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THE GEORGE  
WASHINGTON  
UNIVERSITY

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WASHINGTON DC

**GUIDE TO STUDENT RIGHTS  
AND  
RESPONSIBILITIES  
2011-2012**

Statement of Student Rights and Responsibilities	1
University Policy on Equal Opportunity	4
University Policy on Sexual Harassment	4
Student Grievance Procedures	5
Code of Student Conduct	6
Additional Conduct Regulations	13
Code of Academic Integrity	14
Privacy of Student Records	19
University Policies Available On-Line	21
A Final Word about Security	21

# Statement of Student Rights and Responsibilities

## Preamble

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, 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, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. 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.

## 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 in their public expressions or demonstrations the students or student organizations speak only for themselves.

The 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 their own pursuit of the truth and their right to function as citizens independent of the University.

### B. Freedom from Discrimination

The University will not permit discrimination on grounds of sex, race, color, religion, national origin, disability, sexual orientation or gender identity or expression, or any other illegal basis in any University-recognized area of student life. Additionally, all areas of student life are subject to the provisions of the District of Columbia Human Rights Act. However, those campus organizations that are essentially and avowedly social fraternal groups may limit membership on the basis of sex; those campus organizations that are essentially and avowedly sectarian may limit membership on the basis of religion.

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

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

policies, for example, is a development to be encouraged bearing in mind the teaching -- learning context of the University community.

## D. Professional Rights of the Faculty

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

## II. Students in the Classroom

The professor in the classroom 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 prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Except in instances that involve a student grievance based on allegation of illegal discrimination for which other remedy is provided under "Student Grievance Procedures," a student who alleges an instance of arbitrary or capricious academic evaluation shall be heard and the allegation reviewed through faculty peer review procedures established by the dean and faculty of the school in which the contested academic evaluation took place. Should the peer review processes find in favor of and uphold the complaint of the student, yet the faculty member were to persist in refusing to alter the academic evaluation at issue, 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, advisers, 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.

## III. Student Participation in Academic Policy-Making

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

In addition, clearly defined means for student participation in academic policy-making at the college or school level of the respective schools and college, 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. The Student as a Campus Citizen**

### **A. Student Government**

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

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

### **B. Student Organizations**

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

The students of The George Washington University are free to organize and join organizations to promote their common and lawful interests, subject to University regulations. All members of a student organization must be currently registered students of the University. The fact of affiliation with any extramural association or national organization or political party, so long as it is an openly declared affiliation, should not of itself bar a student organization from registration or recognition. However, action may be taken to insure that the University does not, through the activities of campus student organizations, stand in violation of laws that place limits on campus political activities. 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 the University regulations. Registration or recognition may be withheld or withdrawn from organizations that violate University regulations. Registration and recognition procedures shall require identification of responsible officers. On a case-by-case basis, upon request of the Student Activities Center, organizations may be asked to provide a list of all members of their group.

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 disciplinary action.

#### **3. Use of Campus Facilities**

Meeting rooms, other campus facilities and funding should be made available, on an equitable basis, only to all registered student organizations, as far as the primary use of these facilities and funding for other University purposes permits and in keeping with the best interests of the University.

Under the Bylaws of the University, only designated officers of the University may sign contracts binding on the University. Students may not sign contracts or agreements in the name of the University or a student organization or otherwise commit University or organization funds. Students who do so shall be held personally and financially liable for all costs and commitments made. Students should refer to the Student Organization Manual or Student Activities Center 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 appear on campus 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 campus facilities shall not be used as a device to restrict a guest speaker's expression solely on the basis of disapproval or apprehension of his 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 inappropriate interruption or demonstration. The members of the University community are urged to hear all sides of controversial issues represented.

### **D. Pamphlets, 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 on campus. Therefore, student organizations and individual students shall have the right to distribute pamphlets, collect names for petitions, and conduct orderly demonstrations provided these actions are not disruptive of normal University functions and do not encompass the physical takeover or occupation of buildings, offices, classrooms, hallways, or other parts of buildings without authorization of the University, whether or not University functions are performed in them at that time.

While all students have the right to dissent and to protest, the limitation exists that these rights shall not be exercised in such a manner as to infringe on the rights of other students, or of faculty members, to conduct class, hold their own meetings or hear another speaker, or in such a manner as to be disruptive of normal University functions. 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 on campus 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.

### **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 disciplinary action and therefore subject to prescribed due process in disciplinary 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 on Campus**

### **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 disciplinary action though nowhere specified in particular detail.

It is the intent of this section to bring students into active participation in the formulation of University-wide regulations not excepted above, and to encourage the inclusion of students as active participants in the formulation of those regulations excepted above to the extent that such involvement can be accomplished reasonably and practicably.

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

The George Washington University respects and is determined to protect the individual dignity, integrity, and reputations 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 discipline must continue to be that of common sense, and an excessive legalism can only disserve the University and its community of students, faculty, and staff. The model for disciplinary procedures that the University adopts is that of the administrative process not that of the criminal or civil courts.

Certain procedural rights shall be guaranteed to a student in any University disciplinary proceeding in which he or she stands to bear significant injury, such as expulsion, suspension, permanent reprimand, or other stigmatizing action. A student subject to such disciplinary action is in danger of injury to his or her reputation, opportunity to learn, and earning power. He or she therefore should enjoy full protection of his or her rights:

1. The right to notice of charges whenever formal action upon such charges is initiated, such notice to be given within a reasonably prompt period and with sufficient particularity as to the facts that the student may reasonably investigate the charge and prepare his or her defense, with reasonable and appropriate recesses and continuances being provided to all parties.

2. The right to question witnesses appearing against him or her, although in certain cases (for example, when sexual assault is charged) the University may require that such questioning be conducted indirectly and/or from a separate location; to produce witnesses on his or her own behalf; to present evidence; to know prior to the hearing the contents of and the names of the authors of any written statements that may be introduced against him or her, and to rebut unfavorable inferences that might be drawn from such statements; and not to be compelled to be a witness against himself or herself or to have his or her silence taken as an indication of guilt.

3. The right to a decision based upon evidence of a kind upon which responsible persons are accustomed to rely in serious affairs. However, rules of evidence in courts of law shall not, as such, be applied. The reliance upon evidence shall be determined by fundamental principles of fair play.

4. The right not to be sanctioned unless the decision maker is persuaded by a preponderance of the evidence that the student is guilty.

5. The right to be accompanied in all proceedings by an adviser (student, faculty, or other) of his or her own choosing and at his or her own expense.

6. The right to have the option of a public hearing in the discretion of the presiding officer, upon the student respondent's request, and if permitted by law.

7. The right to appeal decisions to a higher authority or hearing body within the administrative processes provided.

8. The right to have his or her case processed without prejudicial delay.

Hearings shall be recorded or transcribed.

Following an alleged act of student misconduct, and until final disposition of the charges, the status of a student shall not be altered or his or her right to be present on campus and to attend classes suspended, except for reasons relating to his or her physical or emotional safety and well-being or for reasons relating to the safety and well-being of other students, faculty, or University property, or for reasons relating to the protection of the normal functions of the University.

Changes in the status of a student 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.

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

## **VI. Students as Off-Campus Citizens**

In their off-campus lives, in matters not related to University functions, students shall not be considered under the control of the University, nor shall the University or its student governments be held responsible for the off-campus activities or personal conduct of its individual students.

### A. Off-Campus Political Activities of Students

No disciplinary action shall be taken by the University against a student for engaging in such off-campus activities as political campaigning, picketing, or participating in public demonstrations, subject to the provisions of paragraph B.

### B. Other Off-Campus Activities of Students

Students who violate a local ordinance or any law risk the legal penalties prescribed by civil authorities. An educational institution need not concern itself with every violation. Nevertheless, the University may take disciplinary action against those students whose behavior off University premises indicates that they pose a serious and substantial danger to self or others.

### C. Student Records

Policies concerning the retention, release, and confidentiality of student records shall be recommended by the registrar, the schools, departments, and other record-keeping agencies, with appropriate student representation in the formulating of these policies, and shall be published upon adoption by the Board of Trustees.

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

### A. Amendment, Interim and Emergency Powers

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

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

### B. Implementation

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

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

## University Policy on Equal Opportunity

The George Washington University does not unlawfully discriminate against any person on any basis prohibited by federal law, the District of Columbia Human Rights Act, or other applicable law, including without limitation, race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity or expression. This policy covers all programs, services, policies, and procedures of the university, including admission to education programs and employment.

Inquiries concerning this policy and federal and local laws and regulations concerning discrimination in education and employment programs and activities may be directed to the university's Office of Equal Employment Opportunity and Human Resources Policy Compliance (EEO), Rice Hall, 2121 Eye Street, NW, Washington, DC 20052, (202) 994-9656. Questions regarding protections against discrimination on the basis of sex may be directed to the university's Title IX Coordinator, the Vice Provost for Diversity and Inclusion

(VPDI), 813 Rice Hall, 2121 Eye Street, NW, Washington, DC 20052, (202) 994-7440.

Inquiries may also be directed to the U.S. Department of Education Office for Civil Rights, the U.S. Equal Employment Opportunity Commission, or the applicable state or local agency (for example, the D.C. Office of Human Rights).

To request disability accommodations, students should contact the Office of Disability Support Services at (202) 994-8250 or [dss@gwu.edu](mailto:dss@gwu.edu). Employees and other members of the university community should contact the Office of Equal Employment Opportunity and Human Resources Policy Compliance at (202) 994-9656 or [eeo@gwu.edu](mailto:eeo@gwu.edu).

*August 2011*

## University Policy on Sexual Harassment

The George Washington University is committed to maintaining a positive climate for study and work, in which individuals are judged solely on relevant factors, such as ability and performance, and can pursue their activities in an atmosphere that is free from coercion and intimidation. Sexual harassment is inimical to such an atmosphere and will not be tolerated.

The University's Sexual Harassment Policy and Procedures is located at [http://www.gwu.edu/~vpgc/pdf/sexual\\_harassment.pdf](http://www.gwu.edu/~vpgc/pdf/sexual_harassment.pdf) and at <http://my.gwu.edu/files/policies/SexualHarassmentFINAL.pdf>.

The University has adopted the following definition of sexual harassment, substantially derived from Equal Employment Opportunity Commission and Department of Education statements:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is explicitly or implicitly made a term or condition of academic participation or activity, educational advancement, or employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions that affect the individual;
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or limiting participation in University programs; or
- (4) the intent or effect of such conduct is to create an intimidating, hostile, or offensive academic or work environment.

This policy acknowledges that conduct that has the effect of sexual harassment may occur without regard to the gender of either party.

Nothing in this policy limits academic freedom, guaranteed by the Faculty Code, which is a pre-eminent value of the University. This policy shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education, or debate on issues of public concern shall not be construed as sexual harassment.

A person who commits sexual harassment in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination.

If you believe you are being or have been sexually harassed, if someone has accused you of sexual harassment or inappropriate behavior of a sexual nature, or if you receive a report that someone else has been sexually harassed, please contact the Sexual Harassment Response Coordinator at (202) 994-6503 as soon as possible. The Sexual Harassment Response Coordinator will respond to questions, address your concerns, and, if warranted, coordinate an investigation.

If you have any questions regarding the University's Policy on Sexual Harassment you may direct them to the University's Vice Provost for Diversity and Inclusion, who also serves as the University's Title IX Coordinator, at (202) 994-7440. Or you may contact the Sexual Harassment Response Coordinator, the Office of the Dean of Students (for students), the Office of the Assistant Vice Provost for Faculty Recruitment and Personnel Relations (for faculty), or the Office of the Executive Director of Equal Employment Opportunity and Human Resources Policy Compliance (for staff employees, visitors and others).

## Student Grievance Procedures

### I. General

These grievance procedures are promulgated to provide a channel for resolution of the grievances of students who feel they have been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identify or expression in any of the policies, procedures, programs, or activities of or by any individual employed by or acting in an official capacity for The George Washington University.

The procedures are intended to encourage resolution of the student's grievance informally and at the earliest possible stage. At the same time, where such resolution is not possible, these procedures provide for a more formal review of the situation by individuals not party to the case, and a final decision based upon that review by the appropriate dean or vice president. In providing these procedures, it is the intention of the University to carry them out in an equitable and timely manner. However, it may not be possible to adhere to established time frames, and extension of time shall not be construed as failure to follow established procedures.

It shall be a violation within the meaning of these regulations to discriminate against any student because he or she has opposed any discriminatory practice proscribed by these procedures, or because he or she has filed a grievance, testified, assisted, or participated in any manner in the procedures provided for herein.

#### A. Eligibility

Any full-time or part-time student who believes that he or she has been discriminated against on any of the bases cited above may initiate these procedures. Employees, both full-time and part-time, who are also students may use these procedures for matters relating to their student status only. (For grievance procedures to resolve charges of discrimination in employment, employees should consult the Faculty Code or the Employee Handbook, as appropriate.) These grievance procedures are not available to applicants to any of the University's academic units, including applicants who are or have been registered students in another of the University's academic units.

### B. Coverage

A student may charge discrimination on the basis of sex, race, color, religion, age, national origin, disability, sexual orientation, or any other basis covered under the University's Policy on Equal Opportunity in the policies, procedures, programs, or activities of or by any individual employed by and acting in an official capacity for The George Washington University. However, in accordance with the statement on academic freedom as outlined in the Faculty Code, in an academic setting, expression that is reasonably designed or reasonable intended to contribute to academic inquiry, education or debate on issues of public concern shall be exempt from coverage. Individuals and/or registered student organizations who feel they have been discriminated against by chartered student organizations as they act to carry out responsibilities specifically delegated to them by the Board of Trustees or the President may charge the organization under these procedures. Individuals who feel they have been discriminated against by having been denied the rights and privileges of membership or participation in registered student organizations may also charge the registered student organization under these procedures. University policy permits campus organizations that are social fraternal groups to limit membership on the basis of sex and sectarian groups to limit membership on the basis of religion.

A faculty member or administrator having administrative responsibility relating to the group being charged shall be appointed by the Dean of Students or designee, to carry out the function assigned to the department chair outlined in I.C. Grievance Review Committees for student organizational matters shall consist of two faculty members, one administrator, and two students.

### II. Grievance Procedures

A. Students who believe they have been injured in some fashion by discrimination must first seek to clarify or resolve the question through direct contact with the individuals whose action gave rise to the matter.

B. If the student is unable to clarify or resolve the matter, the student must confer with and submit a signed written statement of the charge to the Dean of Students or designee. The written statement must include the following: the name of the faculty member, administrator, or student organization whose action gave rise to the matter (the respondent); the type of discrimination alleged; a statement of the injury alleged and the resolution sought; and a summary, to include time, place, and results, of the discussion that took place as required in II.A. above.

C. The Dean of Students or designee shall refer the charge to the appropriate academic or administrative department chair with a copy to respondent. The department chair shall seek to mediate the charge and thereby effect an informal resolution of the matter; failing informal resolution, after consultation with both parties, the department chair shall make a decision concerning the charge that shall be conveyed in writing to the Dean of Students or designee, who will then inform both parties. This mediation phase of the procedures should be completed within 15 class days.

If the individual whose action gave rise to the matter is an academic department chair, dean, or administrator, or a faculty member reporting directly to a dean or vice president, the Dean of Students or designee shall refer the matter directly to a dean or vice president, or if the academic or administrative department chair wishes to disqualify himself or herself because of prior knowledge of the matter, the Dean of Students or designee shall refer the matter directly to the appropriate dean or vice president, who shall designate another academic department chair, dean, administrator, or faculty member under his or her supervision to perform the function required by this subsection. The person selected by the dean or vice president

must be at least equal in position and rank to the person against whom the grievance has been filed.

If, because of prior knowledge of the matter, the dean or vice president wishes to disqualify him- or herself from performing any of the functions outlined in these grievance procedures, the matter will be referred to the President who shall designate another dean or vice president to perform one or more of the functions outlined in these procedures.

**D.** Either party to the case may request a review of the decision rendered under Subsection C. by writing the Dean of Students or designee within five class days of receipt of the department chair's decision.

**E.** The Dean of Students or designee shall send a copy of the request for review to the appropriate dean or vice president, and shall, within ten class days, appoint a Grievance Review Committee, which shall advise the dean or vice president.

**1.** The Grievance Review Committee for academic matters will consist of two faculty members and two students.

**2.** The Grievance Review Committee for administrative matters will consist of one faculty member, one administrator, and one student.

**3.** Committee members will be selected from among a panel of ten faculty members selected by the Faculty Senate, ten students selected by The George Washington University Student Association, and five administrators selected by the Chief Human Resources Officer or designee. At least five students named to the panel shall be enrolled in programs at the graduate level. Appointments to the panel shall be made for one year from July 1 to June 30. Appointments are renewable. The Dean of Students or designee will select the committee members for each review and will appoint one of the members to serve as chair. In the event panel members are not available to serve, the Dean of Students or designee shall have the authority to appoint committee members from the appropriate constituency from outside the panels to hear a particular grievance. Upon the request of the chair, the Dean of Students or designee shall serve as advisor to the Review Committee.

**4.** Within thirty class days of appointment, the Grievance Review Committee shall hear the grievance together with such witnesses as it deems germane to the grievance or as may be called by either party. Each party shall be entitled to question all witnesses appearing at the hearing and to present written statements or other evidence. Either party may be accompanied at the hearing by one person whom he or she has selected. That person may not speak on behalf of either party.

The proceedings shall in all respects be under the control of the chair and shall not be subject to formal rules of evidence or procedure. At the discretion of the Committee, the proceedings may be closed or may be open to members of the University community. The proceedings shall be recorded and the recording preserved for three years along with any written statements of evidence presented. A copy of the recording will be made available to the grievant upon request. Costs incurred in producing the copy shall be the responsibility of the grievant.

The Grievance Review Committee shall convey its advice on the solution of the grievance to the appropriate dean or vice president and to the Dean of Students or designee within five class days of the conclusion of the hearing. The Dean of Students or designee shall distribute copies of the Committee's findings to both parties.

**5.** The dean or vice president shall make a decision within five class days after receiving the advice of the Grievance Review Committee. The decision of the dean or vice president shall be in writing and shall be conveyed to both parties by registered or certified mail; the decision made by the dean or vice president shall be final. However, to the extent that the decision involves the changing of an academic evaluation, the decision cannot be implemented without the consent of the cognizant faculty member(s) unless approved by the Dean's Council.

**F.** The Faculty Senate, the Joint Committee of Faculty and Students, and the Student Senate shall be consulted before any revisions are made to these procedures.

*February, 1988*

## Code of Student Conduct

### Authority for Student Discipline

**1.** Ultimate authority for student discipline is vested in the Board of Trustees by the University Charter. Disciplinary authority may be delegated to University administrators, faculty members, student committees, and organizations, as set forth in the "Code of Student Conduct" ("Code"), or in other appropriate policies, rules, or regulations adopted by the Board. Students are asked to assume positions of responsibility in the University judicial system so that they may contribute their skills and insights to the resolution of disciplinary cases.

### Rationale

**2.** The primary purpose for the maintenance of discipline in the University setting is to protect the campus community and to establish clear standards for civil interaction among community members. The University's goal, through maintenance of standards set forth in the "Code", is to help students experience democratic citizenship, and its attendant obligations and responsibilities.

The purpose of a disciplinary proceeding is to establish the factual record of an alleged violation of the "Code". The procedures outlined do not attempt to recreate or approximate a court of law. Procedures shall reflect standards of fundamental fairness, and minor deviations from procedural guidelines for hearings suggested in this "Code" shall not invalidate a decision or proceeding resulting from a conference or hearing unless significant prejudice to the accused or the University may result, as judged by the Assistant Dean of Students or designee.

### Definitions

**3.** When used in this "Code",

**a.** "Distribution" means any form of sale, exchange, or transfer.

**b.** "Group" means a number of persons who are associated with each other, but who have not complied with University requirements for registration as a student organization.

**c.** "Institution" and "University" mean the George Washington University and all of its undergraduate, graduate, and professional schools, divisions, and programs.

**d. “Organization”** means any number of persons who have complied with University requirements for registration with the Center for Student Engagement as a student organization.

**e. “Student”** means any currently enrolled person, full-time or part-time, or on continuous enrollment, pursuing undergraduate, graduate, or professional studies, whether or not in pursuit of a degree or of any form of certificate of completion.

**f. “University premises”** means buildings or grounds owned or leased by the University, including, but not limited to, buildings or grounds in which students reside and University food service facilities are located; Marvin Center facilities; Columbia Plaza; and 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.

**g. “University-sponsored activities”** means events and activities initiated by a student, student organization, or University department, faculty member, or employee that

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

#### **Interpretation of Regulations**

**4.** The purpose of publishing disciplinary regulations is to inform students of prohibited behavior. This “Code” is not written with the specificity of a criminal statute, and any similarity to the language of any criminal statute does not mean that such language or statute or case(s) applies to the University’s disciplinary system or is relevant to the interpretation or application of the “Code”.

#### **Inherent Authority**

**5.** The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include taking disciplinary action against those students whose behavior off University premises constitutes a violation of this “Code”.

**6.** Students may be accountable both to civil authorities and to the University for acts that constitute violations of law and of this “Code”. Disciplinary action at the University will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced or that no criminal charges have been brought.

#### **Interim Suspension**

**7.** The Dean of Students or designee, following consultation with the Provost and Executive Vice President for Academic Affairs and the General Counsel or their designees, may evict a student from University housing or suspend a student from the University for an interim period not to exceed 21 days, pending disciplinary proceedings or medical evaluation. The interim eviction/suspension shall become immediately effective without prior notice whenever there is evidence that the continued presence of the student on the campus poses a substantial and immediate threat to himself or herself or to others or to the stability and continuance of normal University

functions. Interim suspension shall be considered an excused absence.

**8.** A student suspended or evicted on an interim basis will be granted a disciplinary hearing or conference as soon as is practical.

#### **Standards of Classroom Behavior**

**9.** The primary responsibility for managing the classroom 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. Longer suspensions from a class or dismissal on disciplinary grounds must be preceded by a disciplinary conference or hearing, as set forth in Articles 25 and 26 of this “Code”, or in accordance with Articles 7 and 8 above.

The term “prohibited...acts” includes behavior prohibited by the instructor (including, but not limited to, smoking in the classroom, persistently speaking without being recognized or called on, refusing to be seated, disrupting the class by leaving and entering the room without authorization). It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior.

#### **Office of Student Rights & Responsibilities**

**10.** The Office of Student Rights & Responsibilities within the Office of the Dean of Students directs the efforts of students and staff members in matters involving student discipline and supports the University’s mission of guiding students to become more responsible citizens. The responsibilities of the Office include:

- a. Determining the disciplinary charges to be filed according to this “Code”;
- b. Interviewing parties and witnesses involved in disciplinary proceedings and providing information to them regarding the disciplinary process;
- c. Training and advising the campus judiciary;
- d. Maintaining all student non-academic disciplinary records;
- e. Developing procedures for conflict resolution;
- f. Conducting disciplinary hearings and conferences;
- g. Collecting and disseminating research and analysis concerning student conduct;
- h. Resolving cases of student misconduct, including the imposition of sanctions lesser than suspension or expulsion.

#### **Prohibited Conduct**

**11. Violence of any kind will not be tolerated on or off University premises or at University-sponsored activities.** Any student, group, or organization found to have committed misconduct is subject to disciplinary action and to the sanctions outlined in this “Code”. Attempts to commit any of these acts of misconduct are included in the scope of these definitions. The following are examples of misconduct subject to disciplinary action (subject to the provisions of Article 5):

- a. Sexual Assault - Inflicting any sexual invasion (including but not limited to sexual intercourse) upon any person

against that person's will, or without that person's consent, or when that person is incapable of giving consent due to his or her medical or physical condition, intellectual or other disability, or use of alcohol or other drugs. "Consent" requires words or actions indicating a freely given agreement to have sexual intercourse or engage in other sexual activities. The lack of verbal or physical resistance does not by itself constitute consent. The degree of impairment of a person's ability to give or withhold consent (including but not limited to incapacity or helplessness caused by alcohol or other drugs) may be introduced as pertinent information at any University disciplinary hearing.

- b. Physical Abuse - Committing physical abuse and/or battery of any person.
- c. Assault - Placing a person in fear of imminent physical danger or injury through the use of electronic, written, verbal, or physical threats.
- d. Sexual Harassment - Committing sexual harassment against another person. "Sexual harassment" means sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - (1) Submission to such conduct is made explicitly or implicitly a term or condition of academic performance, advancement, or employment; or
  - (2) Submission to or rejection of such conduct by a person is used as a basis for a decision relating to the academic performance, advancement, or employment of the person; or
  - (3) A person knows or should have known that such conduct is unwelcome and that the conduct has the purpose or effect of
    - (a) Substantially interfering with a person's academic or work performance; or
    - (b) Limiting participation in University programs or University-sponsored activities; or
    - (c) Creating an intimidating, hostile, or offensive academic, work, social, or living environment.
- e. Drug / Alcohol Violation - Possession or use of alcohol by persons under 21; intoxication on University premises; possession or use of illegal drugs or controlled substances; possession of paraphernalia containing drug residue; manufacture or distribution of illegal drugs or controlled substances.
- f. Weapon Violation - Use, possession, or storage of any firearms, ammunition, knives, other weapons, or objects that could be construed as weapons. Items that pose a potential hazard to the safety or health of others are also prohibited.
- g. False Alarm/Report - 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.
- h. Interfering With University Events - Interfering with any normal University or University-sponsored events,

including but not limited to studying, teaching, research, and University administration, fire, police, or emergency services.

- i. Sanction Violation - Violating the terms of any disciplinary sanction imposed in accordance with this "Code".
- j. Dishonesty - Non-academic dishonesty including but not limited to,
  - (1) Furnishing false information to the University or University personnel, including the University Police.
  - (2) Furnishing false information at University disciplinary proceedings.
  - (3) Forgery, unauthorized alteration, or unauthorized use of any University documents, records, or identification cards, including computer records, misuse of computer facilities, and electronic mailing systems. Academic dishonesty violations will be handled according to the Code of Academic Integrity.
- k. Misuse of Fire Safety Equipment - Misuse or damage to fire safety equipment, such as fire extinguishers or exit signs.
- l. Theft - Theft of property or of services or knowing possession of stolen property.
- m. Destruction of Property - Destroying or damaging University property, such as library holdings, or the property of others.
- n. Non-compliance - Failure to comply with reasonable directions of University officials, including University Police officers and representatives of the Office of Student Rights & Responsibilities acting in performance of their duties. Directives to cooperate in the administration of this "Code" including those to appear and give testimony at a University disciplinary proceeding as well as directives to produce identification are included in the scope of this provision.
- o. Regulation Violation - Any violation of other published University regulations including but not limited to The Alcoholic Beverage Consumption and Distribution Policy, regulations governing student organizations, the Residential Community Conduct Guidelines (whether the student lives in residence or not) and other lease agreements with the University, the Code of Computer Usage, and the Gelman Library Rules and Regulations.
- p. Fireworks Violation - Use or possession of fireworks.
- q. Violation of Law - Violation of federal and/or local law, including, but not limited to, possession of any false, fraudulent, or otherwise illegal identification card or document; manufacture, sale, or distribution of local, state, or federal identification.
- r. Unauthorized Use of the University's Name - Any unauthorized commercial use of the University's name, logo, or other representation.
- s. Disorderly Conduct - Shouting or making excessive noise either inside or outside a building; verbally abusing University officials acting in performance of their duties;

acting in a manner that annoys, disturbs, threatens or harasses others; disrupting obstructing or interfering with the activities of others; or behaving in a lewd or indecent manner.

- t. Hazing - Any act of hazing. Hazing is defined as any action taken or situation created, intentionally, with or without consent, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities and situations include but are not limited to paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips, or any other such activities carried on outside the confines of the house or organization; wearing, publicly, apparel that is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with the academic mission of the University. Groups and organizations will be held responsible for the actions of their members including pledges, associates, and any other pre-initiates.

Persons will be charged, in addition to the group or organization itself, under this, as well as any other applicable violations. See Articles 28 and 29 for further information on this prohibition.

- u. Discrimination - Committing any of the above acts because of a person's race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identify or expression.

## Sanctions

Articles 12 and 13 represent an attempt to give needed assistance to those who are assessing sanctions. The guidance is directed toward imposing more severe disciplinary sanctions in serious cases. However, the language concerning "mitigating factors" is broad enough to give considerable discretion to do justice, depending upon the facts in each case. The burden of establishing mitigating factors prior to imposition of sanctions is on the student accused.

**12.** This "Code" seeks to preserve flexibility in the imposition of sanctions so that each student, group, or organization offender is afforded the greatest possibility for appropriate and just treatment.

Significant mitigating or aggravating factors shall be considered, which may include the current demeanor and the presence or lack of a disciplinary or criminal record of the offender, as well as the nature of the offense and the extent of any damage, injury, or harm resulting from it.

- a. Censure - An official written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.
- b. Disciplinary Probation - Exclusion from participation in privileged or extracurricular institutional activities for a specified period of time, including athletic and any other team activity or sport. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this "Code" during the period of probation, will normally result in suspension or expulsion from the University.

- c. Restitution - Repayment to the University or to an affected party for damages, loss, or injury resulting from a violation of this "Code".
- d. Eviction from Residence - Termination of residence contract and exclusion from visiting within certain or all residential facilities as set forth. Any student who is evicted shall not be entitled to a refund of room fees. Evicted students may not reside in other University-owned/controlled housing unless a waiver is granted by the Office of Student Rights & Responsibilities.
- e. Suspension - Exclusion from classes and other privileges or activities, including access to University premises or University-sponsored activities off campus, as set forth in the notice of suspension, for a specified period of time. Any student who is suspended shall not be entitled to any tuition or fee refund and is barred from University premises.
- f. Expulsion - Termination of student status and exclusion from University privileges and activities, including access to University premises or University-sponsored activities off campus, in perpetuity. Any student who is expelled shall not be entitled to any tuition or fee refund and is barred from University premises.
- g. Other sanctions - Other sanctions may be imposed instead of, or in addition, to those specified above. For example, students may be subject to restrictions upon or denials of University parking privileges for violations involving the use or registration of motor vehicles on campus. Service projects may also be assigned. Students may be directed to have "no contact" with other students and/or may be forbidden to access specified areas of campus ("persona non grata").

**13.** The following are recommended **minimum** sanctions:

- a. Sexual Assault: One year suspension and eviction from the residence halls or University-owned or controlled rental properties.
- b. Physical Abuse: One semester suspension and eviction from the residence halls or University-owned or controlled rental properties.
- c. Assault: Disciplinary probation.
- d. Sexual Harassment: Disciplinary probation.
- e. Drug Violation:
- (1) Possession and/or use:
- 1st offense: \$50 fine, required participation in a drug abuse education program, disciplinary probation, and eviction from residence halls;
- 2nd offense: \$100 fine and required evaluation by a certified service at the student's expense;
- 3rd offense: Conference with the Dean of Students or designee to determine the viability of the student's remaining at the University.

(2) Manufacture, distribution, possession with intent to distribute illegal drugs or controlled substances: One year suspension.

(3) Violation of the Alcohol Policy:

1st offense: \$50 fine, censure, and required participation in an alcohol education program;

2nd offense: \$100 fine, disciplinary probation, and required assessment by a certified service at the student's expense;

3rd offense: Conference with the Dean of Students or designee to determine the viability of the student's remaining at the University.

f. Possession or Storage of a Weapon or Object That Could Be Construed as a Weapon: Disciplinary probation and eviction from the residence halls or University-owned or controlled rental properties.

(1) Use of weapons, ammunition or objects that could be construed as weapons: One semester suspension.

(2) Use of firearms: One year suspension.

g. False Alarm/Report: Suspension from the University and/or eviction from the residence halls or University-owned or controlled rental properties.

h. Interfering with University Events: Censure.

i. Sanction Violation: Disciplinary probation.

j. Dishonesty: Disciplinary probation.

k. Misuse of Fire/Safety Equipment: Restitution.

l. Theft: Restitution.

m. Destruction of Property: Restitution for the cost of replacement or repairs; loss of privileges in libraries or computer or other laboratories.

n. Non-compliance: Disciplinary probation.

o. Regulation Violations: Disciplinary probation, eviction from the residence halls or University-owned or controlled rental properties; denial of computer privileges/access; loss of library privileges. In egregious cases, such as tampering with University computer records, the student may be suspended for no less than one semester.

p. Fireworks Violation: Eviction from the residence halls or University-owned or controlled rental properties; restitution for the cost of repairs.

q. Violation of Law: Disciplinary probation for acts including but not limited to possession of any falsified means of identification; one semester suspension or, in egregious cases, expulsion for acts including, but not limited to, manufacture, sale, or distribution of local, state, or federal means of identification.

r. Unauthorized Use of the University's Name: Disciplinary probation.

s. Disorderly Conduct: Disciplinary probation and/or eviction from the residence halls or University-owned or controlled rental properties.

t. Hazing: For groups or organizations, loss of University registration and all attendant privileges; for individuals, disciplinary probation or any other sanction applicable for additional charges.

u. Discrimination: Will not have a separate, minimum sanction since it only will be charged in conjunction with charges or other prohibited conduct as an aggravating circumstance to be considered in imposing sanctions for another violation.

14. Repeated or aggravated violations of any part of this "Code" may also result in expulsion or suspension or any other sanction that may be appropriate.

15. Attempts to commit acts prohibited by this "Code" or encouraging others to commit acts prohibited by this "Code" shall be punished to the same extent as completed violations.

#### Case Referrals

16. Any person may refer students or student groups or organizations suspected of violating any part of this "Code" to the Office of Student Rights & Responsibilities and the University Police Department. Any person who witnesses a violation in progress should report it immediately to the University Police Department.

17. The Assistant Dean of Students or designee will review the allegations to determine whether a sanction of suspension, eviction from housing, or expulsion could potentially result. If so, a hearing before a University Hearing Board will be scheduled pursuant to Article 26 of this "Code." If not, a Disciplinary Conference will be scheduled pursuant to Article 25, or an ad hoc board will be convened.

18. Any student entitled to a hearing before a University Hearing Board may elect to have a Disciplinary Conference instead. If a student entitled to a hearing before a University Hearing Board elects a Disciplinary Conference, the full range of sanctions may be imposed, including, eviction, suspension, and expulsion.

19. The Assistant Dean of Students or designee may defer disciplinary proceedings (University Hearing Board or Disciplinary Conference) for alleged violations of this "Code" for a period not to exceed two semesters. Pending charges may be withdrawn thereafter, depending on the conduct of the accused student, or be added to any subsequent charges within the period of deferment.

#### Judicial Boards

20. Judicial Bodies:

a. The University Hearing Board hears cases to be resolved in accordance with this "Code". The Board is composed of five full-time students to be selected from the pool. The pool shall consist of at least 10 full-time students selected according to Article 22 of this "Code". If the alleged misconduct may result in suspension or expulsion from the University, whenever possible, a faculty member or administrator will be included; however, the absence of a faculty member or administrator will not prevent the University Hearing Board from hearing a case. Quorum will consist of at least three students.

- b. The Student Parking Violations Board considers appeals of offenses for which a ticket was issued by Parking Services, as well as other parking matters referred by the Office of Parking Services. It may both impose and reduce prescribed fines or suspensions of parking privileges. The Board is composed of three full-time students. Board decisions are subject to administrative review at the discretion of the Assistant Dean of Students or designee, but are otherwise considered final and conclusive. Requests for appeal of parking tickets must be submitted in writing to the Office of Parking Services within thirty business days from the date the ticket was issued. Failure to appeal within this allotted time will render the original decision final and conclusive.
- c. Ad hoc Boards may be appointed by the Assistant Dean of Students or designee if after reasonable effort a board is not able to be constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. Ad hoc Boards may be composed of administrators, faculty members, students, or any combination thereof. Reasonable efforts should be made to arrange for student membership on any ad hoc Board.
- d. The Committee on the Judicial System, appointed by the President for a term of two years, will be composed of the following members: two faculty members to be nominated by the Faculty Senate; two administrators to be nominated by the Dean of Students; and two full-time undergraduate students and one graduate student to be nominated by the President of the Student Association. Quorum will consist of three members with each constituency - administrators, faculty, and students - represented. The chair should be a member of the Faculty Senate. In addition to reviewing appeals, other tasks or assignments may be referred to the Committee at the discretion of the Dean of Students. The Committee on the Judicial System's decisions on appeals are final and conclusive.

21. With the exception of the Student Parking Violations Board, the finding of fact as determined by each University Hearing Board or Disciplinary Conference will be forwarded to the Assistant Dean of Students or designee for determination and imposition of sanction, if applicable. In case of suspension or expulsion, the Dean of Students or designee, in concurrence with the Provost and Executive Vice President for Academic Affairs or designee, will impose sanctions.

#### **Selection and Removal of Judicial Board Members**

22. Student members of each Judicial Board and the presiding officer are selected in accordance with procedures developed by the Assistant Dean of Students or designee. Student members of each Judicial Board are appointed by the Dean of Students or designee to serve for a term of one year. Faculty and administrative members of each Judicial Board are nominated by the Faculty Senate and the Dean of Students, respectively, and are appointed by the President for terms established by the Faculty Senate.

23. Members of any Judicial Board who are charged with any violation of this "Code" or with a criminal offense will be suspended from their judicial positions by the Assistant Dean of Students or designee during the pendency of the charges against them. Members found in-violation of any such violation or guilty of a criminal offense will be disqualified from any further participation in the University judicial system. Additional grounds and procedures for removal may be established by the Assistant Dean of Students or designee.

24. Students, faculty and staff appointed as members of any Judicial Board must adhere to absolute confidentiality relative to the matters and names of all persons who participate in the judicial process. Any student who violates this provision will be charged and, if found in violation, will be sanctioned.

#### **Procedural Guidelines - Disciplinary Conferences**

25. A Disciplinary Conference will normally consist of an informal, non-adversarial meeting between the accused party and a University administrator or an experienced member of the University Hearing Board as designated by the Assistant Dean of Students or designee, or the Office of Student Rights & Responsibilities. Respondents may request the Office of Student Rights & Responsibilities to call appropriate and relevant witnesses on their behalf. Accused students who fail to appear after written notice will be deemed not to have contested the allegations against them; however, a student may elect not to speak on his or her own behalf.

The following procedural guidelines are applicable to respondents in Disciplinary Conferences:

- a. Written notice of the specific charges and date of the scheduled conference at least three days prior to the conference.
- b. Reasonable access to the case file at least three days prior to and during the conference. A case file is part of the student's education record under the Family Educational Rights and Privacy Act of 1974. The personal notes of University staff members are not included in the case file. The case file will be retained in the Office of Student Rights & Responsibilities.
- c. The opportunity to respond to the evidence and to call appropriate and relevant student witnesses. It is expected that all witnesses will provide information that is true and correct. Any student who knowingly provides false information during a disciplinary conference will be charged under Article 11, section j of this "Code".
- d. The right to an advisor in accordance with the guidelines in Article 27.
- e. If a student entitled to a hearing before a University Hearing Board elects a Disciplinary Conference, the full range of sanctions may be imposed, including eviction, suspension, and expulsion.
- f. Notarized affidavits may be accepted or other accommodations made at the discretion of the presiding officer in lieu of live testimony if a witness is out of state or otherwise determined to be unavailable.

#### **Procedural Guidelines – University Hearing Boards**

26. The following procedural guidelines shall be applicable in all hearings before University Hearing Boards:

- a. Parties accused of violations will be given written notice of the hearing date and the specific charges against them within a reasonable amount of time and be given reasonable access to the case file, which will be retained in the Office of Student Rights & Responsibilities.
- b. The Office of Student Rights & Responsibilities will take steps to compel the attendance of student witnesses whose testimony may help the University Hearing Board establish

the factual record. Failure to appear when called will result in charges under this “Code” but will not invalidate the proceedings. Character witnesses will not be heard. It is expected that all witnesses will provide information that is true and correct. Any student who knowingly provides false information during a disciplinary hearing will be charged under Article 11, section j of this “Code”.

- c. Accused parties who fail to appear after written notice will be deemed not to have contested the allegations against them; however, a party may elect not to speak on his or her own behalf. In such cases, the University Hearing Board’s decision will be based solely on witness testimony and other information presented during the proceeding.
- d. Hearings will be closed to the public.
- e. The presiding officer will exercise control over the proceedings to maintain proper decorum, avoid needless consumption of time, and achieve an orderly completion of the hearing. Anyone disrupting the hearing may be removed or excluded from the hearing by the presiding officer, the Assistant Dean of Students, or designee. Such disruption is a violation of this “Code”, and a person may be charged following his or her disruption and removal.
- f. Hearings will be recorded or transcribed. The method used is at the discretion of the Assistant Dean of Students or designee.
- g. Any party may challenge a Board member on the grounds of personal bias before the hearing commences. The decision to disqualify a Board member will be made by the Assistant Dean of Students or designee. This decision is final.
- h. Witnesses will be truthful in giving testimony before the Board. Furnishing false information in such a context is a violation of this “Code” and appropriate sanctions will be applied.
- i. Only the immediate parties (and the parties’ advisors if applicable) to the alleged violation may be present throughout the hearing. All parties will be excluded during Board deliberations.
- j. The Board will question all parties in an effort to establish the factual record. On disputed points, a preponderance of the evidence available, fairly considered, will 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.
- k. Formal rules of evidence will not be applicable in disciplinary proceedings described in this “Code”.
- l. All parties may question witnesses who testify for any of the parties at the hearing.
- m. Prior to the hearing, the Assistant Dean of Students or designee may appoint a special presiding officer in complex cases.
- n. Reports of the Board shall include a finding of fact and a determination of whether or not the respondent is in violation of the alleged misconduct. If the Board determines the respondent to be in violation, the report will also include a recommendation of sanction. The Board

may consider mitigating or aggravating circumstances when making a sanction recommendation. The report will be forwarded to the Assistant Dean of Students or designee for review. If in the judgment of the Assistant Dean of Students or designee the sanction recommended by the Board is significantly at variance with sanctions imposed in closely similar cases, the Assistant Dean of Students or designee may then revise the sanction.

- o. In cases of suspension or expulsion, the Dean of Students or designee, in concurrence with the Provost and Executive Vice President for Academic Affairs or designee, will impose sanctions. The past disciplinary record of the accused student and applicable mitigating and aggravating circumstances will be taken into account in determining the sanction(s).
- p. The decision of the Board shall be rendered, in writing, within a reasonable amount of time, along with any sanction(s) imposed.
- q. Notarized affidavits may be accepted or other accommodations made at the discretion of the presiding officer in lieu of live testimony if a witness is out of state or otherwise determined to be unavailable.

### **Representatives and Advisors**

**27.** Legal representation is not permitted in University Disciplinary Conferences or University Hearing Board hearings, although parties may be accompanied by advisors or friendly observers. The role of advisors shall be limited to consultation with the specific parties they are advising; and they may not address the Board or question witnesses. A violation of this limitation may result in an advisor being removed from the hearing at the discretion of the presiding officer. The advisor may be, but may not act as, legal counsel. Accused students must notify the Office of Student Rights & Responsibilities if they will have legal counsel at the hearing or conference at least three business days prior to the hearing or conference.

### **Student Groups and Organizations**

**28.** Student groups and organizations may be charged with violations of this “Code”.

**29.** 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.

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.

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. For example, requiring, expecting, or encouraging members to consume any drugs, including alcohol, as a condition or prelude to membership or further participation in the organization would constitute a violation of Article 11, sections b, e, h, and t. This is because such an activity may be physically abusive, constitutes an interference with normal University activities, and violates drug or alcohol regulations. The express or implied “consent” of the victim or participant is not a defense. Participants in these activities will be charged; the University community is considered to be the victim.

30. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Assistant Dean of Students 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 Assistant Dean of Students 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.

31. Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions.

### Appeals

32. Appeals must be based on new information that is relevant to the case, that was not previously presented at the hearing or conference, and that significantly alters the finding of fact. Appeals must be submitted in writing to the Office of Student Rights & Responsibilities within five business days from the date of the written sanction notice. Failure to appeal within the allotted time will render the original decision final and conclusive.

33. A timely appeal will be reviewed by the Senior Assistant Dean of Students or designee to determine its viability based on the criteria in Article 32. Upon a determination of viability, the appeal will be forwarded to the chair of the Committee on the Judicial System, who shall select a Panel of three persons from the Committee to review and decide the appeal. The Panel shall consist of one member from each constituency - administrators, faculty and students - but otherwise the selection of Panel members shall be within the discretion of the chair. The decision to grant or deny the appeal will be based on information supplied in the written appeal and, when necessary, on the record of the original proceedings. The decision of the Panel, or the findings and sanctions arising from any new hearing or conference ordered by the Panel in connection with the appeal, are final and conclusive.

34. The Panel of the Committee on the Judicial System may

- a. Affirm the finding of the original board or conference;
- b. Remand the case to the original board or conference officer for a new hearing;
- c. Request that a new board or conference officer hear the case.

35. The imposition of sanctions will be deferred during the pendency of appellate proceedings unless, in the judgment of the Dean of Students or designee, the continued presence of the student on campus poses a substantial threat to others, to himself or herself, or to the stability and continuance of normal University functions.

### Transcript Notations

36. An encumbrance may be placed on a student’s University records by the Assistant Dean of Students or designee while disciplinary proceedings are pending or sanctions are incomplete.

37. Notation of disciplinary action will be made on the transcript whenever a student is expelled or suspended. Students may petition for removal of the notation of suspension when the suspension period has expired or after three years, whichever comes first. Such petitions may be granted at the discretion of the Assistant Dean of Students or designee. Factors to be considered in reviewing petitions for notation removal include the current demeanor of the student, the

student’s conduct subsequent to the violation, and the nature of the violation, including the damage, injury, or harm.

### Disciplinary Files and Records

38. Case referrals may result in the development of a disciplinary file in the name of the student; the file shall be voided if the charge is not substantiated. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.

39. The files of students found in violation of any prohibited conduct will be retained as a disciplinary record until their graduation. This provision shall not, however, prohibit any program, department, college, or school of the University from retaining records of violations and reporting violations as required by their professional standards; the University may retain, for appropriate administrative purposes, records of all proceedings regarding violations of the “Code of Student Conduct”. Disciplinary records may be reported to third parties in accordance with University regulations and law.

40. Disciplinary records may be removed from the student disciplinary files of the Office of the Dean of Students by the Assistant Dean of Students or designee, upon written request of the student, no sooner than one year after the finding of fact for the case. In deciding whether to grant the request, the Assistant Dean of Students or designee will consider such factors as the current demeanor of the student, the student’s conduct subsequent to the violation, and the nature of the violation, including the severity of any other student’s damage, injury, or harm.

41. Students assigned to complete any sanction as a result of violating any section of this “Code” will have their records encumbered by the Office of Student Rights & Responsibilities. The encumbrance will be removed upon completion of all sanctions required by the University.

### Conflicts

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

*Approved – October, 1996*

## Additional Conduct Regulations

**In addition to the Statement of Student Rights and Responsibilities and the “Code of Student Conduct,” the following are the principal regulations governing student conduct. The text below is a summary of the official University document (cited in parenthesis following the title). Please refer to the full text of the policies, which can be found online at <http://policy.gwu.edu>.**

### A. Violations of Law, Including Laws Proscribing Certain Drugs

(Board of Trustees Resolution -- October 19, 1968)  
The University cannot condone violations of law, including violation of those laws that prohibit possession, use, sale, or distribution of certain drugs. Administrative action, which may include dismissal from the residence halls, revocation of other privileges, or suspension or dismissal from the University, may be taken in order to protect the interests of the University and the rights of others.

## **B. Possession of Firearms**

(Firearms and Weapons Policy)

The possession of firearms, explosives, or other weapons by members of the University community on University premises without the explicit authorization of the University, whether or not a federal or state license to possess the same has been issued to the possessor, is prohibited.

<http://my.gwu.edu/files/policies/FirearmsFINAL.pdf>

## **C. Unauthorized Entry/Trespass**

(Barring People From Campus Policy)

The University reserves the right to determine who can and cannot access and/or use property owned, controlled, or leased by the University. The University reserves the right to bar from University property or facilities any person, whether or not affiliated with the University, to whom the University does not wish to allow access.

<http://my.gwu.edu/files/policies/BarringPeopleFINAL.pdf>

## **D. Misuse of University Identification**

(GWorld Card Policy)

The GWorld Card is the official identification card of the University, and it is required for access to certain campus buildings (such as residence halls, libraries, and athletic facilities) and to University events. The card also provides a declining balance account for purchases at on- and off-campus merchants. By accepting the GWorld card, an individual agrees to be bound by the requirements set forth in the GWorld Card Policy. Violations may result in confiscation of the card and disciplinary action up to and including termination of employment or enrollment.

<http://my.gwu.edu/files/policies/GWorldCardFINAL.pdf>

## **E. Animals in Residential Buildings**

(Residential Community Conduct Guidelines)

No animals of any kind, other than properly attended service animals for individuals with disabilities (registered through the Office of Disability Support Services), are permitted in University residence halls. In the event animals, including laboratory specimens, are found in a residence hall, the University reserves the right to have them removed and to bill the student(s) responsible for required extermination and cleaning services. Disciplinary action may be taken against the student(s).

<http://living.gwu.edu/forms/rccgs>

## **F. Demonstration**

(Demonstrations Policy)

The University supports the rights of members of the community to dissent and to demonstrate that dissent, provided that such activities do not disrupt normal campus operations, obstruct free access to University buildings, facilities, or spaces or infringe upon the rights of others.

<http://my.gwu.edu/files/policies/DemonstrationsFINAL.pdf>

## **G. Disruption of University Functions**

(Board of Trustees Resolution -- January 16, 1969)

Any member of the University (including as members of the University all persons having a formal connection with the University) who

1. Engages in conduct that unreasonably obstructs teaching, research, and learning; or
2. Unreasonably obstructs free access to members of the University or to University buildings; or
3. Disobeys general regulations of the University; or
4. Damages University property or injures members or guests of the University;

may be punished for conduct by dismissal from the University, or by some lesser disciplinary action, through procedures established within the University for the government of its members.

## **H. Political Activities**

(Political Activity Policy)

The University's policy is to comply with Internal Revenue Service regulations that restrict the use of its property and employees in political campaign activities in support of or in opposition to candidates.

<http://my.gwu.edu/files/policies/PoliticalActivityFINAL.pdf>

## **I. Right to Change Rules and Programs**

(University Bulletin)

The University reserves the right to modify or change requirements, rules, and fees. Such regulations shall go into force whenever the proper authorities may determine. The right is reserved by the University to make changes in programs without notice whenever circumstances warrant such changes.

<http://www.gwu.edu/~bulletin/>

## **J. Right to Dismiss Students**

(University Bulletin)

The University reserves the right to dismiss or exclude any student from the University, or from any class or classes, whenever, in the interest of the student or the University, the University Administration deems it advisable.

<http://www.gwu.edu/~bulletin/>

## **K. Non-Punitive Administrative Actions**

In the course of University administration, faculty and administrators may take actions that have some coloring of punitive action but that, in fact, are not taken with intent to punish the student. Actions of this kind are necessary to the reasonable operation of the University, but care must be exercised that they do not become devices for avoiding the safeguards established to avoid unfair, arbitrary, or capricious invasions of student rights. An example is the refusal to re-enroll a student with unpaid indebtedness to the University. Another example would be the refusal to re-enroll a student with incapacitating psychological disturbances. Another example would be the requirement that a student pay for damage to University property caused by his or her negligence. These examples are illustrative, not a comprehensive description of these inherent administrative powers. These actions are not governed by the disciplinary procedures of the *Statement of Student Rights and Responsibilities* or by the "Code of Student Conduct."

# **Code of Academic Integrity**

## **Preamble**

We, the Students, Faculty, Librarians and Administration of The George Washington University, believing academic honesty to be central to the mission of the University, commit ourselves to its high standards and to the promotion of academic integrity. Commitment to academic honesty upholds the mutual respect and moral integrity that our community values and nurtures. To this end, we have established The George Washington University Code of Academic Integrity.

## Article I: The Authority of the Code of Academic Integrity

### Section 1: Jurisdiction of the Code of Academic Integrity

The Code of Academic Integrity shall have jurisdiction over the following schools within the University:

- 1) the College of Professional Studies;
- 2) the Columbian College of Arts and Sciences;
- 3) the Elliott School of International Affairs;
- 4) the Graduate School of Education and Human Development;
- 5) the School of Business;
- 6) the School of Engineering and Applied Science;
- 7) the School of Nursing;
- 8) the School of Public Health and Health Services;
- 9) all programs in the School of Medicine and Health Sciences, except the Doctor of Medicine program.

### Section 2: Repeal of Prior University Policies on Academic Dishonesty

Academic dishonesty policies of The George Washington University applicable to the aforementioned schools previous to the time of the passage of this Code of Academic Integrity are hereby repealed and are for all intents and purposes null and void. The George Washington University Law School maintains its own code of academic integrity and is excluded from this Code.

### Section 3: Interpretation

Conflicts or questions about the Code of Academic Integrity (including its interaction with other policies of the University) should be forwarded to the Office of the Provost and Executive Vice President for Academic Affairs. The Provost and Executive Vice President for Academic Affairs or a designee shall be the final interpreter of the Code of Academic Integrity.

## Article II: Basic Considerations

### Section 1: Definition of Academic Dishonesty

(a) Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information.

(b) Common examples of academically dishonest behavior include, but are not limited to, the following:

- 1) *Cheating* - intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise; copying from another student's examination; submitting work for an in-class examination that has been prepared in advance; representing material prepared by another as one's own work; submitting the same work in more than one course without prior permission of both instructors; violating rules governing administration of examinations; violating any rules relating to academic conduct of a course or program.

- 2) *Fabrication* - intentional and unauthorized falsification or invention of any data, information, or citation in an academic exercise.
- 3) *Plagiarism* - intentionally representing the words, ideas, or sequence of ideas of another as one's own in any academic exercise; failure to attribute any of the following: quotations, paraphrases, or borrowed information.
- 4) *Falsification and forgery of University academic documents* - knowingly making a false statement, concealing material information, or forging a University official's signature on any University academic document or record. Such academic documents or records may include transcripts, add-drop forms, requests for advanced standing, requests to register for graduate-level courses, etc. (Falsification or forgery of non-academic University documents, such as financial aid forms, shall be considered a violation of the non-academic student disciplinary code.)
- 5) *Facilitating academic dishonesty* - intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty.

### Section 2: Reportage

(a) It is the moral responsibility but not the sanctioned obligation (unless otherwise provided herein) of each member of The George Washington University community to respond to suspected acts of academic dishonesty by:

- 1) consulting the individual(s) thought to be involved and encouraging them to report it themselves, and/or
- 2) reporting it to the instructor involved, and/or
- 3) reporting it to the Academic Integrity Council.

(b) Reporting oneself after committing academic dishonesty is strongly encouraged and may be considered in determining sanctions.

### Section 3: Assignments and Examinations

(a) Instructors are solely responsible for establishing academic assignments and methods of examination.

(b) Instructors are encouraged to provide to students clear explanations of their expectations regarding the completion of assignments and examinations, including permissible collaboration.

(c) Instructors are encouraged to choose assignments and methods of examination believed to promote academic honesty. Examples of these include careful proctoring of examinations and the constant creation of fresh exams. Collaborative projects and unproctored examinations do not violate the promotion of academic integrity. When assigning collaborative projects or using unproctored examinations, the instructor should explicitly state the expectations of performance for all participants.

(d) Instructors are encouraged to provide opportunities for students to affirm their commitment to academic integrity in various settings, including examinations and other assignments. The following statement may be used for this purpose: "I, (student's name), affirm that I have completed this assignment/examination in accordance with the Code of Academic Integrity."

## Article III: The Academic Integrity Council

### Section 1: Mission of the Academic Integrity Council

(a) The Academic Integrity Council will be responsible for promoting academic integrity and for administering all procedures in this Code.

(c) Administrative and logistical support for the Academic Integrity Council shall be provided by the Office of the Associate Vice President for Academic Operations. The office shall be the repository for records pertaining to the Code of Academic Integrity and Academic Integrity Council.

### Section 2: Composition of the Academic Integrity Council and the Hearing Panels

(a) The Academic Integrity Council shall have members from each of the participating schools. There will be six students and four faculty members from the Columbian School of Arts and Sciences. There will be four students and two faculty members from each of the following schools: the Elliott School of International Affairs, the Graduate School of Education and Human Development, the College of Professional Studies, the School of Business, the School of Engineering and Applied Science, the School of Nursing, the School of Public Health and Health Services, and the programs of the School of Medicine and Health Sciences (except the Doctor of Medicine program). The terms of all members shall be one academic year. Members may reapply for additional terms. The process for identifying and selecting candidates to serve on the Academic Integrity Council shall be determined by the Implementation Team, as described in Article V, Section 2.

(b) At the beginning of each academic year, five presiding officers will be elected by the full membership of the Council, from among the student members, at a meeting convened by the Associate Vice President for Academic Operations or a designee. Insofar as possible, these Officers shall rotate responsibility for presiding over cases. The presiding officer will have no vote in the deliberations on establishing guilt or recommending a sanction at the hearing.

(c) Hearing Panels selected from members of the Academic Integrity Council shall adjudicate all cases arising under this Code. The Associate Vice President for Academic Operations or a designee will select and convene hearing panels as needed. A Hearing Panel shall be comprised of a presiding officer, two student members and two faculty members. Two of the members shall be from the home school of the respondent(s). One of the members shall be from the home school of the course. Should Academic Integrity Council members from the home schools of the respondent and course be unavailable to adjudicate a case, the Associate Vice President for Academic Operations or a designee may appoint other Academic Integrity Council members as substitutes.

(d) Cases arising in the summer may be adjudicated in the summer, providing that members of the Academic Integrity Council are available. Otherwise they will be adjudicated during the following academic year.

(e) All members of the Academic Integrity Council shall participate in training organized by the Associate Vice President for Academic Operations or a designee.

### Section 3: Selection and Removal of Academic Integrity Council Members

(a) During each spring semester, a Selection Committee will handle the nomination, application and selection processes of the Academic Integrity Council members who will serve in the next academic year. This committee shall be convened by the Associate Vice President

for Academic Operations or a designee, and will be comprised of the following members:

- 1) the Faculty Co-Chair of the Joint Committee of Faculty and Students;
- 2) the Student Co-Chair of the Joint Committee of Faculty and Students;
- 3) the Chair of the Faculty Senate Committee on Educational Policy;
- 4) the Chair of the Student Association Senate Academic Affairs Committee;
- 5) the Chair of the Faculty Senate Executive Committee or a designee;
- 6) the President of the Student Association or a designee.

(b) The following criteria shall be used in the selection of the student members:

- 1) must be students registered for at least three credit hours in a degree-granting program of the School which they are representing;
- 2) must have made satisfactory academic progress and be in good academic standing;
- 3) may not have any disciplinary record or probation of any sort;
- 4) may not hold any position, either elected or appointed, in the Student Association.

(c) The following criteria shall be used in the selection of the Faculty members:

- 1) must be full-time faculty members in the School that they are representing;
- 2) may not be elected members of the Faculty Senate.

(d) Members of the Academic Integrity Council who are charged with any violation of this Code or the "Code of Student Conduct" shall be suspended from participation during the pendency of the charges against them. Members found guilty of any violation of this Code or the "Code of Student Conduct" shall be disqualified from any further participation in the Academic Integrity Council. Faculty members involved in a pending case shall not participate on a Hearing Panel during the pendency of the charge.

(e) The Academic Integrity Council, by a two-thirds vote of the membership, may remove a member for non-participation. Each Academic Integrity Council shall, at the beginning of its term, define an expectation of participation for its members.

(f) Vacancies, as they occur, shall be filled by the Selection Committee.

### Section 4: Case Procedures

(a) Charges involving violations of the Code of Academic Integrity may be initiated by either faculty, students, librarians or administrators. Any charges should be made as expeditiously as is reasonably possible (normally within twelve working days except in the summer or during academic breaks and holidays) from the discovery of the infraction. Charges may be initiated as follows:

- 1) A student may initiate a charge of academic dishonesty against another student, by referring the case to the faculty member involved and/or to the Academic Integrity Council. If the case is brought directly to the Academic Integrity Council, for action by a Hearing Panel, then the Associate Vice President for Academic Operations or a designee shall promptly notify the instructor of the involved course.
- 2) When a faculty member initiates a charge or is made aware of a violation which the faculty member determines to be substantive, the faculty member shall contact the Academic Integrity Office in order to discover whether the student has ever been found guilty of a charge of academic dishonesty.
  - i) In first offense cases, the instructor shall either act directly, in consultation with the Department Chair, or refer the case to the Academic Integrity Council for action by a Hearing Panel. An instructor who acts directly must present the student with specific charges and a proposed sanction. Sanctions will be determined in accordance with Article III, Section 5 and Article II, Section 2 of this Code.
  - ii) If the faculty member acts directly then the accused student shall have the right to appeal directly to the Academic Integrity Council, for action by a Hearing Panel, should he or she disagree with the validity of the charge or the appropriateness of the sanction.
  - iii) Second offenses shall go directly to the Academic Integrity Council, for action by a Hearing Panel.
  - iv) If a faculty member is made aware of a violation which the faculty member determines not to be substantive, the faculty member shall notify the complaining student promptly.
- 3) All charges initiated by members of the administration or librarians shall go directly to the Academic Integrity Council, for action by a Hearing Panel.
  - a. All actions, on any level, shall be recorded with the Office of the Associate Vice President for Academic Operations. This includes cases handled directly by instructors.

(b) Deliberation of the hearing shall occur in two stages: the establishment of guilt and the recommendation of sanction. To find a respondent guilty, three-quarters of the voting panel members must agree. If the panel finds a respondent guilty, they shall also make a recommendation of sanction. A sanction other than expulsion can be recommended by three-quarters of the voting panel members. A sanction of expulsion can only be recommended by a unanimous vote of the voting panel members.

(c) Reports of the Hearing Panel shall include a finding of fact and a determination of the guilt or innocence of the respondent. If the respondent is found guilty, then the report will also include a recommendation of sanction. Sanctions will be determined in accordance with Article III, Section 5 and Article II, Section 2 of this Code. This report shall be forwarded to the Provost and Executive Vice President for Academic Affairs, who will review the report of the Hearing Panel. If in the judgment of the Provost and Executive Vice President for Academic Affairs the sanction recommended by the Panel is significantly at variance with sanctions imposed in closely similar cases, the Provost and Executive Vice President for Academic Affairs may revise the sanction before notifying the

respondent of the Hearing Panel's decision of guilt or innocence and the decision as to sanction. The complainant, appropriate Department Chair and Dean shall receive a copy of the Hearing Panel's report and the Provost and Executive Vice President's decision as to sanction.

(d) These proceedings should be concluded as expeditiously as possible. The Hearing Panels should strive to have proceedings concluded within seven weeks of the report of the violation. However, failure to do so shall not constitute improper procedure under the Code.

#### **Section 5: Sanctions**

(a) The recommended minimum sanction in first offense cases shall be failure of the assignment in question. The recommended minimum sanction in repeat violation cases shall be failure of the course. For more serious offenses sanction may be suspension from the University for a specified, minimum time or expulsion from the University. Other sanctions may be appropriate for particular cases.

(b) Sanctions of suspension or expulsion, as a result of academic dishonesty, may only be determined by a Hearing Panel.

(c) Attempts to commit acts prohibited by this Code may be punished to the same extent as completed violations.

(d) Respondents found in violation of this Code may also be removed from certain University programs, in accordance with the regulations and bylaws of that program.

(e) All sanctions except failure of the assignment in question shall be marked on the respondent's permanent record (i.e., transcript) with the phrase "Academic Dishonesty". In the case of failure of the course, the notation shall remain on the transcript of the respondent for a minimum of two years. In the case of suspension or expulsion, the notation shall remain on the transcript of the respondent for a minimum of three years. After the minimum time has elapsed, the respondent may petition to the Provost and Executive Vice President for Academic Affairs for the removal of the sanction notation from the transcript. This provision shall not, however, prohibit any program, department, college or school of the University from retaining records of violations and reporting violations as required by their professional standards; the University may retain, for appropriate administrative purposes, records of all proceedings regarding violations of the Code of Academic Integrity.

#### **Section 6: Hearing Panel Procedural Guidelines**

(a) All attendant procedures and records of the Academic Integrity Council and its Hearing Panels, from the initial charge to the final resolution, shall be strictly confidential.

(b) Respondents and complainants shall be given notice of the hearing date and the specific charges against them at least five calendar days in advance and shall be accorded reasonable access to the case file, which will be retained in the Academic Integrity Office. The instructor of the involved course, appropriate academic Dean, Department Chair and the Dean of Students shall also receive notification of the pending charges within five calendar days of the hearing.

(c) The presiding officer may request the attendance of witnesses upon motion of any panel member, or of either party. Only witnesses who can provide direct knowledge about the given case shall be called. Requests must be approved by the Associate Vice President for Academic Operations or a designee, and shall be personally delivered or sent by certified mail, return receipt requested. University students and employees are expected to comply with such requests. Complainants and respondents shall be accorded an

opportunity to question those witnesses who testify for either party at the hearing. Failure of witnesses to appear will not invalidate the proceedings.

(d) Hearings will occur in the absence of respondents who fail to appear after proper notice. In this instance, complainants will still be required to present a case.

(e) Hearings will be closed to the public, without exception. Prospective witnesses, other than the complainant and respondent, shall be excluded from the hearing during the testimony of other witnesses. All parties and witnesses shall be excluded from Panel deliberations. Both the complainant and the respondent may be accompanied by an advisor. The role of these advisors shall be limited to consultation. Under no circumstances are advisors permitted to address the Panel or question witnesses. At the discretion of the presiding officer, violations of this limitation will result in the advisor being ejected from the hearing. The University retains the right to have legal counsel present at any hearing.

(f) Hearings shall be conducted in accordance with the investigatory model of administrative hearings, in which the Hearing Panel assumes responsibility for the questioning of witnesses and the eliciting of relevant evidence. The purpose of the hearing is to establish the facts. The burden of proof shall be upon the complainant, who must establish the guilt of the respondent by a preponderance of the evidence. "Preponderance of the evidence" is that evidence, which when fairly considered, produces the stronger impression, has the greater weight, and is more convincing as to its truth when weighed against the evidence offered in opposition.

(g) Formal rules of evidence shall not be applicable in proceedings conducted pursuant to this Code. The presiding officer shall have the discretion to admit all matters into evidence that reasonable persons would accept as having probative value. Panel members may take into consideration matters that would be within the general experience of University students and faculty members.

(h) The presiding officer shall exercise control over the proceedings to achieve orderly and timely completion of the hearing. Any person, including the complainant and respondent, who disrupts a hearing may be excluded by the presiding officer. The presiding officer shall direct the hearing through the following: statements from both the complainant and respondent, questioning and cross-examination of witnesses by both the complainant and respondent, the questioning of the complainant, respondent and any witnesses by panel members, and concluding statements by the complainant and respondent.

(i) Hearings shall be tape-recorded. These tapes will be retained for a period of three years.

(j) Any party may challenge a panel member on the grounds of personal bias. In such cases, panel members may be disqualified from the hearing by the Associate Vice President for Academic Operations or a designee, or upon majority vote of the remaining members of the Panel, conducted by secret ballot.

(k) Witnesses shall be asked to affirm that their testimony is truthful. False testimony will be subject to charges of intentionally providing false information to the University, pursuant to Part 11(f) of the "Code of Student Conduct".

(l) Affidavits shall only be admitted into evidence if signed by the affiant and witnessed by the Associate Vice President for Academic Operations or a designee. An affiant who is unable to appear may submit an affidavit which has been witnessed by a notary.

## **Section 7: Appeals**

Appeals of the decision of the Hearing Panel or of the sanction imposed by the Provost and Executive Vice President for Academic Affairs shall only be based on new evidence or evidence of bias. After a decision has been confirmed by the Provost and Executive Vice President for Academic Affairs, either party may file, within three working days, an intention to appeal with the Academic Integrity Office. A petition of appeal must be filed within five working days of the declaration of intention. Appeals will be reviewed by the President of the University or a designee. The President or a designee will then make a decision on the appeal, based on the petition and the reports of the Hearing Panel and the Provost and Executive Vice President for Academic Affairs.

## **Article IV: Amendments to the Code of Academic Integrity**

### **Section 1: Amendments**

(a) Amendments to the Code of Academic Integrity shall be referred to or initiated by either the Faculty Senate or the Student Association. In order for an amendment to pass, both must approve the measure with a simple majority vote.

(b) Amendments will then be forwarded to the President of the University for confirmation and submission to the Board of Trustees with the President's recommendation for action.

### **Section 2: Reports and Reviews**

(a) The Office of the Associate Vice President for Academic Operations shall make an annual report to the Academic Affairs Committee of the Board of Trustees, Joint Committee of Faculty and Students, the Faculty Senate Educational Policy Committee, the Student Association Senate Academic Affairs Committee, and the Council of Deans on the work of the Academic Integrity Council.

(b) The Academic Integrity Council may, from time to time, make reports and recommendations to the Faculty Senate, the Student Association Senate or the Joint Committee of Faculty and Students about the state of the Code of Academic Integrity.

(c) The Office of the Associate Vice President for Academic Operations shall coordinate with the Joint Committee of Faculty and Students to conduct a review of the Code of Academic Integrity after its first year of operation, and then at least once every five years after that.

## **Article V: Implementation**

### **Section 1: Mission of the Implementation Team**

(a) The mission of the Implementation Team will be to plan for effective implementation of the Honor Code and to ensure that appropriate, adequate, and timely preparation is completed prior to the date of implementation.

(b) The types of preparation essential to effective implementation include, but are not limited to the following:

- 1) publication and distribution of the Code itself;
- 2) preparation of documents that relate the Code to practical student and faculty experience and that provide both groups with strategies for avoiding academic dishonesty;
- 3) inclusion of the Honor Code in the recruitment of prospective students and faculty;

- 4) planning for student, faculty, and graduate teaching assistant orientation, guidance and training;
- 5) working out practical details of implementation not explicitly covered in the Code, such as the organization of the Honor Council, the process for identifying candidates for the Honor Council, and the development of an application for Honor Council members;
- 6) prepare a fuller listing of potential sanctions and guidelines about the offenses for which they might be appropriate;
- 7) planning ways to maintain a high level of visibility for the Code;
- 8) developing ways to educate faculty and students about the importance of academic integrity and its impact on the University.

## **Section 2: Composition of the Implementation Team**

(a) The Implementation Team will be convened by the Provost and Associate Vice President for Academic Affairs, upon adoption of the Honor Code.

(b) The Implementation Team will be comprised of the following members:

- 1) the Faculty Co-Chair of the Joint Committee of Faculty and Students;
- 2) the Student Co-Chair of the Joint Committee of Faculty and Students;
- 3) the Chair of the Faculty Senate Committee on Educational Policy;
- 4) the Chair of the Student Association Senate Academic Affairs Committee;
- 5) the Chair of the Faculty Senate Executive Committee or a designate;
- 6) the President of the Student Association or a designate;
- 7) the University's General Counsel or a designate;
- 8) the Dean of the Columbian College of Arts and Sciences or a designate;
- 9) the Dean of the Elliott School of International Affairs or a designate;
- 10) the Dean of the Graduate School of Education and Human Development or a designate;
- 11) the Dean of the School of Business or a designate;
- 12) the Dean of the School of Engineering and Applied Science or a designate;
- 13) the Associate Dean of the Health Sciences Program in the School of Medicine and Health Sciences or a designate;
- 14) the Dean of Students or a designate;
- 15) any other members of the University the Associate Vice President for Academic Operations or a designate may deem necessary.

*Approved by the Board of Trustees - May 12, 1995*

## **Privacy of Student Records**

The following statement of policy and procedures has been adopted in compliance with the provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended.

Students of record in attendance at the University will receive notice of their rights under FERPA by publication in the University Bulletin. Student rights under FERPA are also published in the Office of the Registrar web site at <http://www.gwu.edu/~regweb/web-content/policies.html>, which is reviewed annually and updated as necessary.

### **I. Right to Inspect and Review Student Education Records**

Any student, once enrolled at The George Washington University as a student of record, shall have the right to inspect and review the student's Education Records, as defined in FERPA, within 45 days of the day the University receives a request for access. Students should submit to the University Registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

FERPA also excludes certain records from inspection and these records will not be made available. The following records are specifically excluded from inspection:

1. Financial records of parents.
2. Confidential letters and statements of recommendation entered in the education record after January 1, 1975, to which the student has waived right of access.
3. Personal notes of institutional, supervisory and educational personnel.
4. Campus law enforcement records, except reports of investigations and incidents that have been forwarded for action or information to other University officials.
5. Employee files, if the student is employed by the University.
6. Medical, psychological counseling and psychiatric records, or case notes maintained by appropriate professional personnel. (Such records may however, be reviewed personally with an appropriate professional of the student's choice.)
7. Admissions record on file in other component units (of the University) in which the student has not yet been enrolled.

### **II. Right to Request Amendment of Records**

The Family Educational Rights and Privacy Act gives students the right to review their education record and the right to request the record's amendment for any ministerial/clerical errors that are discovered after review. The process of requesting an amendment

also includes provision for a formal hearing if there is disagreement between the student and the holder of the record as to whether an amendment should be made. Changing or amending the student's educational record is limited to inaccurate, misleading information or if the information contained in the record is a violation of a student's privacy rights. **Amendments to a student's education record on substantive matters such as a grade change (when the problem is not a recording error) or a change in the result of disciplinary adjudication are not covered by FERPA and will not be considered by the University under this procedure.** To request an amendment to his or her education record, a student must follow the procedures listed below.

### Requesting Record Review

A student wishing to review all or a portion of his or her education record must make a written request to review the record to the University Registrar, dean, head of the academic department, or other appropriate official who holds the record to be inspected. A University official will respond to such requests within fourteen (14) days to schedule a date for the review to occur. Depending on the amount of material to be reviewed, the review date may occur as late as forty-five (45) days after the request is made in order to allow requested materials to be gathered in one location.

### Requesting Education Record Correction

After a student has reviewed his or her education record, a request to amend the record must be made in writing to the University official responsible for the record.

By law, the University is required to consider only requests to amend information that is *inaccurately recorded*. Requests for substantive changes such as a grade change, removal of materials such as received evaluations, or outcome in a judicial proceeding are not covered under the FERPA amendment proceeding.

A proper request to correct a student education record must:

- Be written to the University official responsible for the record;
- Clearly identify the part of the record they want to be changed; and
- Specify why the record is inaccurate or misleading.

Any written request that does not include the required information will not be considered and the requestor will be notified in writing that their request was not made properly.

Upon receipt of a proper request for amendment, the University will make a prompt determination within a reasonable time, but not more than thirty days, as to whether the proposed correction is accepted or rejected. The student will be notified in writing that the amendment has occurred or that the request is denied. A letter denying the request will state the reasons for the decision and notify the student of the right to request a hearing.

### Requesting a Hearing

A hearing request must be made in writing by the student and directed to the University Registrar. The Registrar will notify the student, within a reasonable time after the request is received, but not more than thirty business days, as to the date, time and place of the hearing. In most circumstances, the hearing date will be within forty-five business days of such notice so that the student may be prepared for the hearing.

## III. Right to Consent to Disclosure of Personally Identifiable Information from Student Records

Any student has the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

The University may release the following directory information upon request: name, local address (including email), telephone numbers, likeness used in University publications, photographs, name and address of emergency contact, dates of attendance, school or division of enrollment, enrollment status, field of study, credit hours earned, degrees earned, honors received, participation in University recognized organizations and activities (including intercollegiate athletics) and height, weight and age of members of athletic teams. Date of birth will be considered directory information only for the purpose of complying with applicable laws.

Any student who does not wish directory information released must file written notice to this effect with Office of the Registrar staff located in Colonial Central.

Absent a court order to the contrary, the University is required to make a reasonable effort to notify the student in the event of a subpoena of his or her educational record or a judicial order requiring the release of such data.

## IV. Right to File a Complaint

Each student has the right to file a complaint with the Department of Education concerning alleged failure by the University to comply with the requirements of FERPA. Complaints should be filed in writing to the following address:

Family Policy & Compliance Office  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-0498

## University Policies Available On-Line

Please visit the following websites for additional information:

Collection of University Policies On-Line  
<http://policy.gwu.edu>

The Office of the Vice President and General Counsel  
<http://www.gwu.edu/~vpgc/>

The University Police Department  
<http://gwired.gwu.edu/upd>

The GWired Network  
<http://gwired.gwu.edu>

## A Final Word About Security

The University is located in one of the safest areas of the city, but no campus is free of crime, whether it is urban, suburban, or rural. All members of the University community should therefore take reasonable precautions to protect themselves and their property.

The University Police Department is an accredited law enforcement agency that provides 24-hour police service to the campus community and it enforces federal and local statutes as well as GW regulations.

Community members, students, faculty, staff, and guests are encouraged to report all criminal and public safety related incidents to the University Police Department in a timely manner. This can be accomplished by calling 994-6110 for non-emergencies or 994-6111 in an emergency. The University Police Department publishes a brochure titled "Annual Safety and Security Report" and sends a notice of availability of the brochure to all registered students and all employees on an annual basis. There are also other brochures available at GWPD that provide security and safety related information to increase your awareness.

### Summary of Programs and Services offered by GWPD

- Emergency phones located in various areas throughout the campus.
- Escort vans and shuttle buses are available to provide safe escorts for students from 7 p.m. to 6 a.m. Students may be escorted to and from campus within the three-block boundaries of the escort service. For an escort or more information call (202) 994-RIDE.
- Crime prevention programs are available to groups upon request. Topics range from general crime prevention practices to sexual assault prevention.
- Community Service Aides are on duty in several buildings on campus to monitor access and provide additional "eyes and ears" for the University Police Department.
- Sexual Assault Crisis Consultation Team members are trained and prepared to assist the survivor of sexual assault or rape 24 hours a day.
- Self-Defense classes are available to students and employees. Call (202) 994-6994 for dates and times.

GW is committed to assisting all members of the GW community in providing for their own safety and security. Information regarding campus security and personal safety, including topics such as: crime prevention, university police law enforcement authority, crime reporting policies, fire safety, crime statistics for the most recent three year period, and disciplinary procedures is available by accessing our web site at <http://gwired.gwu.edu/upd> or from the GWPD at 2033 G Street, NW, Woodhull House, Washington, DC, 20052 (202) 994-6948.