

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 determined by the Dean of Student Affairs 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**”



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 Division of Student Affairs 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

- n. Non-compliance - Failure to comply with reasonable directions of University officials, including University Police officers and representatives of the Division of Student Affairs 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.
- v. Trespass. Entering or remaining on or in any part of any University premises without proper authorization.

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

Case Referrals

16. Any person may refer students or student groups or



Board as designated by the Director of the Office of Student Rights & Responsibilities or designee. 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.

[Redacted]

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

- a. Written notice of the specific charges pertaining to the party, and date of the scheduled conference, will be provided at least three days prior to the conference.
- b. Reasonable access to the case file will be provided at least three days prior to and during the conference. Case files contain student educational records so access will be provided It

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

may consider mitigating or aggravating circumstances when making a sanction recommendation. The report will be forwarded to the Director of the Office of Student Rights & Responsibilities or designee for review. The Director of the Office of Student Rights & Responsibilities or designee shall either adopt the sanction recommended by the Board or impose another or no sanction within his or her discretion.

- o. In cases of suspension or expulsion, the Dean of Student Affairs or designee, in concurrence with the Provost and Executive Vice President for Academic Affairs or designee, will make the final decision regarding sanctions. The past disciplinary record of the respondent and applicable

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Transcript Notations

36. An encumbrance may be placed on a student's University records by the Director of the Office of Student Rights & Responsibilities 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 Director of the Office of Student Rights & Responsibilities 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 Division of Student Affairs by the Director of the Office of Student Rights & Responsibilities 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 Director of the Office of Student Rights & Responsibilities or designee will consider such factors as the current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the severity of any other student's damage, injury, or harm.

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 provision of the Guide to Student Rights and Responsibilities, the terms of this "Code" shall govern.