

University Judicial Code for Student Conduct

UNDERLYING PURPOSE OF THE JUDICIAL SYSTEM

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

STATEMENT OF COMMUNITY VALUES

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

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

UNIVERSITY JUDICIAL CODE

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

In the presentation of ideas, the University encourages a balanced approach and respect for contrary points of view. Being open to the ideas and opinions of other members of the community will lead to discussion that is characterized by courtesy, mutual respect and charity no matter how offensive or unpopular the idea may be. Congruent with these ideas is the principle that all members of the George Mason University community enjoy the right to freedom of speech and expression.

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

It is expected that members of the community will actively participate in programs and activities of the University and will support efforts to foster the identified values of the community.

Students will be considered in violation if they fail to remove themselves from incriminating situations and/or report the incident to proper authorities. Students and student organizations can also be held responsible for the behavior of their guests.

The University reserves the right to discipline students for acts of misconduct wherever they occur. Acts of violence, weapons possession, and possession of illegal drugs will not be tolerated and will result in separation from the University.

BEHAVIORAL EXPECTATIONS

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

1. Illegal possession, use and/or distribution of alcoholic beverages, or possession of alcoholic beverages in designated "dry areas" in any form, in or about university grounds, instructional buildings, residential areas, or at any university approved activity on or off campus and/or impairment which can be attributed to the use of alcohol;
2. Use, manufacturing, distribution or possession of drugs, narcotics, chemicals and/or drug paraphernalia;
3. Illegal gambling;
4. Breach of peace or disorderly conduct;
5. Trespass;
6. Violation of regulations and policies governing residence in university owned or controlled property;
7. Acts of dishonesty included but not limited to knowingly furnishing false information, including forgery, alteration, or misuse of University documents, or identification;
8. Physical assault (including rape/sexual assault) or harassment (including sexual harassment/verbal abuse), threat of physical harm of any person or self, and/or conduct which threatens or endangers the health, safety, or welfare of any such person;

9. Non-recognized student groups attempting to function on the campus or in the name of George Mason University;
10. Failure to comply with a verbal or written directive given by a University official, including obligations associated with any disciplinary sanction(s);
11. Possession or use of firearms, fireworks, other weapons, or chemicals which are of an explosive or corrosive nature on university property or at university functions;
12. Theft, attempted theft, possession, sale or barter of, or damage to property of the university or of a member of the university community or campus visitor;
13. The instigation of false fire/explosion, or emergency alarms, bomb threats, tampering/misusing or damaging fire extinguishers, alarms or other safety equipment;
14. All forms of hazing such as any action taken or situation created, intentionally, to produce mental or physical discomfort, embarrassment, ridicule, or possibly cause mental or physical harm or injury to any person on or off the university campus;
15. Violation of policies, procedures or regulations of the university;
16. Misuse, abuse, and unauthorized use of computing resources, and/or use of computing resources for unauthorized purposes;
17. Illegal activity;
18. Interfering with the normal operation of the teaching/learning environment.

The University reserves the right to discipline students for acts of misconduct detrimental to the University community without regard to where the alleged violation occurred.

EXPECTATIONS OF STUDENT ORGANIZATIONS

Registration as an official organization with the University is voluntary. By doing so the organization voluntarily assumes the responsibilities associated with recognition. While the University does not wish to restrict the community member's rights to freedom of association with any organization, prior to choosing an organization community members are strongly encouraged to consult the list of recognized campus organizations. Only these, having been officially recognized, have voluntarily assumed the goals and the responsibilities of being a part of the campus community.

A student organization is subject to the disciplinary process in the following situations:

1. An alleged offense was committed by one or more members of an organization and was done so on behalf of the organization.
2. An alleged offense was committed by one or more members of an organization and was sanctioned by an officer.
3. An alleged offense was committed by one or more members of an organization and organization funds were used to finance the venture.
4. An alleged offense was committed by one or more members of an organization and was supported by a majority of the organization's membership.
5. An organization has chosen to protect one or more individual offenders who were members or guests of the organization.
6. After hearing the case, the hearing officer/body deems that the offense, by its nature, was an organization offense and not the actions of the individual members.
7. An alleged offense occurred as a result of an organization sponsored function.

Violations of University rules and regulations by an organization will be adjudicated through the University's Judicial System.

PROCEDURAL STANDARDS

The model for disciplinary procedures is that of an administrative proceeding, rather than criminal or civil trial. The following standards of fairness and student rights are guaranteed to a student in any University disciplinary proceeding.

1. The right to prompt, written notice of charges.
2. The right, upon written request filed with the hearing board or officer, to have reasonable access to any written testimony that may be used at a hearing.
3. The right to examine witnesses against the student and to produce evidence on his/her behalf.
4. The right not to be compelled to be a witness against oneself or to have his/her silence taken as an indication of responsibility for the violation.
5. The right to a decision based on a preponderance of the evidence.
6. The right not to be punished and censured unless the decision maker, on the basis of the evidence, is persuaded that the student is found responsible for the violation.
7. The right to be accompanied in all formal proceedings by an advisor of his/her own choosing and at his/her own expense.

8. The right to appeal decisions to a higher authority or hearing body within the administrative channels provided by the George Mason University Judicial System.
9. The right to have his/her case processed without prejudicial delay.

SCOPE OF AUTHORITY

The University Judicial System has authority in all non-academic disciplinary matters. Academic discipline is adjudicated according to procedures established in the George Mason University Honor Code. Action taken in criminal and/or civil courts does not affect the authority of the University Judicial System.

Special judicial boards may be established to adjudicate charges brought against individuals or groups belonging to identified populations. Procedures for these special boards must be filed with and approved by the University Judicial Administrator. All rights guaranteed to students herein must be observed by the special hearing boards.

Proscribed actions performed off-campus by students make the student subject to University discipline when such actions materially affect the learning environment or operation of the University.

UNIVERSITY JUDICIAL ADMINISTRATION

All non-academic discipline matters fall under the authority of the Office of Judicial Affairs. The Director of the Office of Judicial Affairs may appoint an appropriate number of University staff to act as his/her designee in providing supervision and administrative support for the George Mason University Judicial System.

The Director of the Office of Judicial Affairs will assist the hearing boards in maintaining their dockets and will assist students accused in specific situations in the preparation of the paperwork required by providing them with information on procedures, by serving and publishing announcements of meetings and hearing, and by informing parties seeking to file complainants about their options, rights and procedures.

In addition, the Director has the power and authority to investigate all complaints submitted to the Office of Judicial Affairs, and may refer or file formal complaints with the proper hearing body. The Director has authority to hear cases administratively and to issue informal warnings and reprimands to students, to seek administrative action or

sanctions, or to seek judicial sanctions in the hearing bodies. The Director will have the authority to investigate complaints, promise consideration of leniency following adjudication, settle cases on behalf of the University, and exercise other such reasonably provided powers and authority.

The Director of the Office of Judicial Affairs will oversee the preparation of all cases in the University Judicial System on behalf of the University. When the University is the complainant in a case, the Director of the Office of Judicial Affairs, or a representative of that office, will personally present the interest of the University to the appropriate hearing body.

The Director of the Office of Judicial Affairs will work closely with all members of the University community, and appropriate committees, student organizations, and individual students, faculty and staff as necessary to develop a fair and effective code of rules and regulations for campus life, a fair and effective judicial system, and an environment conducive to academic freedom.

The Director of the Office of Judicial Affairs will receive recommendations from the various hearing bodies regarding the sanction of suspension, and then make a determination as to the appropriateness of the recommendation in any given case and, if appropriate, impose the sanction for a specific period of time. The Director of the Office of Judicial Affairs will determine the length of time for the suspension from the University after consultation with the chairperson of the specific hearing body making the recommendation.

ADJUDICATION PROCESS

Students charged with an offense in the University Judicial System have the option of having their case heard before a student hearing board or before a University administrative officer. The Judicial Administrator, upon notifying the student of charges, will inform the student of this option.

- A. Administrative Hearing. The hearing officer for administrative hearings will be the Director of the Office of Judicial Affairs or their designee.
- B. Community Adjudication Board Hearing. This hearing will be conducted according to norms established in this document for the University Community Adjudication Board. All rights of students established herein are to be observed in each and every case.

Depending on the nature and severity of the infraction, and the impact on the community, the University reserves the right to administratively adjudicate cases of alleged student misconduct.

RESPONSIBILITIES OF HEARING BODIES AND OFFICERS

Because it is not intended that the University disciplinary hearing system become excessively legalistic, the hearing bodies may find it necessary to remind parties, counsel, or advisors that the proceedings are not criminal or civil trials, that criminal or civil trial procedures and rules of evidence are not controlling and that the hearing body shall have discretion to interpret, vary, and adjust procedural requirements in order to promote a fair and just decision, as long as student rights are not abused. Further, any procedural rulings which leave the accused unable to proceed shall be cause for a recess or continuance to permit the accused respondent to prepare to proceed under the ruling.

A system of hearing bodies can be effective only to the extent that the cooperation of all participants assures an orderly and fair development of testimony and arguments. All parties appearing before the various hearing bodies are expected to show consideration for one another so that the fact finding and analysis may proceed in a reasoned and reliable way. The hearing bodies have the power to warn disorderly and disruptive persons, as well as to remove them from the hearing room. Disorderly, abusive or disruptive conduct, or other acts of contempt, may result in disciplinary action against the offenders by the hearing body having appellate jurisdiction over the body in question.

The primary responsibility for maintaining order lies with the presiding officer or chairperson, however all members of the hearing body have a duty to assert the power to assure an orderly and fair proceeding. Failure of the members of any hearing body to control the proceedings and to ensure a fair hearing may be grounds for removal of the member from that hearing body. If a hearing body cannot control a proceeding, it shall terminate the session by adjourning and shall confer among its members as to the possibilities of resuming at some later time with cooperation of all parties. If such resumption seems futile, the hearing body shall surrender jurisdiction to the body immediately above it in the appellate structure.

It is the duty of the presiding officer to manage the mechanics of the hearing; to coordinate schedules, paperwork and reports with the Director of Judicial Affairs; to speak for the body in all exchanges with

counsel, parties, and others (except when the bodies are engaged in general conference with their advisor present); to control the proceedings and maintain order; to instruct persons before the body on the appropriate procedures of that hearing body; to declare the rulings and orders of the hearing body; to insure proper completion and filing of all papers; and to perform other duties as necessary.

It is the special duty of the presiding officer to make sure that presentations to the board, by any hearing participant, are relevant and that matters raised by complaint, appeal, petition or other business before the body is fully and reasonably developed.

The non-voting advisor, if one is present, may ask such questions as he or she feels are helpful to the board but should not ask questions routinely.

Confidence is placed in the character and judgment of the board members, and they should hear, examine, and consider all testimony and evidence relevant to the specific issues before the body. Members should feel free to require counsel of the faculty advisor, the University, or the respondent to explain testimony.

Members are reminded that they should feel free to dissent and to append concurring or dissenting opinions to the opinion of the majority as individual conscience requires. Board members have the duty to submit, to the Director of the Office of Judicial Affairs, complaints, comments, or suggestions for the improvement of the judicial procedures or substantive regulations regarding the governing of the University which affect the judicial system. Members are expected to commit themselves diligently and in good faith to the business of the board and to disqualify themselves, if necessary.

Finally, members are reminded that all matters before the hearing board concerning identifiable individuals are strictly confidential and cannot be revealed to, or discussed with, persons outside the hearing body in which the matter arises.

THE UNIVERSITY COMMUNITY ADJUDICATION BOARD (CAB)

The University Community Adjudication Board (CAB) shall have jurisdiction over violations of all university-wide, non-academic regulations that are not explicitly assigned to another hearing board.

- A. Membership. The University Community Adjudication Board (CAB) shall be composed of all willing members of the University student community.

- Conditions of Membership: Members shall be required to have and maintain a cumulative GPA of 2.3, be in good academic and disciplinary standing with the University, and have completed at least one semester of full time enrollment, and be currently enrolled, at George Mason University.
 - Membership will be open to all classifications including graduate students and to students of all majors.
 - The CAB will be comprised of two Chairs appointed from its membership by the Director of Judicial Affairs.
 - The remaining membership shall serve as CAB Panel Members.
- B. Advisor. The Director of Judicial Affairs shall serve as advisor to the CAB. The advisor should sit with and advise the board at all hearings.
- c. Training. CAB members must participate in training to ensure that they understand their duties, rights and obligations under the University Judicial Code. This training will be designed to ensure fairness in adjudicating allegations.

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

SPECIAL HEARING BODIES

Special hearing bodies of limited jurisdiction will be established as may be required by the University, by its divisions and activities, by a resolution requesting approval of a charter for each body. The charter of such hearing bodies will include the following: name of the hearing body, jurisdiction, and authority in the University for establishing such a body, appointment procedures for members of the hearing board, procedures for adopting hearing procedures which protect the rights of students, the requirement of the student rights specified herein and appellate procedures.

Approval of the Dean of Students normally will be required before the establishment of such a hearing body.

- A. Residence Hall Conduct System. Adjudication for violations of housing contract terms and established residence hall rules and regulations are normally delegated to the Residence Hall Judicial System. Procedures established for this system must be approved by the Dean of Students. All student rights, as specified in this Code, must be observed in these cases. The maximum sanction permitted in the Residence Hall Judicial System is eviction from campus housing. Appeals from Residence Hall Judicial System decisions are directed to the Director of Housing & Residence Life. Actions in this forum do not preclude further adjudication in the University Judicial System. Adjudication in the University Judicial System precludes additional judicial action and the imposition of sanctions in the Residence Hall Judicial System. However, the adjudicating authority will seek input from the Office of Housing and Residence Life for those cases originating in the residence halls.
- B. Student Organization Judicial Board. This board will hear charges involving incidents that could result in the revocation of university recognition.
- c. Other boards may be constituted in the future as deemed appropriate.

Depending on the nature and severity of the infraction, and the impact on the community, the University reserves the right to administratively adjudicate cases of alleged student misconduct.

SPECIAL PROCEDURES FOR ADJUDICATING CHARGES OF SEXUAL MISCONDUCT

Definitions: Sexual Assault is defined as the attempt or act of rape, forced sodomy (anal intercourse), forced oral copulation (oral-genital contact), or forced penetration by a foreign object including a finger. Sexual assault also includes the act of touching of an unwilling person's intimate parts such as genitalia, groin, breast or buttocks or the clothing covering these parts, or forcing an unwilling person to touch another's intimate parts. Intoxication of the assailant shall not diminish the assailant's responsibility for sexual assault.

Rape is further defined as unwanted sexual intercourse. Unwanted sexual intercourse is defined as sexual intercourse committed against a person's will, as evidenced by refusal of consent or the use of force, threat or intimidation. Sexual intercourse committed with a person who, by virtue of mental incapacity or physical helplessness, is unable to give or withhold consent is also defined as rape. This definition of rape includes, but is not limited to, incapacity or helplessness caused

by alcohol or other drugs. Intoxication of the assailant shall not diminish the assailant's responsibility for rape.

The above acts constitute sexual assault when they are committed through force, threat, or intimidation; when the perpetrator has been informed that his/her actions are unwanted; through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware. The degree of impairment of the victim's ability to give or withhold consent may be introduced as pertinent information at any University disciplinary hearing.

Procedures: The following procedures are applicable to George Mason University students. The sexual assault hearing will be conducted in accordance with the rules and procedures established by the University Judicial Board, with special sensitivity to the nature of the charge and the best interests of the parties involved. These procedures apply to charges of sexual assault filed with the Office of Judicial Affairs after August 15, 1992. In recognition of the unique nature of sexual abuse cases, these procedures supersede the University Judicial Code when necessary. The Judicial Administrator is designated to administer these procedures.

1. Upon becoming aware that an act of sexual assault is alleged, the Director of the Office of Judicial Affairs or designee will initiate an investigation and take actions deemed necessary to protect the emotional well-being of the students involved, as well as the educational environment of the University. These actions may include, but are not limited to; changes of residence hall room assignment, placing restrictions on entrance into certain campus areas or buildings, or forbidding contact between the accuser and the accused. These actions are subject to appeal to the Dean of Students, and will remain in effect until resolution of the charges unless explicitly continued as a sanction imposed by the hearing board.
2. The sexual assault hearing panel will be comprised of three George Mason University professional staff/faculty members appointed by the Office of Judicial Affairs. No more than two shall be of the same sex. A chairperson for each hearing will be selected by the panel members from among those appointed to hear the case.
3. The hearing will normally take place within sixty (60) days of the filing of the charge by the Office of Judicial Affairs.
4. The Director of the Office of Judicial Affairs or designee will present the case unless the accuser requests that he/she

- personally make the presentation. The hearing board will determine whether there has been a violation of the student judicial code, and will impose or recommend sanctions to the Director of the Office of Judicial Affairs which may range from probation to dismissal from the University as set forth in the student judicial code.
5. The accuser and the accused may have advisors present during the hearing, but advisors are not allowed to address the board or examine the witnesses.
 6. The accuser has the right to remain present during the entire hearing. If the accuser is to be a witness, care must be taken by the hearing board to call him/her as the first witness or in a sequence that will not compromise the testimony.
 7. Statements or questions regarding the irrelevant past sexual history of both accuser and accused will generally not be admitted into evidence at the hearing.
 8. During these proceedings, should the accuser or the accused desire to avail himself/herself of counseling or other services provided by the University, he/she is encouraged to seek assistance from the Office of the Dean of Students.
 9. A finding of responsibility for a violation of sexual assault policies requires an affirmative vote of a majority of the members of the Sexual Assault Hearing Panel.
 10. If the panel determines the accused has engaged in sexual assault, the members are to impose or recommend sanctions according to conditions established in sections of this Code.
 11. The outcome of the hearing and any sanctions that are imposed are normally made available, in writing, to both the accused and the accuser within ten (10) days of completion of the hearing.
 12. Due to the private nature of these actions, the University will not normally pursue charges of sexual assault unless the alleged victim acts as the accuser. However, in cases where there may be a witness to the alleged violation, or in cases where the victim asks the University to pursue the case when he/she does not act as the accuser, or in cases where non-pursuit of the charges would constitute a danger to the University community, or would materially affect the learning environment or operations of the institution, the University reserves the right to pursue a case to its conclusion.
 13. As a matter of University policy, the accuser is urged to pursue all charges of sexual assault and rape in the criminal justice system. Actions by the police or criminal courts do not in any way prejudice the right of a student to bring a charge in the student judicial system.

SANCTIONS FOR INDIVIDUALS

The following sanctions are provided and may be imposed upon students or recommended by all hearing bodies and administrative hearing officers, except where noted herein. This list is not all inclusive. Dependent on the nature of the case, other sanctions not specifically listed may be imposed or recommended, as appropriate.

- A. **Educative Sanctions:** Sanctions designed to educate students such as, but not limited to, papers, counseling, alcohol/drug evaluations, tasks or series of tasks that are educational in nature and/or serve to benefit the group or community at large.
- B. **Admonition:** An oral statement to a student that s/he is violating or has violated a University rule or regulation.
- C. **Warning:** Notice, written or oral, that continuation or repetition of conduct found wrongful within a period of time stated in the warning, or in the indefinite future, may be cause for more severe disciplinary actions.
- D. **Censure:** A written reprimand for violation of a specified regulation, including the possibility of more severe disciplinary sanctions, in the event of a finding of responsibility for a violation of any University regulation or rule in a stated period of time or in the indefinite future.
- E. **Disciplinary Probation:** Exclusion from participation in extracurricular University activities set forth in the notice for a period of time. For a determinate period, students may be placed on disciplinary probation, violations of which may result in suspension or expulsion or other University action.
- F. **Restitution/Service:** Reimbursement for damages to or misappropriation of property. This may take the form of appropriate service or other compensation.
- G. **Suspension:** The recommendation of exclusion from classes and/or other privileges or activities as set forth in the notice for a definite period of time.
- H. **Expulsion:** The recommendation of termination of student status for an indefinite period. The conditions of admission, if any, shall be stated in the order of expulsion.

SANCTIONS FOR ORGANIZATIONS

The following sanctions are provided and may be imposed upon students or recommended by all hearing bodies and administrative hearing officers except where noted herein. This list is not all inclusive. Dependent on the nature of the case, other sanctions not specifically listed may be imposed or recommended as appropriate.

- A. **Educative Sanctions:** Sanctions designed to educate students such as but not limited to papers, counseling, alcohol/drug evaluations, tasks or series of tasks that are educational in nature and/or serve to benefit the group or community at large.
 - B. **Admonition:** An oral statement to a student that s/he is violating or has violated a University rule or regulation.
 - C. **Warning:** Notice, written or oral, that continuation or repetition of conduct found wrongful within a period of time stated in the warning, or in the indefinite future, may be cause for more severe disciplinary actions.
 - D. **Censure:** A written reprimand for violation of a specified regulation, including the possibility of more severe disciplinary sanctions, in the event of a finding responsibility for a violation of any University regulation or rule in a stated period of time or in the indefinite future.
 - E. **Disciplinary Probation:** Exclusion from participation in extracurricular University activities set forth in the notice for a period of time. For a determinate period, students may be placed on disciplinary probation, violations of which may result in suspension or expulsion or other university action.
 - F. **Restitution/Service:** Reimbursement for damages to or misappropriation of property. This may take the form of appropriate service or other compensation.
 - G. **Suspension:** The recommendation of exclusion from classes and/or other privileges or activities as set forth in the notice for a definite period of time.
 - H. **Expulsion:** The recommendation of termination of student status for an indefinite period. The conditions of admission, if any, shall be stated in the order of expulsion.
- * Administrative termination of the recognized status of the organization for an indefinite period of time may be imposed by the Judicial Administrator for failure to comply with the University's recognition procedures. The conditions of reapplication for recognition, if any, shall be stated in the notice of termination. Appeals to termination should be addressed to the Dean of Students within five days.

INTERIM SUSPENSION

Following an alleged act of student misconduct and until final disposition of the charge in the University Judicial System, the status of a student shall not be altered or the student's right to be present on campus and to attend classes suspended. An exception to this would be the need to impose an interim suspension to ensure the safety

and/or education of other students, faculty and staff, or to protect the property or operations of the University from damage or interference.

The interim suspension is enacted by the Office of Judicial Affairs for the University and is imposed when and if there is reasonable cause to believe one of the above conditions is present should this action not be taken. When the Office of Judicial Affairs imposes an interim suspension, the student will be provided a written statement of the charges. The student accused of misconduct and facing interim suspension is given the informal opportunity to discuss the charges with the Director of the Office of Judicial Affairs.

The Dean of Students, or his/her designee shall reserve the right to review any such action if appealed to that office in writing within three days of the decision of interim suspension, and to take such action, or no action, as he/she deems appropriate under the circumstances. The written appeal must concisely set forth all objections to the suspension and include all facts in support. The suspension shall take effect notwithstanding the appeal, unless and until the Dean of Students or his/her designee directs otherwise. A copy must be provided to the Judicial Administrator.

NON-PUNITIVE ADMINISTRATIVE ACTIONS

The Judicial Administrator may take actions deemed necessary for the reasonable operation of George Mason University. Examples are the refusal to re-enroll a student with an incapacitating psychological disturbance, or requiring that a student pay for damage to University property caused by his/her negligence. These examples are not comprehensive, but merely illustrative.

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

NON-JUDICIAL SANCTIONS

In addition to non-punitive actions, University administrators and faculty members may take actions that are punitive in character but which are not so serious as to justify referral to the University Judicial System. Examples of this are the withdrawal of minor privileges upon administrative determination of misconduct, or the privilege of using the Student Unions for individuals or organizations that do not conform

to the regulations affecting the building. Actions of this kind are necessary for the reasonable operation of the University.

Whether an administrative sanction is proper or not will depend upon several factors: the nature of the offense, the nature of the situation in which the conduct occurred, and the sanction to be imposed. Sanctions that might be applied without offending the student's rights and responsibilities outlined in this document could include the following: admonition, warning, censure, and restitution.

APPEALS PROCEDURES

The broad purpose of the variety of hearing bodies and the provision for appellate review is to insure all parties that the original findings of fact, the reasoned integration of them, and an opinion and imposition of sanctions or other solutions directed by the hearing body are sound enough to withstand the scrutiny of an impartial review. The extent of review is determined by the seriousness of the issue and the character of the sanction imposed.

Any persons seeking a review of a decision, order, or report will within five working days (or in the case of reason #1, below, 30 days) from the date of the decision, submit a written statement outlining the specific issues for which review is sought, and the grounds upon which exception is taken to the original finding or ruling. Requests for appeal will be entertained only when based on one or more of the following:

1. Evidence not available at the hearing which, had it been available, would in all reasonable likelihood have produced a different result.
2. Substantial procedural irregularity.
3. Violation of the standards of fairness used in disciplinary hearings.

The Dean of Students or his/her designee will rule on all appeals unless otherwise established in the approved procedures of special boards.

Cases on appeal will be corrected at the appellate level when justified by the consideration of fairness to the parties, efficiency of adjudication, or requirements of justice. The appellate body or agent may, at its discretion, modify the order or ruling of the original decision, may order a change in the outcomes of a decision, or may remand the case for new hearing.

With the consent of the Community Adjudication Board, special hearing bodies may use the Community Adjudication Board as an appellate body or as an initial hearing body. The power of the Community Adjudication Board to make binding determinations of questions submitted to it from non-chartered bodies, groups and organizations, is only with the consent of the parties in dispute. The Community Adjudication Board does not have power to review decisions of campus organizations not subordinate to it nor does it have the powers to suspend or dismiss a student from the University without the concurrence of the Office of Judicial Affairs.

SPECIAL PROCEDURES IN EMERGENCIES

To facilitate the prompt adjudication of disciplinary cases in situations involving large numbers of students, or whenever a significant backlog of untried cases develops for either the Community Adjudication Board or the special boards, upon recommendation from the Director of the Office of Judicial Affairs, a special hearing committee may be appointed to hear the case, an administrative hearing may be authorized, or the case may be dismissed by authority of the Dean of Students.

DISCIPLINE RECORDS

George Mason University maintains a record of students who have been found in violation of University rules and regulations. Student judicial records are maintained separately from the student's official academic records, except in cases involving outcomes of suspension or dismissal. In these cases, notations are made on the academic record. Judicial matters handled by the Office of Judicial Affairs or by the University Community Adjudication Board will be maintained in the Office of the Dean of Students. Matters adjudicated under the Residence Hall Conduct System will be maintained in the Office of Housing and Residence Life. Special hearing bodies will maintain hearing records in secure storage as approved by the Office of Judicial Affairs.

Information about the status of a student's judicial records will be handled in compliance with the provisions of the Family Educational Rights and Privacy Act. In accordance with these provisions, no information will be released to external authorities or to others outside of the judicial system unless the student has provided written permission authorizing such release or unless such release is authorized by law.

Students may request that judicial records be reviewed and removed. Requests must be in writing and directed to the Dean of Students.

AMENDMENTS TO THE JUDICIAL SYSTEM

It is the general duty of all persons affiliated with the University Judicial System to advise the Director of the Office of Judicial Affairs of modifications that should be considered in order to improve the fairness and effectiveness of the system. The Director of the Office of Judicial Affairs will bear the responsibility for identifying and considering the proposed amendments to the University Judicial System. S/he will present such amendments in the form of a draft resolution for consideration and action by the Dean of Students.

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