of records based on relevancy, unfair prejudice, redundancy, inappropriateness or presentment based on harassment/delay tactics. If medical information submitted to the board, the Office of Student Conduct reserves the right to have a George Mason University medical professional present to explain or clarify the contents of these records.

8. Statements, questions or records regarding the past sexual history of the complainant and/or respondent will typically not be permitted unless deemed highly relevant by the chairperson. If either the complainant or respondent wishes to present such information at the hearing, the complainant or respondent must in writing respectfully identify the information they wish to present, identify how the information will be presented and articulate the justification or reasoning why the information is highly relevant. The writing must be held in the strictest confidence and delivered to the Director of Student Conduct or designee no later than two (2) business days prior to the hearing. Sharing or disseminating the written statement beyond the Director of Student Conduct and the complainant or respondent's respective advisor may constitute a separate violation of the Code of Student Conduct. The Director of Student Conduct or designee will provide the hearing panel with a copy of the writing and the chairperson will ultimately decide whether the statements, questions or records will be allowed to be presented during the hearing.

9. Normally, statements, questions or records regarding a complainant, respondent or witness's character is not relevant. However, statements, questions or records that relate to the honesty of a complainant, respondent or witnesses may be allowable as determined by the chairperson.

10. The hearing board will evaluate all allowed information presented during the hearing to determine whether there has been a violation of the Code of Student Conduct, and if so, will recommend appropriate sanctions. Sanctions for violation of the sexual misconduct policy may range from probation to expulsion from the University.

11. A finding of responsibility for a violation of sexual misconduct policies requires an affirmative vote of a majority of the members of the sexual misconduct hearing board. In all sexual misconduct cases, the 'preponderance of information' standard (i.e. more likely than not) will apply.

12. The outcome of the hearing and any sanctions that are imposed by the Director of Student Conduct or designee are typically made available, in writing, to both the respondent and the complainant within ten (10) days of completion of the hearing. Both parties will be notified on the same date and time.

13. The University will thoroughly investigate all alleged violations of sexual misconduct brought to its attention. However, if the complainant chooses to not participate in the disciplinary process, the actions of the university in responding to such allegations may be limited. In cases where non-pursuit of the charges would constitute a danger to the University community, or would materially affect the learning environment or operations of the institution, the University reserves the right to act as the complainant and present a case to a hearing panel as outlined in the procedures above.

14. As a matter of University policy, the complainant is urged to pursue all charges in the criminal justice system and to file a report with the Title IX Coordinator in the Office of Compliance, Diversity and Ethics. The University Title IX Coordinator is Herbertia Gilmore (Interim), and the office is located in Mason Hall, Room D201 (during the 2014-2015 academic year, this office may have a temporary location in Research Hall, Room 344). The phone number is 703-993-8730. Actions by the police, criminal courts, or Compliance, Diversity and Ethics do not in any way prejudice the opportunity for a student to bring forth an allegation through the University Conduct System.

Post-hearing

Following the hearing, the respondent will receive a decision letter via the student's George Mason University email account re-stating the board's finding and, if the respondent was found responsible, any sanctions that have been assigned. When a student has been found responsible, the decision letter will detail any sanctions the student is then responsible for completing, as well as the date by which completion is required. The complainant will also receive a written notification of the outcome of the hearing, including the name of the respondent, the board's finding of responsibility, and any assigned sanctions as they relate to the violation(s) of sexual misconduct. Both parties will receive this information at the same date and time. A common sanction for violating the Sexual Misconduct policy is suspension or expulsion from the University. The Board may also recommend other sanctions based on the unique circumstances of individual cases.

Appeals

Upon receipt of the decision letter, both parties have the opportunity to request an appeal of the board's decision. It is important to note that the grounds for appeal are the same for both the complainant and the respondent (evidence not available at the hearing which, had it been available, would likely result in a different finding; substantial procedural irregularity; hearing board member bias; severity of sanction). Appeals are heard by the Director of Student Conduct or special designee, and determine the final outcome of any sexual misconduct incident. Only one level of appeal is available for

all cases. The Office of Student Conduct website hosts a form for appeal requests. More information can be found under the Appeals section of the Code of Student Conduct.

Retaliation

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

Amnesty Program

George Mason University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. The goal of medical amnesty is to foster and protect the health and safety of the George Mason University community. The details of the Medical Amnesty Program are further described at <http://studentconduct.gmu.edu/>.

Emergency, Medical, Counseling, Advocacy Support Resources

University Title IX Coordinators

Herbertia Gilmore, Interim, Equal Opportunity Specialist & Deputy Title IX Coordinator

Compliance, Diversity and Ethics

Mason Hall, D201 (Note that during the academic year this office is located in Research Hall)

Phone: (703) 993-8730

E-mail: hwillia9@gmu.edu

Website: <http://integrity.gmu.edu/compliance/titleIX.cfm>

Wellness, Alcohol and Violence Education and Services (WAVES) — Provides students with *confidential* help and support to develop and maintain healthy lifestyles. Topics include: relationships, stress management, sexual assault, drugs/alcohol.

Phone: (703) 993-3687

WAVES Office Phone: (703) 993-9999

WAVES 24 Hour Sexual and Intimate Partner Violence Crisis Line: (703) 380-1434

<http://waves.gmu.edu>

Counseling and Psychological Services (CAPS) — Provides *confidential* counseling services to students in crisis and non-emergency situations. Crisis Intervention Assistance is provided to members of the University community who are experiencing crises which affect their ability to function in the community.

- For consultation or emergency assistance during office hours call 703-993-2380.
- For assistance during non-office hours, call University Police at 703-993-4357.
- For life threatening emergencies call 911.

Phone: (703) 993-2380

<http://caps.gmu.edu>

Student Health Services (SHS) — Provides *confidential* health care to enrolled students in emergency and non-emergency circumstances on the Fairfax, Arlington and Prince William campuses. If there is a

medical emergency and Student Health Services (SHS) is closed, please contact the free after-hours nurse ((703) 993-2831), a hospital emergency room, an urgent care facility, or call 911.

Fairfax Campus
SUB 1, Suite 2300
703-993-2831
Fax: 703-993-4365
<http://shs.gmu.edu>

Arlington Campus
Founders Hall, B
703-993-4863
Fax: 703-993-9425

Prince William Campus
102 Occoquan Bldg, Room 229
703-993-8374
Fax: 703-993-1948

University Police

Police Phone Numbers/Information

Emergency: 911

Non-Emergency: (703) 993-2810

Reporting a Crime (Crime Solvers Anonymous Tip Hot-Line): (703) 993-4111

<http://police.gmu.edu/>

Phone: (703) 993-3840

University Life (UL) — The Offices of University Life oversee the academic and non-academic adjudication process and help students resolve grievances by mapping out resources and explaining policies. In addition to fostering campus and community engagement through a myriad of student clubs and organizations, University Life offices promote health and wellness, learning services, diversity education, and career readiness. University Life seeks to enhance the university experience by helping students, staff, and faculty find their place in the George Mason University community.

Phone: (703) 993-2884

<http://ulife.gmu.edu>

Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Resource Office (LGBTQ) — Provides students of all genders and sexual orientations a safe, supportive, confidential space for advocacy, guidance and mentorship, community building, educational programming, resources, and coordination of the Safe Zone Program.

Phone: (703) 993-2702

Website: <http://lgbtq.gmu.edu/>

Office of Student Support— Provides comprehensive service to students of concern. Student Support serves as the primary resource for managing referrals and student issues related to crisis intervention. The office will make on and off campus as necessary. Individuals concerned about a Mason student are encouraged to share their concerns if they:

- Observe behavior which could reasonably lead one to be concerned for the student's safety, or for the safety of those around him/her;
- Feel threatened by the student, whether by action or direct verbal threat;
- Observe new behavior, different from a previously established pattern of behavior that causes concern to the observer.

Office Phone: (703) 993-5376

Website: <http://osscm.gmu.edu/>

Office of Student Conduct (OSC) — Primarily responsible for resolving allegations of misconduct in a timely and consistent manner. Student sexual misconduct cases are heard, and decided, on an individual basis taking each situation's circumstances into account. Additional information regarding the hearing

process can be found at Resolution of Alleged Sexual Misconduct (<http://studentconduct.gmu.edu/our-process/resolution-of-alleged-sexual-assault/>).

Phone: (703) 993-6209

<http://studentconduct.gmu.edu>

Intercollegiate Athletics (ICA) — ICA is available to assist individuals and to address the challenges of our student-athletes at George Mason University.

Phone: (703) 993-3594

<http://gomason.gmu.edu>

Human Resources and Payroll's Employee Relations Team (HR&P) — Provides assistance to university employees and their supervisors to help identify and resolve work related problems or proactively avoid potential problems, including but not limited to, sexual misconduct issues in the workplace. Resources for faculty and staff can be found here.

Phone: (703) 993-3878

<http://hr.gmu.edu>

Office of Housing and Residential Life - provides a student-centered community that supports the academic mission of the university. They promote student success, encourage engagement with the university community, and promote appreciation for diversity among our residents. Professional and student staff are available around the clock to assist students and ensure safety.

Phone: (703) 993-6740

<http://housing.gmu.edu>

Local and Off Campus Resources

Office for Women and Domestic and Sexual Violence Services (OFWDSVS) — Provides comprehensive state-accredited programs for women, men, teens and children who have been affected by domestic and sexual violence and stalking. OFWDSVS promotes safety, responsibility, awareness and equality by offering a 24-hour hotline, free counseling, group sessions, and referrals.

Fairfax County Government Center, 12000 Government Center Pkwy, Suite 339, Fairfax, VA 22035

Phone: (703) 324-5730 and TTY: (703) 324-5706

24 hour Hotline/Helpline: 703-360-7273 and TTY (703) 435-1235

Domestic Violence Action Center (DVAC) — Provides services to domestic violence or stalking and their families who reside in Fairfax County or were assaulted and/or stalked in the county. Referrals for offender services are also available through the intake telephone number only (no offender walk-ins).

Fairfax County Historic Courthouse, 4000 Chain Bridge Road, Suite 2702, Fairfax, VA 22035

Information and Intake Phone: 703-246-4573

Walk-in hours are available

Rape, Abuse and Incest National Network (RAINN) — Among its programs, RAINN operates the National Sexual Assault Hotline at (800)656-HOPE. This nationwide partnership of more than 1,100 local rape treatment hotlines provides victims of sexual violence with free, confidential services around the clock.

Phone: (800) 656-HOPE

Website: www.rainn.org

XVII. SANCTIONS

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

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

1. Warning - Notice that continuation or repetition of conduct found wrongful in the indefinite future may be cause for further disciplinary actions.
2. Educational Sanction - An order requiring the student or student organization to perform mandated service or to participate in an educational program or activity, including, but not limited to, an educational seminar, a treatment program for alcohol or drug abuse, psychological counseling, or other program/task designed to assist the student in learning more about how their behavior impacted themselves and/or the community.
3. Disciplinary Probation - A period during which a student must behave in a manner acceptable to the University. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate University officials. Conditions of probation may be set forth which restrict the student's participation in co-curricular activities. Established proof of a violation of the terms of probation, or of a further incident of misconduct while on probation, may result in separation from the University for no less than one academic term or may include expulsion.
4. Restitution - Requires a student to pay for damages to property, or the property of members or of visitors to the University, or for misappropriation of University funds, or for other expenses incurred as a result of violations of the Code of Student Conduct. Such reimbursement will be charged to any student who alone, or through group activities, organizes or knowingly participates in the events causing the damages or costs. A student typically has thirty (30) days to pay any damages owed to the University. In the event the outstanding debt is not paid within thirty (30) days, the University will charge the unpaid debt to the student's account which may result in an academic hold, collection procedures and any collection costs and fees. Academic holds normally will prohibit a student from registering for future classes, participating in graduation, receiving a degree, and/or a certified transcript until the debt is fully paid. The University reserves the right to place academic holds on student accounts for students who fail to pay other students, outside entities or individuals within thirty (30) days of the Office of Student Conduct's decision directing such student to pay the other student, entity or individual damages.
5. Loss of Privilege - The withdrawal of a privilege, use of a service, participation in a program, event, or activity for a specific period of time. The loss of privilege may prohibit a student or student organization from participating in co-curricular activities, continuing a degree program, being present in or using certain campus facilities or services, and/or prohibit a student from enrolling in a class or classes.
6. Termination of Recognition - An order terminating University recognition of a registered student organization for a specific or indefinite period of time.

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

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

a. When the suspension action is decided upon during the last full week of classes for a term and the presence of the student on campus is deemed not to be a threat, the suspension may be deferred until the end of the term at the discretion of the hearing board or Director of Student Conduct. Should the student be readmitted, further incident(s) of misconduct will result in additional suspension periods, or expulsion. Additionally, the failure to observe the terms and conditions of a suspension may cause the extension of the suspension period or in further disciplinary action.

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

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

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

Interim Actions

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

Interim Suspension - In certain circumstances, the Director of Student Conduct or designee has the authority to suspend a student or student organization from the University on an interim basis, pending

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

Interim Housing Suspension - In certain circumstances, the Executive Director of Housing and Residence Life or his/her designee has the authority to suspend a student from all residential communities on an interim basis, pending a hearing. A student may be interim suspended from all residential communities to ensure the safety and well-being of members and/or property of George Mason University, ensure the student's own physical or emotional safety and well-being, or protect the community.

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

Other University Measures

In addition to non-punitive actions, University administrators and faculty members may take actions that are punitive in character but which are not so serious as to justify referral to the University Conduct System. Examples of this include (but not limited to) are the withdrawal of minor privileges upon administrative determination of misconduct, or the privilege of using the University Student Centers for individuals or students that do not comply to the regulations affecting the building. Actions of this kind are necessary for the reasonable operation of the University.

XVIII. APPEALS PROCEDURES

The purpose for an appellate review is to ensure all parties that the original findings of fact, the reasoned integration of them, and an opinion and imposition of sanctions or other solutions directed by the hearing officer or board are consistent with University policies and procedures.

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

1. Information not available at the hearing which, had it been available, would in all reasonable likelihood have produced a different finding (responsible v. not responsible);
2. Substantial procedural irregularity with respect to applicable procedures as determined by the conduct officer;
3. Perceived hearing officer bias (or bias by a board member) based on factors other than the hearing officer's decision and rationale for such decision.

Disagreement with sanction(s) is not a valid reason for appeal. Severity of sanction is considered grounds for appeal only in cases involving sexual misconduct.

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

Appellants will typically be notified of the decision within fifteen (15) business days of the appeal review. Students have the opportunity to submit one appeal per conduct case.

XIX. SPECIAL PROCEDURES

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

XX. MEDICAL AMNESTY PROGRAM

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

XXI. DISCIPLINE RECORDS

George Mason University maintains a record of students who have been found in violation of University rules and regulations. Student conduct records are maintained separately from the student's official academic records, except in cases involving outcomes of suspension or expulsion. In these cases, notations are made on the academic record (i.e. transcript) of the student. Conduct records will be maintained by the University in accordance with laws of the Commonwealth of Virginia.

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

XXII. REVISIONS TO THE CODE OF STUDENT CONDUCT

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

Revised: 8/25/92, 8/3/99, 7/9/03, 6/24/04, 8/23/06, 8/7/07, 8/26/11, 8/22/2012, 8/22/2013, 8/21/14, 3/16/15, 4/14/15