

EXHIBIT 1

GEORGE MASON UNIVERSITY

BOARD OF VISITORS

Bylaws

ARTICLE I

Mission Statement

George Mason University (“University”) is a public, comprehensive research university established by the Commonwealth of Virginia in the National Capital Region. We are an innovative and inclusive academic community committed to creating a more just, free, and prosperous world.

In accomplishing this mission, the George Mason University Board of Visitors (“Board”) shall generally direct the affairs of the University in accord with the powers and duties assigned by law.

ARTICLE II

Membership

1. Membership on the Board is established pursuant to §23.1-1300 and §23.1-1501 of the Code of Virginia, as more fully set forth in the Appendix B of the Bylaws.
2. If any member of the Board fails to attend (i) the meetings of the Board for one year without sufficient cause, as determined by a majority vote of the Board, or (ii) the educational programs required by Code of Virginia § 23.1-1304 in their first two years of membership without sufficient cause, as determined by a majority vote of the Board, the remaining members of the Board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. Notwithstanding the provisions of Code of Virginia § 23.1-1300.E or any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the Board and fill the vacancy resulting from the removal.
3. The Board shall appoint annually two University students to serve as nonvoting advisory representatives. The representatives will be selected as a result of their respective elections to the positions of president of the Student Government (undergraduate student body) and president of the Graduate and Professional Student Association (graduate student body) with terms coinciding with their elected terms in office. Such students may participate in all standing committees as well as meetings of the Board. The non-voting student representatives may be included in closed sessions

by invitation at the discretion of the Rector. Where a representative is unable to complete the entire year term, the Board shall make an appointment to fill the unexpired term. (§23.1-1300.H.).

4. The Faculty shall elect two non-voting representatives to each standing committee of the Board except the Executive Committee and the Audit, Risk, and Compliance Committee (see below). To accomplish this representation, the Faculty Senate shall administer bi-annual faculty representative elections. The candidates will be from the faculty at-large and elected by the faculty at-large. The Faculty Senate will notify the President of the outcome and the President will forward the nominations to the Rector for appointment. A separate faculty member may be selected to serve as a non-voting faculty liaison to the Audit, Risk, and Compliance Committee. The Chair of the Audit, Risk, and Compliance Committee will solicit nominees and make the appointment. No faculty member may serve on more than one committee. Faculty may serve more than one term.
5. The Board exercises its discretion to appoint the standing Faculty Senate Chair as the nonvoting advisory faculty representative. (§23.1-1300.G.).
6. The Board appoints the standing Chair of the Mason Staff Senate to serve as a nonvoting advisory staff liaison to the Board. The staff liaison may participate in all full meetings of the Board and committee meetings, and may attend closed sessions by invitation at the discretion of the Rector or the respective committee chair.

ARTICLE III *Officers*

1. Officers are elected pursuant to §23.1-1502 of the Code of Virginia, as more fully set forth in the Appendix B of the Bylaws.
2. The duties of the Rector shall be as follows:
 - (a) To preside over all meetings of the Board. (§23.1-1502.C.).
 - (b) To sign all diplomas, certificates or degrees issued by the University.
 - (c) To execute all deeds, contracts, agreements or other legal documents authorized by the Board except as provided by Article VII.
 - (d) To attend official functions of the University as the representative of the Board.
 - (e) To carry out such other acts and functions as the Board may from time to time direct.
3. The duties of the Vice Rector shall be as follows:
 - (a) In the absence of the Rector to preside at meetings of the Board.
 - (b) To serve in the place and stead of the Rector upon the disability of the Rector or at such other times and circumstances when directed by the Rector.
 - (c) To perform such other duties as the Board from time to time may direct.

4. The duties of the Secretary shall be as follows:
 - (a) In the absence of the Rector and Vice Rector to preside at meetings of the Board.
 - (b) To attest the signature of the Rector as otherwise delegated, to affix the seal of the University to official documents, deeds, or other instruments of the University, and to supervise its use by such other persons as the Board may approve.
 - (c) To advise the Rector when proceedings under §23.1-1300.E. of the Code of Virginia are appropriate.
 - (d) To carry out such other duties as the Board may from time to time prescribe.

ARTICLE IV ***Meetings***

1. Regular and special meetings are conducted in accord with §23.1-1502 and §2.2-3707 of the Code of Virginia, as more fully set forth in the Appendix B of the Bylaws.
2. The first regularly scheduled meeting of the Board after June 30 of every year will constitute the annual meeting. Board policies, unless adopted or readopted at the annual meeting, are voidable at the discretion of the Board.
3. Notice of the time and place of all regular meetings of the Board shall be sent to each member at least 10 days before such meeting accompanied by an agenda of those matters scheduled to be raised for their consideration and by the minutes of such Executive Committee meetings as may have been held since the Board's last previous annual or regular meeting.
4. Eight members shall constitute a quorum (§23.1-1502.B.) A vote upon any proposal (except changes to the President's employment contract) at any meeting of the Visitors shall require the affirmative vote of a majority present for approval. (§1-222.).
5. Notice of the time and place of special meetings shall be sent to each member at least 3 days in advance of such meeting. When in the judgment of the Rector, Board action is likely to be required, a call shall be issued simultaneously for both a special Board meeting and an Executive Committee meeting with notice to all members of the Board. Should a quorum of the Board fail to be present, the Executive Committee shall be convened.
6. Whenever in the judgment of the Rector an emergency exists, the Board may be convened for a special meeting upon the giving of any reasonable notice by the Rector or the Secretary to all of the members, and a quorum shall be sufficient to transact any business of the University with respect to such emergency.

7. The Rector may exclude nonvoting, advisory faculty or students from discussions of faculty grievances, faculty or staff disciplinary matters or salaries, or any other matter. (§23.1-1300.I).
8. The Board shall invite the Attorney General's appointee or representative to all meetings of the board, executive committee, and board committees. (§23.1-1303.B.1.).

ARTICLE V

Committees

1. The Board shall at its annual meeting, upon nomination by the Rector, appoint from among its members individuals to serve on the following Standing Committees: Academic Programs, Diversity & University Community; Finance and Land Use; Audit, Risk, and Compliance; Development; and Research Committees. A majority of members or three (3) members, whichever is less, of a standing committee shall constitute a quorum at any meeting. Unless otherwise stipulated, committee members shall be appointed for one year. The Rector shall also appoint the Chair and Vice Chair of each committee and the Board shall confirm those appointments at its annual meeting. The Rector shall not serve as a chair of a standing committee. When acting as the Rector and if serving as a committee chair, the Vice Rector shall relinquish his chairmanship to the committee vice chair. The Rector shall be a member of the Executive Committee and a member *ex officio* of all other standing committees. The duties and responsibilities and terms of membership on committees of the Board shall be determined by the Board at the annual meeting.
2. **Executive Committee:**
 - (a) The Rector (and in his/her absence the Vice Rector) shall serve as Chairman of this Committee. The Committee shall consist of the Rector, the Vice Rector, the Secretary and two other members elected by the Board at the annual meeting.
 - (b) The Executive Committee shall meet at the call of the Rector with simultaneous notice provided to all Board members.
 - (c) The Executive Committee shall be empowered to transact the business of the University in the recess of the Board. (§23.1-1502.F.).
 - (d) The Executive Committee shall organize the working processes of the Board and recommend best practices for Board governance. The Committee shall discharge those duties established pursuant to §23.1-1306 of the Code of Virginia, as more fully set forth in Appendix to the bylaws:
 - (e) The Executive Committee shall report the Minutes of its meetings at the next regular meeting of the Board.
 - (f) All Board members may attend Executive Committee meetings; however, participation and voting shall be limited to members of the Executive Committee.

- (g) The Executive Committee will authorize expenditures only during times of emergency or immediate need.
- (h) The Executive Committee is subject to such subsequent actions as may be exercised at any regular or special meeting of the full Board.

3. Standing Committees

(a) Academic Programs, Diversity & University Community Committee

(i) In addition to the special responsibilities, which may, from time to time, be assigned to the Committee of the Board, the Committee shall have the following specific responsibilities:

- (1) Review and recommend to the full Board all proposed new programs and degrees and monitor the conduct of existing programs.
- (2) Review policies governing the selection, appointment, compensation, tenure, rights and responsibilities, and development of the faculty.
- (3) Develop procedures governing the appointment and promotion of faculty for use by the President or Provost.
- (4) Review all proposals for the organization of the academic structure of the University.
- (5) Be advised of the hiring of all faculty and administrative faculty for announcement to the Board.

(ii) The Committee shall be responsible for making recommendations to the Board on policies and plans regarding University life that are consistent with overall University policies and plans and will ensure the achievement of the University's stated goals and objectives.

(iii) The Committee shall be responsible for assisting the Board in achieving its goal of promoting equal opportunity, fairness and diversity and shall serve to discuss, consider and initiate university policy and programs related to the university's commitment and responsibility to those goals. No less than annually, the committee shall deliver a progress report to the Board with recommendations as appropriate pertaining to University diversity issues.

(b) Finance and Land Use Committee:

(i) The members shall serve for a period of two years after appointment to the Committee. The chairman and vice chairman shall serve for a two-year term (in order to span the preparation and submission of the University's biennial budget request).

(ii) The Committee shall recommend fiscal policy to the Board and oversee the financial operations of the University.

(iii) The Committee shall be responsible for developing and recommending to the Board policies which implement budget guidelines received from the General Assembly, the State Council of Higher Education, and State regulatory agencies.

(iv) The Committee shall have responsibility for the in-process review and analysis of the preparation of the University's biennial budget, capital outlay budget, and other special budget requests for submission to the office of the Governor and the State Council of Higher Education. Each of these budgets shall be submitted through the Committee to the Board for approval.

(v) The Committee shall be responsible for developing and recommending to the Board policies and plans regarding all matters related to land use and physical facilities.

(c) Audit, Risk, and Compliance Committee

(i) The Committee shall assist the Board in fulfilling its oversight responsibilities for the financial reporting process; the system of internal controls; internal and external auditing; institutional compliance processes that monitor compliance with laws and regulations; and enterprise risk management processes that assess significant risks to the University and the steps management has taken to monitor and control such risks.

(ii) Each Committee member shall be independent as defined by the Board. At least one member shall be financially literate as defined by the Board

(iii) The Committee shall develop and adopt a charter for carrying out its responsibilities.

(d) Development Committee

(i) The Committee shall make recommendations to the Board on all matters regarding fundraising at the University.

(e) Research Committee

(i) The Committee shall advance and protect the research mission of the University.

(ii) The Committee shall review policies related to the research function and make recommendations to the Board regarding important research initiatives.

(iii) The Committee will collaborate with other standing committees on the Board to assure consistency in academic and budget policy. (v) The Committee shall provide regular reports to the Board on research performance, opportunities, and risks.

4. Special Committees

(a) The Rector may appoint special committees, or ad hoc committees, of the Board as required for the benefit of the Board and the University.

ARTICLE VI
Administration

1. The affairs of the University shall be directed by the Board through its chief executive officer, who shall be the President of University. The President shall report directly to the Board. In addition, the Board shall appoint, upon recommendation of the President, such other personnel of the University as the Board may from time to time deem appropriate.

2. The President shall be responsible for carrying out the direction of the Board in accomplishing the mission of the University. Annually the President will prepare and present to the Board a set of goals and objectives for accomplishing the mission of the University. The achievement of the goals and objectives, as reported by the President at the final meeting of the year, along with the following standards of performance, will become the performance plan by which the Board will evaluate the President:
 - (a) The President shall establish policies and procedures (“University Policy”) for the effective and efficient operation of the University. The Board will be provided a periodic review of these policies and procedures.
 - (b) The President shall manage the financial affairs of the University to ensure all legal obligations are met.
 - (c) The President shall manage the University's personnel function so that there are sufficient faculty and staff to provide academic and administrative services needed by students to complete listed programs.
 - (d) The President shall provide a program consisting of activities where the University interacts with its external community. The primary purpose for this shall be to generate goodwill for the University.

3. The Board shall conduct a self-evaluation of its responsibilities and expectations at least once every two years, using a process determined by the Executive Committee and approved by the Rector.

At the annual meeting of the Board, the Board shall meet with the President, in a closed meeting pursuant to §2.2-3711(A)(1), and deliver an evaluation of the President’s performance. Any change to the President’s employment contract during any such meeting or any other meeting of the Board shall be made only by a vote of the majority of the Board’s members. (§23.1-1303.B.8.).

ARTICLE VII

Delegation and Reservation of Authority

1. The Board delegates to the President the general authority to manage and operate the University; to establish policies and procedures (“University Policy”); to comply with executive and statutory mandates; to execute all documents and receive, manage and expend all funds on behalf of the University consistent with guidelines and authorizations established by the budget adopted by the Board, except as limited by these bylaws.
2. The authority delegated to the President is limited to the extent that approval from the Board, or in recess the Executive Committee, shall be required in order for the University to enter into contracts and agreements to execute any of the following:
 - (a) The conveyance of real estate or the University's interest in real estate other than easements for the benefit of the University.
 - (b) Contracts, leases, or any other documents by which the University leases or acquires a leasehold interest in real estate for more than five (5) years with an annual cost exceeding \$1,000,000.
 - (c) Contracts, leases, or any other documents by which the University leases any of its real estate for more than one year with annual rental exceeding \$250,000.
 - (d) Part-time and full-time faculty or administrative faculty appointments of more than five (5) academic or calendar years.
 - (e) Contracts or other documents for capital projects in excess of 125% the approved budget.
3. Prior approval of the Board shall be required before any related private business entity that performs services of special interest to the University may be established or chartered. Following such approval, the Board delegates to the President the authority to execute those documents necessary to establish such related private business entities. Such private business entities shall have their own boards, which may or may not be interlocked with the Board as determined by the Board. Any such private business entities established under this delegation should provide the Board with the following:
 - (a) A copy of the constitution, Bylaws and/or certificates of incorporation of said private entities.
 - (b) An annual report stating the services to be supplied to the University by said private entities.
 - (c) A copy of an official annual audit of said private entities.
 - (d) Any additional information requested by the in writing.
4. The Board retains sole authority to adopt those regulations having the force and effect of law under the Virginia Register Act (§2.2-4100, *et seq.*).
5. The Board may adopt and revise from time to time such resolutions and statements of policy as necessary to further limit or delegate the authority of the Board.

6. The Board shall review and approve the budget submitted to the General Assembly for appropriations.

ARTICLE VIII

Delegation of Certain Other Responsibilities

1. The Board may extend authority to the student body of the University providing for the establishment of an Honor System at the University.
2. The Board may extend authority to the student body of the University providing for the establishment of a Student Government.
3. The Board may authorize the establishment of a Faculty Senate.
4. The Board may authorize the President through representatives of the student body or the faculty, to establish or to discontinue University organizations. The Board may, upon the recommendation of the President, require the separate incorporation of any such organization.
5. The Board may provide appropriate funds of the University for the administration of the affairs of the organizations authorized pursuant to this article.
6. The Board may, from time to time, amend or withdraw any authorization issued pursuant to this article.

ARTICLE IX

Liability

All members of the Board of Visitors are considered to be officials of George Mason University and the Commonwealth of Virginia. As such, they are covered by the Commonwealth's Risk Management Plan, which is promulgated by the Governor. Under the current plan, as a general rule as long as they are acting in the scope of their duties and responsibilities as Board members, and as long their conduct does not constitute gross negligence, they will be covered and defended by the commonwealth. A copy of this plan is maintained in the University's Risk Management Office.

ARTICLE X

Expenses

1. The Board shall serve without compensation.
2. Members of the Board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties from University funds (§23.1-1307).

ARTICLE XI

Seal

1. The University Seal is a federally registered trademark bearing Registration Number 1,592,419 as shown in the Appendix A of the Bylaws.
2. The Secretary of the Board shall be the custodian of the seal.
3. The Board may, by resolution, vest authority in other persons to affix the seal.

ARTICLE XII

Records

The Board shall provide, through the President's Office, for the keeping of all Board records.

ARTICLE XIII

Meeting Procedures in Accord with Robert's Rules of Order

The Board will conduct all University meetings in accord with the Code of Virginia and these Bylaws. In the event a question arises which is not addressed in the Bylaws, the Board Secretary shall consult Robert's Rules of Order and advise the Rector on the appropriate procedures to be followed.

ARTICLE XIV

Adoption and Amendment of Bylaws

Theses Bylaws may be amended by a majority vote of the Board at the annual meeting or at any regular or special meeting provided that the proposed amendments are conveyed to the members of the Board at least ten days in advance of the meeting in which they are to be acted upon.

APPENDIX A



APPENDIX B

CHAPTER 13

GOVERNING BOARD OF PUBLIC INSTITUTION OF HIGHER EDUCATION

§ 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory representatives.

A. Members appointed by the Governor to the governing boards of public institutions of higher education shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed by the Governor to such a governing board shall serve for more than two consecutive four-year terms; however, a member appointed by the Governor to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term. Except as otherwise provided in § [23.1-2601](#), all appointments are subject to confirmation by the General Assembly. Members appointed by the Governor to the governing board of a public institution of higher education shall continue to hold office until their successors have been appointed and qualified. Ex officio members shall serve a term coincident with their term of office.

B. No member appointed by the Governor to the governing board of a public institution of higher education who has served two consecutive four-year terms on such board is eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

C. Notwithstanding the provisions of subsection E or any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education and fill the vacancy resulting from the removal.

D. The Governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection C at the time the removal occurs. The Governor is the sole judge of the sufficiency of the cause for removal as set forth in subsection C.

E. If any member of the governing board of a public institution of higher education fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § [23.1-1304](#) in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. No member of the board of visitors of a baccalaureate public institution of higher education or the State Board for Community Colleges who fails to attend the educational programs required by § [23.1-1304](#) during his first four-year term is eligible for reappointment to such board.

F. The governing board of each public institution of higher education shall adopt in its bylaws policies (i) for removing members pursuant to subsection E and (ii) referencing the Governor's power to remove members described in subsection C.

G. The governing board of each public institution of higher education and each local community college board may appoint one or more nonvoting, advisory faculty representatives to its respective board. In the case of local community college boards and boards of visitors, such representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or its equivalent. In the case of the State Board, such representatives shall be chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty Advisory Committee, or by the local community college board or the board of visitors, and the institution's faculty senate or its equivalent.

H. The board of visitors of any baccalaureate public institution of higher education shall appoint one or more students as nonvoting, advisory representatives. Such representatives shall be appointed under such circumstances and serve for such terms as the board of visitors of the institution shall prescribe.

I. Nothing in subsections G and H shall prohibit the governing board of any public institution of higher education or any local community college board from excluding such nonvoting, advisory faculty or student representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries, or any other matter.

J. The president or any one of the vice presidents of the board of visitors of Virginia Military Institute, the chairman or the vice-chairman of the State Board, and the rector or vice-rector of the governing board of each other public institution of higher education shall be a resident of the Commonwealth.

K. No baccalaureate public institution of higher education shall employ an individual appointed by the Governor to the board of visitors of such institution within two years of the expiration of his term. Such prohibition shall not apply to the employment of an individual to serve as an institution president or, in the case of Virginia Military Institute, the Superintendent.

§ 23.1-1301. Governing boards; powers.

A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

1. Make regulations and policies concerning the institution;
2. Manage the funds of the institution and approve an annual budget;
3. Appoint the chief executive officer of the institution;
4. Appoint professors and fix their salaries; and
5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

B. The governing board of each public institution of higher education or its designee may:

1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative Operations Act (§ [23.1-1000](#) et seq.), lease or sell and convey its interest in any real property that it has acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the same manner as all other gifts and bequests;
2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes on any property owned by the institution;
3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution;
4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers, instructors, and other employees;
5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the regulations or institution policies required pursuant to § [23.1-1303](#);
6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such regulations or policies;
7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;
8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § [18.2-56](#);
9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § [23.1-1303](#). The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;

10. Conduct closed meetings pursuant to §§ [2.2-3711](#) and [2.2-3712](#) and conduct business as a "state public body" for purposes of subsection D of § [2.2-3708.2](#); and

11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and local ordinances with respect to offenses occurring on the property of the institution.

§ 23.1-1303. Governing boards; duties.

A. For purposes of this section, "intellectual property" means (i) a potentially patentable machine, article of manufacture, composition of matter, process, or improvement in any of those; (ii) an issued patent; (iii) a legal right that inheres in a patent; or (iv) anything that is copyrightable.

B. The governing board of each public institution of higher education shall:

1. Adopt and post conspicuously on its website bylaws for its own governance, including provisions that (i) establish the requirement of transparency, to the extent required by law, in all board actions; (ii) describe the board's obligations under the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.), as set forth in subdivision B 10 of § [23.1-1301](#), including the requirements that (a) the board record minutes of each open meeting and post the minutes on the board's website, in accordance with subsection I of § [2.2-3707](#) and § [2.2-3707.1](#), (b) discussions and actions on any topic not specifically exempted by § [2.2-3711](#) be held in an open meeting, (c) the board give public notice of all meetings, in accordance with subsection C of § [2.2-3707](#), and (d) any action taken in a closed meeting be approved in an open meeting before it can have any force or effect, in accordance with subsection B of § [2.2-3711](#); and (iii) require that the board invite the Attorney General's appointee or representative to all meetings of the board, executive committee, and board committees;
2. Establish regulations or institution policies for the acceptance and assistance of students that include provisions (i) that specify that individuals who have knowingly and willfully failed to meet the federal requirement to register for the selective service are not eligible to receive any state direct student assistance, (ii) that specify that the accreditation status of a public high school in the Commonwealth shall not be considered in making admissions determinations for students who have earned a diploma pursuant to the requirements established by the Board of Education, and (iii) relating to the admission of certain graduates of comprehensive community colleges as set forth in § [23.1-907](#);
3. Assist the Council in enforcing the provisions relating to eligibility for financial aid;
4. Notwithstanding any other provision of state law, establish policies and procedures requiring the notification of the parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and such treatment becomes part of the student's educational record in accordance with the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and may be disclosed without prior consent as authorized by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations (34 C.F.R. Part 99). Such

notification shall only be required if it is determined that there exists a substantial likelihood that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. However, notification may be withheld if any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions who is treating the student has made a part of the student's record a written statement that, in the exercise of his professional judgment, the notification would be reasonably likely to cause substantial harm to the student or another person. No public institution of higher education or employee of a public institution of higher education making a disclosure pursuant to this subsection is civilly liable for any harm resulting from such disclosure unless such disclosure constitutes gross negligence or willful misconduct by the institution or its employees;

5. Establish policies and procedures requiring the release of the educational record of a dependent student, as defined by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), to a parent at his request;

6. Establish programs to seek to ensure that all graduates have the technology skills necessary to compete in the twenty-first century and that all students matriculating in teacher-training programs receive instruction in the effective use of educational technology;

7. Establish policies for the discipline of students who participate in varsity intercollegiate athletics, including a provision requiring an annual report by the administration of the institution to the governing board regarding enforcement actions taken pursuant to such policies;

8. In addition to all meetings prescribed in Chapters 14 (§ 23.1-1400 et seq.) through 29 (§ 23.1-2900 et seq.), meet with the chief executive officer of the institution at least once annually, in a closed meeting pursuant to subdivision A 1 of § 2.2-3711 and deliver an evaluation of the chief executive officer's performance. Any change to the chief executive officer's employment contract during any such meeting or any other meeting of the board shall be made only by a vote of the majority of the board's members;

9. If human research, as defined in § 32.1-162.16, is conducted at the institution, adopt regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. Such regulations shall require the human research committee to submit to the Governor, the General Assembly, and the chief executive officer of the institution or his designee at least annually a report on the human research projects reviewed and approved by the committee and require the committee to report any significant deviations from approved proposals;

10. Submit the annual financial statements for the fiscal year ending the preceding June 30 and the accounts and status of any ongoing capital projects to the Auditor of Public Accounts for the audit of such statements pursuant to § 30-133;

11. Submit to the General Assembly and the Governor an annual executive summary of its interim activity and work no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website;

12. Make available to any interested party upon request a copy of the portion of the most recent report of the Uniform Crime Reporting Section of the Department of State Police entitled "Crime in Virginia" pertaining to institutions of higher education;

13. Adopt policies or institution regulations regarding the ownership, protection, assignment, and use of intellectual property and provide a copy of such policies or institution regulations to the Governor and the Joint Commission on Technology and Science. All employees, including student employees, of public institutions of higher education are bound by the intellectual property policies or institution regulations of the institution employing them; and

14. Adopt policies that are supportive of the intellectual property rights of matriculated students who are not employed by such institution.

§ 23.1-1304. Governing boards; additional duties; educational programs.

A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states. In addition, the Council shall develop educational materials for board members with more than two years of service on the governing board. Each such board member shall participate in further training on board governance at least once every two years, and the Council shall develop criteria by which such board members shall demonstrate compliance with this requirement.

B. Educational programs for the governing boards of public institutions of higher education shall include presentations relating to:

1. Board members' primary duty to the citizens of the Commonwealth;
2. Governing board committee structure and function;
3. The duties of the executive committee set forth in § [23.1-1306](#);
4. Professional accounting and reporting standards;
5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;
6. The requirements of the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;
7. Institutional ethics and conflicts of interest;

8. Creating and implementing regulations and institution policies;
9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;
10. Fixing student tuition, mandatory fees, and other necessary charges, including a review of student debt trends;
11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect the institution's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;
12. Workforce planning, strategy, and investment;
13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;
14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;
15. Current national and state issues in higher education;
16. Future national and state issues in higher education;
17. Relations between the governing board and the chief executive officer of the institution, including perspectives from chief executive officers of public institutions of higher education;
18. Best practices for board governance, including perspectives from current board members; and
19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.

C. The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 23.1-1304.1 Governing boards; additional duties; policy; acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support.

The governing board of each public institution of higher education shall establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. Each such policy shall include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of \$1,000,000 or more that impose a new obligation on the institution of higher education, excluding gifts for scholarships or other financial aid. Each public institution of higher education shall retain documentation of such terms and conditions in compliance with the Virginia Public Records Act (§ [42.1-76](#) et seq.) and such documentation shall be subject to the provisions of the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.).

§ 23.1-1306. Governing board executive committee; duties.

The executive committee of the governing board of each public institution of higher education shall (i) organize the working processes of the board; (ii) recommend best practices for board governance; (iii) develop and recommend to the board a statement of governance setting out the board's role; (iv) periodically review the board's bylaws and recommend amendments; (v) provide advice to the board on committee structure, appointments, and meetings; (vi) develop an orientation and continuing education process for board members that includes training on the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); (vii) create, monitor, oversee, and review compliance with a code of ethics for board members; and (viii) develop a set of qualifications and competencies for membership on the board for approval by the board and recommendation to the Governor.

§ 23.1-1307. Governing boards; expenses of members.

Members of the governing board of each public institution of higher education shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties. Funding for the expenses of the members shall be provided by the institution.

CHAPTER 15

GEORGE MASON UNIVERSITY

§ 23.1-1500. Corporate name; name of the University.

A. The board of visitors of George Mason University (the board) is a corporation under the name and style of "The Rector and Visitors of George Mason University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as George Mason University (the University).

§ 23.1-1501. Membership.

- A. The board shall consist of 16 members appointed by the Governor. At least one member appointed each year shall be an alumnus of the University.
- B. The alumni association of the University and the board may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-1502. Meetings; officers; committees.

- A. The board shall meet at the University once a year and at such other times as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.
- B. Eight members shall constitute a quorum.
- C. Every other year, the board shall appoint from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector.
- D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.
- E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.
- F. At every regular annual meeting of the board, the board may appoint an executive committee for the transaction of business in the recess of the board, consisting of at least three and not more than five members, to serve for a period of one year or until the next regular annual meeting.

§ 23.1-1503. Powers and duties.

- A. The board shall appoint all teachers, staff members, and agents and fix their salaries and generally direct the affairs of the University.
- B. The board may confer degrees and, subject to the provisions of § 23.1-203, approve new academic programs and discontinue academic programs offered by the University.

§ 23.1-1504. Establishment of branch campus in the Republic of Korea.

- A. In recognition that global educational opportunities benefit the intellectual and economic interests of the Commonwealth, the board may create a corporation or other legal entity controlled by the University to establish and operate a branch campus of the University in

the Republic of Korea. Establishment of the branch campus is subject to Council guidelines governing the approval of branch campuses, pursuant to § 23.1-203.

B. The board has the same powers with respect to operation and governance of its branch campus in Korea as are vested in the board with respect to the University.

C. No corporation or other legal entity created for the above purpose shall be deemed a state or governmental agency, advisory agency, public body or agency, or other instrumentality.

D. No director, officer, or employee of any such corporation or other legal entity shall be deemed an officer or employee of the Commonwealth for any purpose.

E. In operating the branch campus, the board shall provide for appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the Republic of Korea campus and educational opportunities for Virginia-based students to study or conduct research on the Republic of Korea campus.

F. Nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth or the University.

Approved by the Board of Visitors 12/3/2020
Appendix B updated February 7, 2022

EXHIBIT 2

EXHIBIT 3



University Policy



Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence

[HOME](#) / [POLICIES](#) /

SEXUAL AND GENDER-BASED MISCONDUCT AND OTHER FORMS OF INTERPERSONAL VIOLENCE

Policy Categories

Academic Policies

Computing

Financial

General Policies

Human Resources

Research

Safety, Emergency, & Enterprise Risk Management

Student Policies

University Policy Number 1202

Categorized: General Policies

Responsible Office: Diversity, Equity and Inclusion

Policy Procedure:

- Appendix A: Investigating and Resolving Reports of Prohibited Conduct
- Appendix B: Resource and Reporting Guide for Students & Employees
- Appendix C: Sexual and Interpersonal Prevention, Education and Awareness Training Programs

Related Law & Policy:

- Policy 1201: Non-Discrimination Policy
- Policy 1204: Prohibited Relationships with Students
- Policy 1412: Reporting of Clery Act Crimes and/or Prohibited Sexual Conduct
- Virginia Administrative Code, 8 VAC 35-31-10 et seq.
- Federal Code 34 CFR Part 106. Nondiscrimination on the Basis of Sex in Education.
- Virginia Code § 23.1-806. Reporting of acts of sexual violence
- Virginia Code § 23.1-900. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
- Title IX of the Education Amendments of 1972, 20 U.S.C. §1681
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, 20 U.S.C. § 1092(f)
- Violence Against Women Act, PL113-4

I. Scope

This policy applies to George Mason University (“University”) students, employees, employees of contractors, visitors, guests, and other third parties.

This policy applies to acts of Prohibited Conduct when:

1. the conduct occurs on campus or other property owned or controlled by the University;
2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
3. the conduct occurs outside the context of University employment or a University educational program or activity, but has continuing adverse effects on or creates a hostile environment for an individual while on the University’s campus or other property owned or controlled by the University or in any University employment or educational program or

II. Policy Statement

The University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. The University complies with Title IX of the Education Amendments of 1972 (“Title IX”); 34 CFR Part 106 (“Title IX Regulations”); Title VII of the Civil Rights Act of 1964 (“Title VII”); the Virginia Human Rights Act; Violence Against Women Act (“VAWA”); and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

It is a violation of University policy to engage in Sexual Assault, Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment,^[1] Sexual Exploitation, Dating Violence, Domestic Violence and Stalking, and Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, “Prohibited Conduct”). Prohibited Conduct is

prohibited regardless of the sex, sexual orientation, and/or gender identity/expression of the Complainant or Respondent.

Prohibited Conduct under this policy extends beyond the definitions of “sexual harassment” adopted by the Department of Education in the Title IX Regulations.

The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. Some forms of Prohibited Conduct may also constitute crimes under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy. Complainants have the right to notify or decline to notify law enforcement in addition to any actions taken under this policy. Complainants may simultaneously pursue criminal and University complaints.

The University urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident immediately to the University’s Title IX Coordinator. Employees must report any Prohibited Conduct of which they are aware to the Title IX Coordinator, except in specific circumstances described in Section IV.D. Reports can be made:

- By contacting the University’s Title IX Coordinator or Deputy Title IX Coordinator by telephone, email, or in person at their respective location, email addresses, and/or phone numbers listed in Section IV of this Policy; or
- By
- By completing the online sexual or interpersonal misconduct intake form for reporting Prohibited Conduct to the Title IX Coordinator at <https://diversity.gmu.edu/titleix-webform>.

There is no time limit for reporting Prohibited Conduct to the University under this policy. Please review **[Resources and Reporting Guide for Students & Employees](#)** (Appendix B) for a list of available on- and off-campus confidential resources.

Upon receipt of a report, the Title IX Coordinator shall promptly contact the reporting party and, if known and different from the reporting party, the

Complainant. The Title IX Coordinator shall discuss with the Complainant the options available to the Complainant under the University Grievance Procedures (Appendix A), including the option to submit a Formal Complaint, and the Supportive Measures that are available. The Title IX Coordinator may provide Supportive Measures, as determined appropriate by the Title IX Coordinator, to any individual involved in a report of Prohibited Conduct, regardless of whether the Complainant requests that the University initiate an investigation of the Prohibited Conduct. The Title IX Coordinator may also impose emergency measures as necessary to protect the physical health and safety of the Complainant, Respondent, or other individuals.

In order to initiate a formal investigation of Prohibited Conduct by the University, a Complainant must submit a Formal Complaint to the Title IX Coordinator. Upon receipt of a Formal Complaint requesting that the University investigate an allegation of Prohibited Conduct, the University shall follow the grievance procedures described in Appendix A: Procedures for Responding to Reports of Prohibited Conduct Committed by Students and Employees. A Respondent shall be presumed to be not responsible for the alleged conduct until a determination is made as to responsibility at the end of the grievance process. The University shall use the preponderance of the evidence standard in determining responsibility for a violation of this policy for all cases. **Being impaired by alcohol and/or other drugs is no defense to violating this policy.**

Employees or students who violate this policy may face disciplinary action up to and including termination or expulsion. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The Department of Education has decided to use narrow definitions of quid pro quo and hostile environment sexual harassment in the Title IX The University is required to use those definitions to determine if sexual harassment constitutes a violation of Title IX. However, the University has determined that conduct that falls outside of the definitions used in the Title IX Regulation can constitute sexual harassment and is therefore a violation of this Policy. As such Quid Pro Quo Sexual Harassment includes Title IX

Quid Pro Quo Sexual Harassment and University Policy Quid Pro Quo Sexual Harassment, as defined in the Definition Section. Hostile Environment Sexual Harassment includes Title IX Hostile Environment Sexual Harassment and University Policy Hostile Environment Sexual Harassment, as defined in the Definition Section.

III. Definitions

Prohibited Conduct: Prohibited Conduct is defined as the following:

A. As provided in the Title IX Regulations, the following is defined as sexual harassment under Title IX and prohibited under this policy:[2]

a. Sexual Assault: Any sexual act directed against another person, without the Consent of the Complainant including instances where the Complainant is incapable of giving

1. **Rape**— Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. **Sodomy**—Oral or anal sexual intercourse with another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.
3. **Sexual Assault with An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.
4. **Fondling**— The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.

b. Sexual Assault: Nonforcible sexual intercourse

1. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

c. Quid Pro Quo Sexual Harassment as Defined in Title IX Regulations (“Title IX Quid Pro Quo Sexual Harassment”): An employee of the University conditioning the provision of aid, benefit, or service on another individual’s participation in unwelcome sexual conduct.

d. Hostile Environment Sexual Harassment as Defined in Title IX Regulation (“Title IX Hostile Environment Sexual Harassment”): Unwelcome conduct based on sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or [3]

e. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such Dating violence does not include acts covered under the definition of domestic violence.

f. Domestic Violence: Violence committed by a current or former spouse or intimate partner of the Complainant; a person with whom the Complainant shares a child in common; a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Virginia; by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Virginia. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or

have an intimate

g. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking may include the concept of "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. When allegations of stalking are unrelated to sex and/or gender-based harassment, cases may be referred to the appropriate office and governed by either the Code of Student Conduct, Department of Human Resources Policy, Administrative/Professional Faculty Handbook, or the Faculty

B. The University has determined that the following conduct also constitutes Prohibited Conduct:

a. To the extent that conduct does not fall under the definition of Title IX Quid Pro Quo Sexual Harassment or Title IX Hostile Environment Sexual Harassment, the following conduct violates University Policy:

i. University Policy Quid Pro Quo Sexual Harassment: Unwelcome conduct based on sex where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a University program or activity.

ii. University Policy Hostile Environment Sexual Harassment: Unwelcome conduct based on sex that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a University program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.

b. Sexual Exploitation: Purposely or knowingly doing one or more of the following without Consent:

- Taking sexual advantage of another person.

- Taking advantage of another's sexuality.
- Exceeding the boundaries of consensual Sexual Contact without the knowledge of the other individual.

Sexual Exploitation may be committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit.

Examples include, but are not limited to, purposefully or knowingly:

- Causing the incapacitation of another person through alcohol and/or drugs (or any other means) for the purpose of compromising that person's ability to give Affirmative Consent to sexual activity;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images) without consent of all parties;
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Maliciously threatening to disclose or disclosing an individual's Sexual Orientation, Gender Identity, or Gender Expression;
- Prostituting another person;
- Possessing, creating, or distributing child pornography;
- Exposing another person to a sexually transmitted infection or virus without the other's knowledge; or
- Failing to use contraception, or deliberately removing or compromising contraception (Stealth) without the other party's knowledge.

c. Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct under this Policy by another person. Examples of

complicity include, but are not limited to, restraining another individual during a sexual assault, encouraging someone to commit dating violence or sexual assault, or intentionally not intervening for the purpose of facilitating another person committing Prohibited Conduct

C. Retaliation: No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

Consent: Consent means affirmative agreement to engage in conduct. In order to be affirmative, the agreement must be demonstrated through clear words or actions and must be informed and voluntary. A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Lack of protest does not constitute Consent. Lack of resistance does not constitute Consent. Silence and/or passivity also do not constitute Consent.

Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Consent.

Consent may be withdrawn at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

Consent cannot be obtained through physical violence, threats, intimidation, or coercion.

a. Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

b. Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information, to harm a person's reputation, or to cause a person academic or economic harm.

c. Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

d. Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear a decision not to participate in a particular activity, a decision to stop a particular activity, or a decision not to go beyond a certain activity, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Consent also cannot be obtained by taking advantage of the Incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other person was Incapacitated. In evaluating Consent in cases of alleged Incapacitation, the University asks two questions: (1) Did the person initiating sexual activity know that the other party was Incapacitated? And if not, (2) Would a sober, reasonable, lay (i.e., non-medical professional) person in the same situation have known that the other party was Incapacitated? If the answer to either of these questions is "YES," Consent was absent.

Incapacitation: Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in an activity. A person may be Incapacitated as a result of the consumption of alcohol and/or other drugs, mental or physical helplessness, sleep, unconsciousness, lack of awareness that an activity is taking place or due to a temporary or permanent physical or mental health condition. Incapacitation as a result of consumption of alcohol and/or drugs is a state beyond drunkenness or intoxication. A person is not necessarily

Incapacitated merely as a result of drinking or using drugs.

Evaluating Incapacitation requires an assessment of an individual's abilities to:

- Communicate a choice
- Understand relevant information
- Reason about choices; and/or
- Appreciate the consequences of a situation.

Potential indicators of Incapacitation include (1) an inability to understand or answer questions such as: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"; (2) slurred or incomprehensible speech; (3) unsteady gait; (4) combativeness; (5) emotional volatility; (6) vomiting, or (7) incontinence.

Title IX Coordinator: The Title IX Coordinator is the University employee responsible for coordinating the University's compliance with and enforcement of Title IX and this policy.

Complainant: An individual who is alleged to be the victim of Prohibited Conduct.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

Confidential Employee: (1) Any employee of the Student Support and Advocacy Center ("SSAC"), Counseling and Psychological Services ("CAPS"), or Student Health Services ("SHS") or any other employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a student ("health care providers"); (2) any employee providing administrative, operational and/or related support for such health care providers in their performance of such services; and (3) any employee of the Office of the University Ombudsperson when acting in their role as ombudspersons or providing administrative, operational or related support.

Non-Confidential Employee: Any employee who is not a Confidential Employee. This includes students who are serving as Resident Assistants, Graduate Teaching Assistants, and all other student-employees, when disclosures are made to any of them in their capacities as employees.

Formal Complaint: A document or electronic submission (e.g., email, or online form) filed by a Complainant or the Title IX Coordinator with the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate the allegation of Prohibited Conduct. A Formal Complaint filed by a Complainant must contain a physical or digital signature or otherwise indicate that the complainant is the person filing the Formal Complaint.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available without fee or charge to a Complainant or Respondent that (1) restore or preserve equal access to the University employment or education programs and activities, without unreasonably burdening the other party, (2) protect the safety of the parties or the University community, or (3) deter Prohibited Conduct.

- The University is required by the Title IX Regulations to use these definitions for sexual harassment under Title IX.
- Whether conduct is unwelcome is a subjective determination based on the specific Complainant. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

IV. Compliance

A. Title IX Coordinator and Deputy Title IX Coordinators

The Title IX Coordinator is charged with monitoring the University’s compliance with Title IX; ensuring appropriate education and training; coordinating the University’s investigation, response, and resolution of all reports of Prohibited Conduct; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its

effects. The Title IX Coordinator is the sole employee of the University who has the authority to institute corrective measures on behalf of the University to address violations of this policy or Title IX. The Title IX Coordinator is also responsible for providing Supportive Measures to Complainants and Respondents as determined to be appropriate by the Title IX Coordinator. The Title IX Coordinator or Deputy Title IX Coordinators are available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures.

The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities.

The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours:

Although the University has identified senior and deputy coordinators to ensure ease of access across campus locations, central reporting of incidents must be to the Title IX Coordinator.

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Christi Wilcox

College of Engineering and Computing Diversity Associate
Fairfax Campus, 2500 Nguyen Engineering
Phone: (703) 993-1000
Email: cwilcox6@gmu.edu

Sara Hawes

Director of Operations

Arlington-Mason Square Campus, 220H Van Metre Hall

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Email: sdolan5@gmu.edu

B. Other Resources

In addition to the Title IX Coordinator, the University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. For comprehensive information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment, review the **[Resources and Reporting Guide for Students & Employees \(Appendix B\)](#)**.

Concerns about the University's application of Title IX, VAWA, Title VII, the Clery Act, or the Virginia Human Rights Act may be addressed to the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000).

C. Supportive Measures

The University offers a wide range of Supportive Measures for Students and Employees, whether as Complainants or Respondents, to provide support throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The Title IX Coordinator is responsible for providing Supportive Measures, as deemed appropriate by the Title IX Coordinator. The University will offer reasonable and appropriate Supportive Measures to protect continued access to University employment or education programs and activities. Supportive Measures may be both remedial (designed to address safety and well-being and continued access to educational opportunities) or protective. Supportive measures may be temporary or permanent and may include, but are not limited to, no-contact directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, interim suspension from employment, and pre-disciplinary leave (with or without

pay).

Supportive Measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy.

The University will maintain the confidentiality of any Supportive Measures provided under this policy to the extent practicable and will promptly address any violation of the Supportive Measures. The Title IX Coordinator has the discretion to impose and/or modify any interim Supportive Measure based on all available information. The Title IX Coordinator is available to meet with Complainants or Respondents to address any concerns about the provision of Supportive Measures.

D. Responsibility of Employees to Report Prohibited Conduct

1. Confidential Employees

Confidential Employees provide confidential, trauma-informed counseling or support. Please review **Resources and Reporting Guide for Students & Employees** (Appendix B) for a list of available on- and off-campus confidential resources. Confidential Employees will not disclose information about Prohibited Conduct reported to them by a student or employee to the Title IX Coordinator without the individual's permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor).

2. Non-Confidential Employees

Non-Confidential Employees are required to report to the Title IX Coordinator all relevant details (obtained directly or indirectly) about any incident of Prohibited Conduct that involves a student or an employee as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. This includes reports related to on- or off-campus conduct. Non-Confidential Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"), or (2) during a student's participation as a subject in an Institutional Review Board-approved human

subjects research protocol (“IRB Research”). The University may provide information about students’ Title IX rights and about available University and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

Consistent with the requirements of Va. Code § 23.1-806 (the “Virginia Reporting Statute”), Non-Confidential Employees are also required to report to the Title IX Coordinator all information obtained, from any source, about alleged Prohibited Conduct that occurs anywhere on University campus (including residence halls); on any contiguous (off-campus) property owned or controlled by the University; on any property controlled by a student organization (including fraternity houses) or frequently used by students, wherever located; and public property (including streets, sidewalks and parking facilities) that is within or immediately adjacent to, and accessible from, campus.

E. Privacy and Confidentiality

Information related to a report under this Policy will only be shared with those University employees who need to know in order to assist in the assessment, investigation, or resolution of the report. If the decision is made to pursue disciplinary action against a Respondent, information related to the report will be shared with the Respondent.

Information regarding a report will not be shared with third parties (including either the Complainant or Respondent’s parents or guardians) unless the party has signed a waiver that is compliant with FERPA, there is an articulable threat to the health or safety of the party or other individuals, the University if required by law to share the information, or the party is a minor and sharing is permissible under the Family Education Rights and Privacy Act (FERPA) with the minor’s parents or guardians.

Under the Virginia Reporting Statute, the University is required to report information about acts of sexual violence that constitute felonies to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.

F. Clery Act Compliance and Timely Warnings

If a report of Prohibited Conduct discloses a serious and immediate threat to the campus community, GMU Department of Police and Public Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a Reporting Party.

Pursuant to the Clery Act and the 2019 Amendments to the Violence Against Women Act, anonymous statistical information regarding reported criminal incidents must be shared with GMU Department of Police and Public Safety for inclusion in the Daily Crime Log. This information will also be included in the University's Annual Security Report (<http://police.gmu.edu/annual-security-report/>). The University may also share aggregate and not personally identifiable data about reports, outcomes, and sanctions.

See University Policy Number 1412: Reporting of Clery Act Crimes and/or Prohibited Sexual Conduct for more information about Clery Act Reporting.

G. Amnesty Policy

The University will not pursue disciplinary action against Complainants, Respondents, or witnesses for disclosure of illegal personal consumption of drugs and/or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

H. Records

The Compliance, Diversity, and Ethics office will maintain records of all reports under this Policy and their outcomes for seven years.

I. Prevention and Awareness Programs and Trainings

The University provides training to students and employees on this policy and topics and issues related to maintaining an education and employment environment free from harassment and discrimination. All employees are required to attend Title IX training as part of orientation and then complete an in-person online training annually. For a description of [the University's training related to this policy, see Training, Prevention, and Awareness](#)

Programs (Appendix C).

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education. For a description of the University's prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see **Training, Prevention, and Awareness Programs** (Appendix C).

The Title IX Coordinator, Deputy Title IX Coordinators, Title IX Investigators, and Title IX Hearing/Appeal Officers shall all receive training as required in the Title IX Regulations, including training on the definition of sexual harassment under the Title IX Regulations and this Policy, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Additionally Title IX Hearing/Appeal Officers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Title IX Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All trainings shall be available on the Title IX website.

J. Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the University's Student Code of Conduct and disciplinary action under the appropriate employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

V. Forms

CSA Crime Statistics Reporting Form: <http://police.gmu.edu/clery-act-reporting/csa-form/>

Title IX Sexual and Interpersonal Misconduct Intake Form:
<https://diversity.gmu.edu/titleix-webform>

VI. Dates

A. Effective Date:

This policy will become effective upon the date of approval by the Provost and Executive Vice President and Senior Vice President for Administration and Finance.

B. Date of Most Recent Review:

August 31, 2022

VII. Timetable for Review

The University will review and update this policy, as appropriate, by October 31 of each year. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed). The Title IX Coordinator shall certify to the State Council of Higher Education for Virginia that this policy has been reviewed and updated, as appropriate, in accordance with Virginia law.

XIV. Signatures

Approved:

____/S_____

Senior Vice President for Administration and Finance

____/S_____

Provost and Executive Vice President

Date Approved: April 20, 2006

Revised: August 15, 2014

Revised: March 25, 2015, September 11, 2015

Revised: June 22, 2016, August 25, 2016, February 14, 2016

Revised: August 25, 2017

Revised: August 24, 2018

Revised: August 28, 2019

Revised: May 14, 2020, June 26, 2020, August 13, 2020

Revised: August 24, 2021, October 7, 2021

Revised: August 31, 2022

Revised: June 12, 2024

Page updated: June 12, 2024



**GEORGE
MASON
UNIVERSITY®**

ALL TOGETHER DIFFERENT

George Mason University
4400 University Drive
Fairfax, Virginia 22030
Tel: +1703-993-1000

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EXHIBIT 4

◀ Mason



MASON
UNIVERSITY Diversity

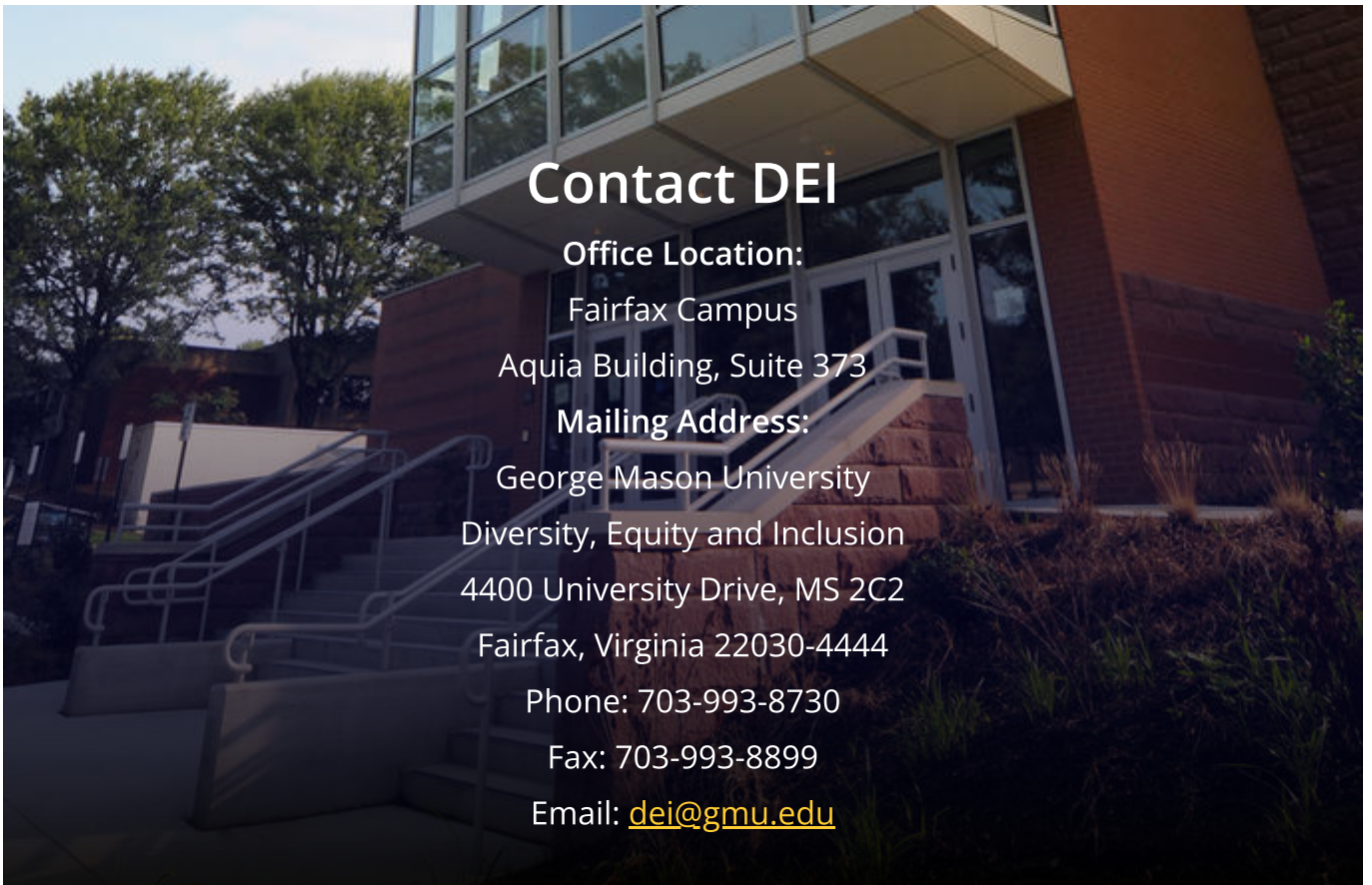


Meet Our Staff

[HOME](#) / [MEET OUR STAFF](#)

Sub Navigation





Staff Directory

The Office for Diversity, Equity, and Inclusion exists to ensure that all people can work and study at Mason without boundaries.

Our teams focus on achieving equitable access and promoting inclusive excellence utilizing the protections of federal, state, and local law, as well as through our work facilitating workplace accommodations, managing assistive technologies, investigating allegations of discrimination and prohibited conduct, and affecting University policy management.

- [View our Organizational Chart](#)

DEI ADMINISTRATION

[Dr. Sharnnia Artis](#), Vice President for Diversity, Equity, and Inclusion & Chief Diversity Officer

DEI ADMINISTRATION

[Jeanmerie Lagos](#), Executive Assistant & Office Manager

[Suzanne Rada](#), Program Assistant

EQUITY AND ACCESS SERVICES

[Thomas \("Tom"\) M. Bluestein](#), Assistant Vice President for Equity and Access Services & ADA and Title IX Coordinator

[Aketa Emptage](#), Associate Director for Equal Opportunity & Chief Investigator

[Rachel Elliott](#), Deputy ADA Coordinator & DEI Compliance Investigator

[Korey Singleton, PhD, ATP, RET](#), Deputy ADA Coordinator and Assistive Technology Initiative Manager ([visit ATI](#))

[Kristine Neuber](#), IT Accessibility Coordinator

[Robert Starr](#), Accessible Media Coordinator

[Jennifer Little Brown](#), Accessible Text Coordinator

[Jacqueline Servello](#), Assistive Technology Specialist

VACANT , Deputy Title IX Coordinator

[Vanessa White](#), DEI Compliance Lead Investigator

[Anna Walsh](#), DEI Compliance Investigator

[Hortense Rascoe](#), DEI Case Coordinator for Community Engagement

INCLUSIVE EXCELLENCE

[Dr. Erikca Brown](#), Associate Director for Inclusive Education

[Dr. Shekila Melchior](#), Director of DEI Strategic Partnerships and Initiatives

[Kyle Warfield](#), Associate Director for Engagement and Belonging



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George Mason University

4400 University Drive

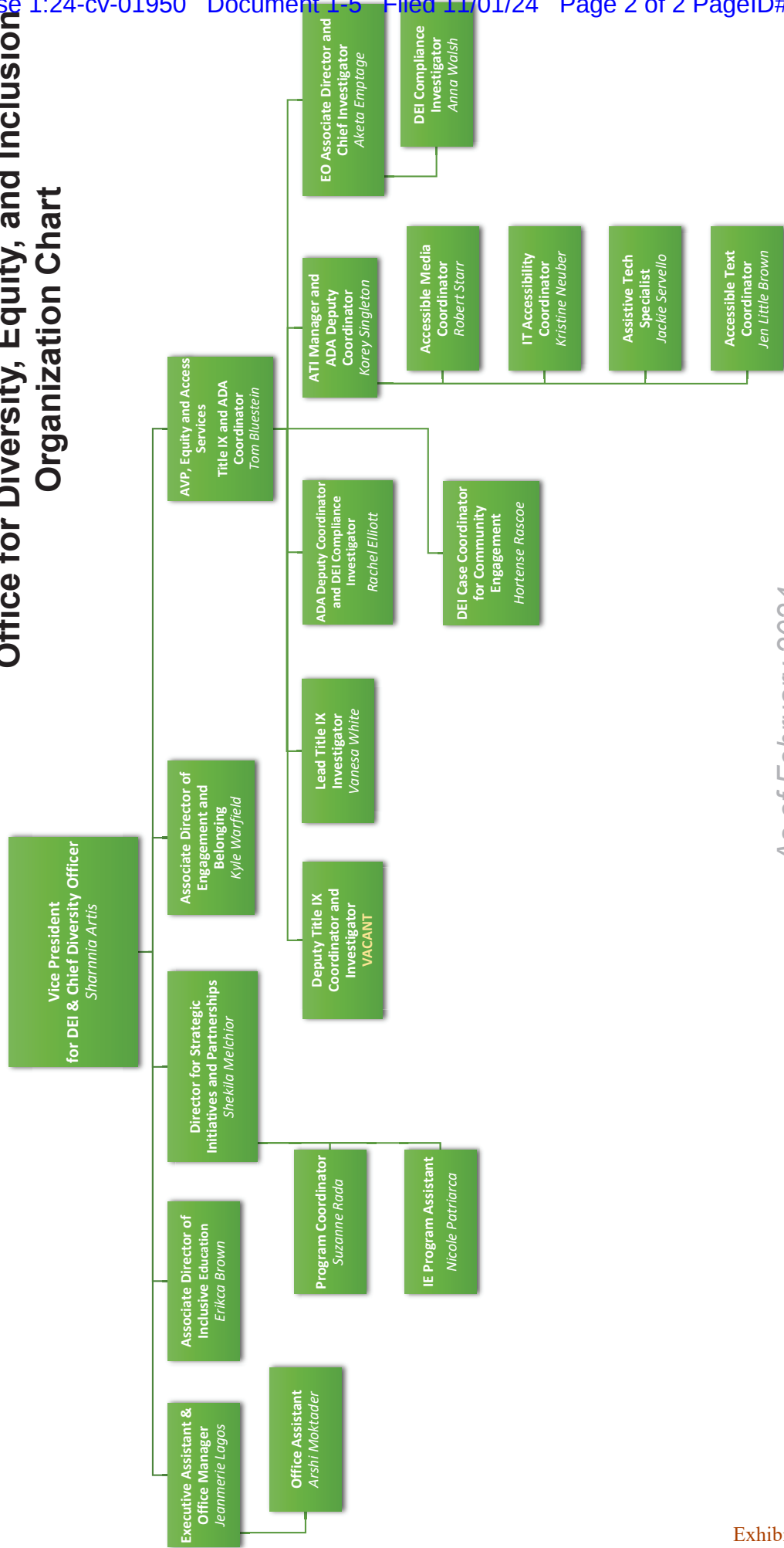
Fairfax, Virginia 22030

+1 (703) 993-1000

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EXHIBIT 5

Office for Diversity, Equity, and Inclusion Organization Chart



As of February 2024

EXHIBIT 6

Title IX FAQs | Diversity, Equity, and Inclusion

 diversity.gmu.edu/equity-access-services/title-ix/title-ix-faqs

1. Who is the GMU Title IX Coordinator?

Thomas "Tom" Bluestein is the Title IX Coordinator at George Mason University. You can reach Tom by phone at 703-993-8730, or e-mail at: titleix@gmu.edu.

If you would like to make a report to the Title IX Coordinator you can do so using our [online reporting form](#).

The Title IX Office is located on the Fairfax Campus:

4400 University Drive
Aquia 373 MS 2C2
Fairfax, Virginia 22030-4444

2. What University policy addresses sexual and gender-based misconduct?

The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, **University Policy 1202** prohibits specific forms of behavior that violate Title IX of the Education Amendment of 1972; Title VII of the Civil Rights Act of 1964; and/or the Virginia Human Rights Act.

The University adopts **Policy 1202** with the intention of:

- Eliminating, preventing, and addressing the effects of Prohibited Conduct;
- Creating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct;
- Providing a prompt, fair, and impartial process for all parties; and
- Identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed.

3. Does this policy apply to me?

Mason's sexual and interpersonal misconduct policy applies to students who are registered or enrolled for credit or non-credit-bearing coursework; all University employees; and third parties. This policy pertains to acts of prohibited conduct committed by or against students, employees and third parties when:

(1) the conduct occurs on campus or other property owned or controlled by the University;

(2) the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or

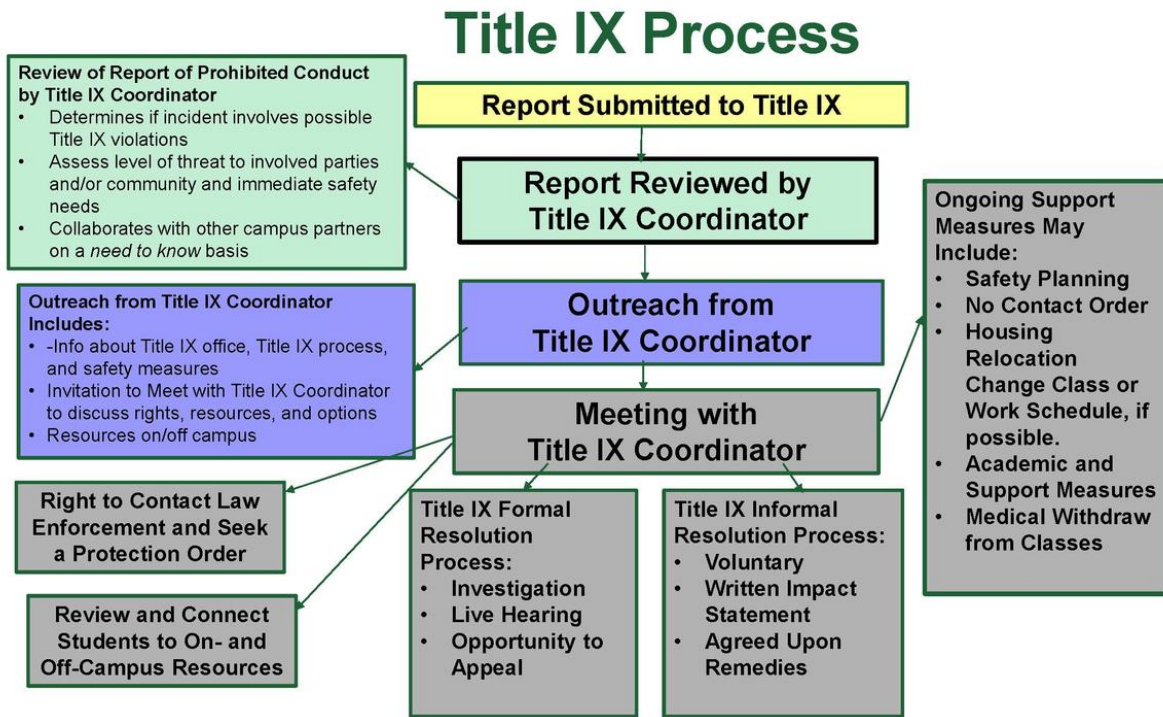
(3) the conduct occurs off-campus or outside the context of a University employment or education program or activity, and has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on University campus or other property owned or controlled by the University or in any University employment or education program or activity.

4. What conduct is prohibited?

The University prohibits Sexual or Gender-Based Harassment, Sexual Assault and Nonforcible sexual intercourse, Dating Violence, Domestic Violence, Stalking, Sexual Exploitation, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, "Prohibited Conduct"). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.

Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the Complainant or Respondent.

5. What happens when the University receives a report of Prohibited Conduct?



Employees or Students who violate this policy may face disciplinary action up to and including termination or expulsion. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy. It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the Respondent's relationship to the University (Student, Employee, or Third Party). Each set of procedures referenced below is guided by the same principles of fairness and respect for Complainants and Respondents. "Complainant" means the individual who presents as the victim of any Prohibited Conduct under this policy, regardless of whether that person makes a report or seeks action under this policy. "Respondent" means the individual who has been accused of violating this policy. "Third Party Reporter" means someone who learns about alleged Prohibited Conduct, committed by or against a community member, and reports it to the University. Third Party Reporters are not entitled to the rights that Complainants and Respondents have. "Third Party" means someone who is not affiliated with the University as a Student or Employee.

A Student or Employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The procedures referenced below provide for prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The University applies the Preponderance of the Evidence standard when determining whether this policy has been violated. "Preponderance of the Evidence" means that it is more likely than not that a policy violation occurred.

Procedures for Responding to Reports of Prohibited Conduct Committed by Students and Employees are detailed in [Appendix A](#).

6. How does the Title IX Office find out about sexual misconduct?

The Title IX Office receives reports from non-confidential employees, law enforcement, or concerned community members. We also receive reports from parents or directly from individuals who want to report their own experiences. Most often reports are made using our [online reporting form](#).

7. Do I have to choose either a sexual misconduct process or a law enforcement process? Can I do both? What if I don't want to do either process?

When the Title IX Office receives a report, it is up to the individual to decide how they would like to proceed, and they can pursue a formal or informal process through the Title IX Office, as well as a legal process at the same time, or choose to do neither. The Title IX Office offers both formal and informal resolution processes, which are available if both parties are part of the university community. Alternatively, Law Enforcement is able to explore options with an individual should they choose to explore that option. During your initial meeting with the Title IX Office they can review all the options with you and help you to better understand each one.

The Title IX office can still provide resources and support measures to individuals even if they chose not to pursue either process.

8. What resources are available to students and employees?

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. For comprehensive information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment, please review [Appendix B: Resources and Reporting Guide for Students and Employees](#).

9. What measures and accommodations are available to an employee or student when they report an incident related to sexual harassment or sexual misconduct?

Upon a report of a sexual or interpersonal misconduct, the Title IX Coordinator will work with the parties and offices on campus to implement support measures. Following an investigation and a determination that a policy violation occurred, more permanent accommodations and support measures may be implemented.

Accommodations and support measures are available without a formal investigation. Support measures are not punitive and do not declare a policy violation, rather are in place to support a non-hostile environment and support the Mason Community. Examples of support measures include:

- Housing assignment changes for the requesting party

- Counseling services
- Academic support
- Course assignment changes for the requesting party
- Security escort services
- No Contact Order
- Parking assignments
- Other appropriate actions as necessary. We can work with students and employees based on their needs to provide appropriate support measures

10. Does the University provide training?

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming Students and new Employees receive primary prevention and awareness programming as part of their orientation, and returning Students and current Employees receive ongoing training and related education. For a description of the University's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see Appendix C: Training, Prevention, and Awareness Programs.

11. What are confidential resources?

Confidential Employees provide confidential, trauma-informed counseling or support. Confidential Employees will not disclose information about Prohibited Conduct reported to them by a student to the Title IX Coordinator without the student's permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor).

Any employee of the Student Support and Advocacy Center ("SSAC"), Counseling and Psychological Services ("CAPS"), or Student Health Services ("SHS") or any other employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a student ("health care providers"); and (2) any employee providing administrative, operational and/or related support for such health care providers in their performance of such services.

12. What is "Affirmative Consent" at George Mason? Also, what does "incapacitation" mean?

Affirmative consent is:

- Informed (knowing)
- Voluntary (freely given)

- Active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity

Affirmative Consent cannot be obtained by Force. Force includes the use of physical violence, (b) threats, (c) intimidation, and/or (d) coercion.

a) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

b) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

c) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

The University offers the following guidance on Affirmative Consent and assessing incapacitation:

- A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.
- Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Affirmative Consent.
- Affirmative Consent may be withdrawn at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Affirmative Consent in cases of alleged incapacitation, the University asks two questions:

- (1) Did the person initiating sexual activity know that the other party was incapacitated? And if not,
- (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “YES,” Affirmative Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated

may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are with?”


One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.




Being impaired by alcohol or other drugs is no defense to any violation of Mason’s Title IX/sexual and interpersonal misconduct policy.

13. Does Title IX offer protections and support for pregnant and parenting students and employees?



Yes, Title IX prohibits discrimination based on sex, including pregnancy, childbirth, and parental status. It provides equal educational opportunities for pregnant and parenting students.


EXHIBIT 7

 **Scalia Law '25** ▾ 🔒 ✕


 
You love to see it



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 **Mr. Doe**
Hey Everyone, I am so excited to share that I am officially the Law School/Student Representative for GAPSA (Graduate and Professional Studies Assembly) here at George Mason. GAPSA reports up and down the chain of command across Mason from the Board of Visitors, President, etc. In my role, I will share concerns/issues law students have to GAPSA to work on effectuating change and resolving the concerns students have. Please reach out to me here or text me  if there are concerns you would like addressed and I will do my best to advocate for all of us. 🙌



SEP 27, 2024, 12:52 PM

 **Mr. Doe**
I have already shared some concerns that you all have raised, including establishing Hygeine product disposal containers/and products in ALL restrooms, on all floors around the law school (regardless of gender marker/sign outside of the restroom), suicide/domestic violence prevention resources/signage in all restrooms.



SEP 27, 2024, 1:50 PM

+ Send Message... 😊



Scalia Law '25



work on effectuating change and resolving the concerns students have. Please reach out to me here or text me [REDACTED] if there are concerns you would like addressed and I will do my best to advocate for all of us. 🙏



SEP 27, 2024, 12:52 PM

Mr. Doe

I have already shared some concerns that you all have raised, including establishing Hygeine product disposal containers/and products in ALL restrooms, on all floors around the law school (regardless of gender marker/sign outside of the restroom), suicide/domestic violence prevention resources/signage in all restrooms.



SEP 27, 2024, 1:50 PM

Tampons in the men's bathroom is an unnecessary expense and political totem that many people at this school disagree with. Many of us do not want to pay for this type of thing with our tuition.



I would personally love water bottle filing stations on every floor







Filling ..






Send Message..







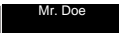



 **Scalia Law '25** 



SEP 27, 2024, 1:50 PM


 
Tampons in the men's bathroom is an unnecessary expense and political totem that many people at this school disagree with. Many of us do not want to pay for this type of thing with our tuition.
 9

 
I would personally love water bottle filling stations on every floor
 22
Filling ..


  Mr. Doe
I'll make note of your thoughts,  Do also recognize that I did not suggest or hint that student tuition would pay for anything in my previous messages or when I presented those concerns in our meeting. Thanks.

I would personally love water bottle filling stations on every floor
Noted! I will add to the list and pass this along for sure and see what can be done.
 3


SEP 27, 2024, 1:58 PM

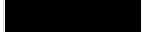
 Send Message... 

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Filling..


 **Mr. Doe**

I'll make note of your thoughts,  Do also recognize that I did not suggest or hint that student tuition would pay for anything in my previous messages or when I presented those concerns in our meeting. Thanks.




I would personally love water bottle filling stations on every floor


Noted! I will add to the list and pass this along for sure and see what can be done.



 3

SEP 27, 2024, 1:58 PM

 **Selene Cerankosky**



With the advocacy for female products in the male restrooms, you are expressing that male bathrooms will welcome female occupants and female bathrooms will welcome male occupants. I speak for myself and many other women when I say that we will feel considerably uncomfortable if there are males using private women's spaces on campus. Do also recognize the concerns of biological female students. Thanks!

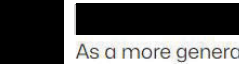
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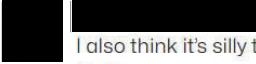

As a more general matter, many of us do not want biological women in men's bathrooms and vice versa. This is a moral and safety issue for many people. So putting tampon dispensers in men's bathrooms isn't just about the fiscal burden. It represents a top-down cultural and behavioral change at Scalia many of its students do not endorse. Please make sure these


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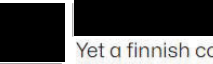

As a more general matter, many of us do not want biological women in men's bathrooms and vice versa. This is a moral and safety issue for many people. So putting tampon dispensers in men's bathrooms isn't just about the fiscal burden. It represents a top-down cultural and behavioral change at Scalia many of its students do not endorse. Please make sure these voices are heard during any discussion with administration, so as not to discourage or exclude students with conservative values.



 7




I also think it's silly that there's only water bottle filling stations every other floor. I'm with  on that one



 11

SEP 27, 2024, 2:06 PM




Yet a finnish company makes tampons for males... newflash people women aren't the only ones who have periods as there is also a population of biological males who get them due to different medical conditions and not all trans men choose to take hormone replacement therapy and they can still have periods even if they do take it. No one's saying that just anyone will be able to walk into the opposite gender's restroom, but they should be able to have the products they need in the restroom of the gender they identify with, the restroom they use. Without peeking under the stall you'd have little way of knowing exactly what parts anyone has, and if your doing that then there's a bigger problem than just a transgendered person using a


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


 **Scalia Law '25** 


SEP 27, 2024, 2:06 PM



 
Yet a finnish company makes tampons for males... newsflash people women aren't the only ones who have periods as there is also a population of biological males who get them due to different medical conditions and not all trans men choose to take hormone replacement therapy and they can still have periods even if they do take it. No one's saying that just anyone will be able to walk into the opposite gender's restroom, but they should be able to have the products they need in the restroom of the gender they identify with, the restroom they use. Without peeking under the stall you'd have little way of knowing exactly what parts anyone has, and if your doing that then there's a bigger problem than just a transgendered person using a restroom that is gender-affirming for them.



 4



 **Mr. Doe** 

I also think it's silly that there's only water bottle filling stations every other floor. I'm with  on that one


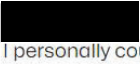

I will do my best. Keep in mind I'm a middle "person" but will advocate as best as I am able to. I am unsure how the piping and waterlines are logistically connected but I will certainly bring these concerns forward.





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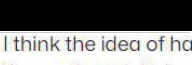


 
I personally could care less what restroom someone uses due to their own gender identity, and i don't see the harm in having basic products in both restrooms. It reduces a lot of stigma




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 **Scalia Law '25** 


 
I personally could care less what restroom someone uses due to their own gender identity, and i don't see the harm in having basic products in both restrooms. It reduces a lot of stigma surrounding those issues.
 5


 **Maria Arcara**
As  was trying to explain, conservative students have as much a right to be represented at this school as anyone else. If you want to change the bathroom policy, we have the right to argue for it remaining as it is. And the fact is, women can tell if a biological man is in the room with them at a vulnerable time and I don't want that to happen to me or any other women
 2  2






 
I think the idea of having hygiene products available in all restrooms is to offer a solution to those who might be male-presenting but still menstruating (like  has noted). This way, if they needed a tampon, they wouldn't not have to go to the women's restroom.
 11


 
I think the idea of having hygiene products available in all restrooms is to offer a solution to those who might be male-presenting but still menstruating (like  has noted). This way, if they needed a tampon, they wouldn't not have to go to the women's



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they needed a tampon, they wouldn't not have to go to the women's restroom.
 11



 
 
I think the idea of having hygiene products available in all restrooms is to offer a solution to those who might be male-presenting but still menstruating (like  has noted). This way, if they needed a tampon, they wouldn't not have to go to the women's restroom.


Exactly, that's all i'm trying to point out.
 2


 **Selene Cerankosky**
I fail to understand how Hazel Hall will allow biological females into male restrooms to access period products as "trans men," while not also allowing "just any" biological male to walk into a female restroom. Having a double standard such as that would be a fast discrimination issue. Women have been gaslit in recent years about how our allowance for males to occupy our vulnerable spaces will not attract arbitrary entries, but it certainly has. Women have a right to feel safe in spaces where they disrobe.
 3


 
"muted"
 12

+ 😊


**Scalia Law '25** 


 "muted"

 12

**Mr. Doe**

Let's not jump to unnecessary conclusions. I am in no way implying and signaling that all bathrooms would become gender neutral, though anatomically speaking I don't think it's anyone else's business what gender someone identifies with, as, or if they identify with any at all.


 3




**Maria Arcara**


Selene Cerankosky

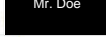
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I agree with Selene. It never stops at tampons in a male restroom




 4




 added  to the group.


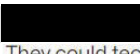

**Selene Cerankosky**







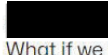

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 **Selene Cerankosky**
Mr. Doe
Let's not jump to unnecessary conclusions. I am in no way implying and signaling that all bathrooms would become gender neutral, though anatomically speaking I don't think it's anyone else's business what gender someone identifies with, as, or if they identify with any at all.
Respectfully, Mr. Doe as women, it is absolutely our business if a male enters our bathroom.
 3  1




 
They could technically use it right now because there's no law or policy preventing it. We aren't saying change anything, we are just saying that there's no harm in having products in those restrooms for the people that might need them.
 1




 **Selene Cerankosky**
If any female students encounter a male in their restroom, please do not hesitate to let me know. I will ensure something is said about it and hopefully changed.
 2  1


 
What if we just offer hygiene products in a neutral non-bathroom area so anyone could access them at any time?
 16

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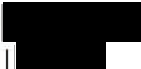

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What if we just offer hygiene products in a neutral non-bathroom area so anyone could access them at any time?
 16

 
Now that's a lawyer response right there!
 6

 **Mr. Doe**
I am simply sharing concerns that we're brought up by several of our fellow classmates. Providing a health disposal box or a resource/health necessity item that is often overlooked or too expensive for individuals, in a restroom does not imply that what you perceive a "man" or "woman" will be using both restrooms.

SEP 27, 2024, 2:17 PM

 
What if we just offer hygiene products in a neutral non-bathroom area so anyone could access them at any time?
They do offer them in the gender neutral bathroom on one of the floors ~~too!~~
 1

 **Mr. Doe**

+ Send Message... 😊



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What if we just offer hygiene products in a neutral non-bathroom area so anyone could access them at any time?

They do offer them in the gender neutral bathroom on one of the floors.



Mr. Doe

What if we just offer hygiene products in a neutral non-bathroom area so anyone could access them at any time?

I will certainly pass this along, as a proposed addition to the law school building.



Send Message...



MASON Scalia Law '25





👍 22



Mr. Doe


The law school does not have a single gender neutral restroom—they are only on the SCHAR side of campus.


+ Send Message...








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




 **Mr. Doe**
The law school does not have a single gender neutral restroom—they are only on the SCHAR side of campus.



 
Mr. Doe
The law school does not have a single gender neutral restroom—they are only on the SCHAR side of campus.
Sorry  yes that's what I'm referring to!


 
What if upper middle class adults brought their own tampons to school and we didn't install vending machines under the pretext of a "public health accommodation" in order to ramrod partisan political issues into public institutions?



 **Mr. Doe**
Selene Cerankosky
If any female students encounter a male in their restroom, please do not hesitate to let me know. I will ensure something is said about it and hopefully changed.
Respectfully, Selene how are you planning to identify a "male" in the bathroom? Does the individual need to have a shaved head, have or not have certain anatomy, not wear makeup, dress a certain way, or fit a systemic stereotype of a "male"? Your perception of one's gender is

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 **Mr. Doe**


Selene Cerankosky

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 2


 




What if upper middle class adults brought their own tampons to school and we didn't install vending machines under the pretext of a "public health accommodation" in order to ramrod partisan political issues into public institutions?

Speak for yourself :) Not all of us are upper middle class



 4



 **Mr. Doe**






What if upper middle class adults brought their own tampons to school and we didn't install vending machines under the pretext of a "public health accommodation" in order to ramrod partisan political issues into public institutions?



This wasn't political. It was simply me sharing students concerns and increasing access to


 Send Message... 


 **Scalia Law '25** 



What if upper middle class adults brought their own tampons to school and we didn't install vending machines under the pretext of a "public health accommodation" in order to ramrod partisan political issues into public institutions?
This wasn't political. It was simply me sharing students concerns and increasing access to health care products. How one uses those products is only that person's business.



 **Selene Cerankosky**

Respectfully, Selene how are you planning to identify a "male" in the bathroom? Does the individual need to have a shaved head, have or not have certain anatomy, not wear makeup, dress a certain way, or fit a systemic stereotype of a "male"? Your perception of one's gender is just that... a perception, and does not define someone else's gender identity for them.
The premise that I cannot tell if someone is a male is one that does not deserve the dignity of a response. How ridiculous.


 2  1





It won't be hard for Selene to recognize the man who comes into the women's room. There's only one man on campus that would do it and she knows exactly what he looks like



 3




 **Mr. Doe**
And as an aside, pads for example, are used for more than one purpose. I apologize if this isn't




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 **Scalia Law '25** ▼ 🔒 ✕

 
It won't be hard for Selene to recognize the man who comes into the women's room. There's only one man on campus that would do it and she knows exactly what he looks like
 3


 **Mr. Doe** 
And as an aside, pads for example, are used for more than one purpose. I apologize if this isn't well known, but figured it worth mentioning.


 
Just to clarify, as this conversation has gotten into a lot of personal beliefs, are we all okay with there still being tampons in the women's bathrooms? Because even as someone that can afford to bring tampons to school, sometimes you just need that access at the last minute
 13


 **Selene Cerankosky** 
Just to clarify, as this conversation has gotten into a lot of personal beliefs, are we all okay with there still being tampons in the women's bathrooms? Because even as someone that can afford to bring tampons to school, sometimes you just need that access at the last minute
Absolutely.
 3




+ Send Message... 😊



 **Scalia Law '25** ▼ 🔒 ✕

 **Selene Cerankosky**


Just to clarify, as this conversation has gotten into a lot of personal beliefs, are we all okay with there still being tampons in the women's bathrooms? Because even as someone that can afford to bring tampons to school, sometimes you just need that access at the last minute

Absolutely.


 3



 
Mr. Doe

This wasn't political. It was simply me sharing students concerns and increasing access to health care products. How one uses those products is only that person's business.


It's 1,000% the public's business whether males or females use the opposite sex's public bathrooms, and of course, tampon machines in a men's bathroom is our business. Both as users, taxpayers, and tuition payers.

You can try to sanitize the morality and politics of your proposal by calling it a "public health issue." This is a lie. Everyone knows it is not.


 5



 

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 **Scalia Law '25** ▼ 🔒 ✕


You can try to sanitize the morality and politics of your proposal by calling it a “public health issue.” This is a lie. Everyone knows it is not.



 5


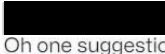



Just to clarify, as this conversation has gotten into a lot of personal beliefs, are we all okay with there still being tampons in the women's bathrooms? Because even as someone that can afford to bring tampons to school, sometimes you just need that access at the last minute


i can't believe we're even having to ask this question? ummm 3lol at gmu!


 1

  has joined the group







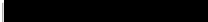
Oh one suggestion for something I'd like to see. The water filters are rarely changed for the water stations. I watched last time where the guy putting it in didn't change anything and just reset the light. Filters for the water stations would be great! It tastes like I'm drinking from a pool otherwise.

 7



 *This message was deleted*



+ 😊



 **Scalia Law '25** 



 
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SEP 27, 2024, 2:34 PM


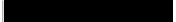
 
Agreed, terrible metallic taste.


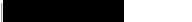
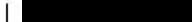
 
On a similar note, I'd also love to be able to buy plastic water bottles on days when I forget mine.
The school currently only sells cans of water which I don't like as they are single use only. And
water tastes bad out of a can.



 4  1





 
Also they only have Dasani as an option which tastes like dirt.



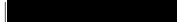
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

 
Wait, are plastic water bottles not also single use?



 

Wait, are plastic water bottles not also single use?



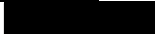
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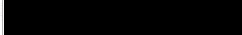




Wait, are plastic water bottles not also single use?
You can definitely refill a plastic water bottle. Much harder to refill a can. A metal water bottle would also be refillable but still would taste bad



 has joined the group




Ah my mistake, I thought you were talking about recycling




 Mr. Doe

Oh one suggestion for something I'd like to see. The water filters are rarely changed for the water stations. I watched last time where the guy putting it in didn't change anything and just reset the light. Filters for the water stations would be great! It tastes like I'm drinking from a pool otherwise.
That's disgusting and I will add that


 2  2


 added  to the group.

 Selene Cerankosky

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 [redacted] added [redacted] to the group.


 [redacted]

Selene Cerankosky

I fail to understand how Hazel Hall will allow biological females into male restrooms to access period products as “trans men,” while not also allowing “just any” biological male to walk into a female restroom. Having a double standard such as that would be a fast discrimination issue. Women have been gaslit in recent years about how our allowance for males to occupy our vulnerable spaces will not attract arbitrary entries, but it certainly has. Women have a right to feel safe in spaces where they disrobe.

Exactly



 2  1



 Mr. Doe


It's 1,000% the public's business whether males or females use the opposite sex's public bathrooms, and of course, tampon machines in a men's bathroom is our business. Both as users, taxpayers, and tuition payers.

You can try to sanitize the morality and politics of your proposal by calling it a “public health issue.” This is a lie. Everyone knows it is not.

What makes you assume you would be bearing that cost? Taxpayers? Tampon machine? No one is personally sending you a bill [redacted]

 2  1

 Send Message... 

 **Scalia Law '25** ▼ 🔒 ✕

Mr. Doe
[Redacted]

It's 1,000% the public's business whether males or females use the opposite sex's public bathrooms, and of course, tampon machines in a men's bathroom is our business. Both as users, taxpayers, and tuition payers.

You can try to sanitize the morality and politics of your proposal by calling it a "public health issue." This is a lie. Everyone knows it is not.

What makes you assume you would be bearing that cost? Taxpayers? Tampon machine? No one is personally sending you a bill [Redacted]

👍 2 🗨️ 1

SEP 27, 2024, 3:19 PM

[Redacted]


people will complain about 10 cent tampons but not the billions we send to kill kids overseas 😏

👍 5

SEP 27, 2024, 3:26 PM

Mr. Doe

FLASH SALE: \$6/tickets for Pride on the Plaza, through the end of this weekend (Sunday at 11:59pm) only!! <https://www.zeffy.com/ticketing/25f1c3c5-84cc-4628-93d6-7c3333f9160f> 🇺🇸 🇩🇪



TS

+ Send Message... 😊

EXHIBIT 8

From: [REDACTED]
Sent: Sunday, September 29, 2024 1:26 PM
To: [REDACTED]; Maria E Arcara [REDACTED]
[REDACTED] Selene M Cerankosky [REDACTED]
Cc: [REDACTED]
Subject: Re: open letter to SBA regarding the GAPSA Representative

Hey [REDACTED]

Thanks for raising your concerns. Hopefully I can clear up some confusion. Also, CC'ing [REDACTED]
[REDACTED]

To start, we share many of your concerns. Both [REDACTED] and I learned of [REDACTED] Mr. Doe's new position at the same time as everyone else, when he posted it in the GroupMe. He was not appointed by the SBA and there was not a vote. According to the SBA Constitution (attached), Art. VII, Sec. 3, the position must be appointed by the SBA President and confirmed by the Board of Governors. No such appointment or confirmation happened. As far as SBA is concerned, [REDACTED] Mr. Doe is not properly occupying the "office" of GAPSA Representative and does not represent SBA or the law school.

[REDACTED] Mr. Doe approached SBA for an appointment to the GAPSA Rep. position last year, and the then-President denied his request. This year, [REDACTED] Mr. Doe did not tell SBA he was interested in the position and no one on SBA was consulted. Additionally, [REDACTED] has no intention of appointing [REDACTED] Mr. Doe to this position. Put simply, we do not know how [REDACTED] Mr. Doe ended up on GAPSA, it seems like he went around the entire SBA structure and went straight to GAPSA.

I agree that the GAPSA Rep. position is one that requires proper procedure in appointment and confirmation. [REDACTED] Mr. Doe did not approach the current SBA Board requesting an appointment, despite knowing from last year that this is an appointed position. SBA was not involved in [REDACTED] Mr. Doe's "appointment" at all and is working to remedy the situation and remove him from GAPSA. [REDACTED] and I are planning on discussing the matter tomorrow with [REDACTED]. As for the SBA meeting tonight, we are discussing unrelated matters such as hearing an appeal for a 1L candidate for the Deputy Treasurer position who was disqualified from the ballot in the fall election. I'm not sure if this situation will be discussed being that the agenda was sent out before [REDACTED] Mr. Doe's post. More likely, this will be discussed by the full SBA once [REDACTED] and I find out more of the facts.

Again, SBA did not take any action to grant [REDACTED] Mr. Doe this position and as far as we are concerned, he is not the law school's GAPSA Rep. I hope this clears up some of the confusion. Happy to discuss this further if you or any other students have additional questions or concerns.

Regards,

A large black rectangular redaction covers the signature and name of the sender. The redaction is composed of several overlapping black boxes of varying sizes, completely obscuring any text underneath.

EXHIBIT 9



Diversity, Equity and Inclusion
4400 University Drive, MS 2C2, Fairfax, Virginia 22030
Phone: 703-993-8730 Fax: 703-993-8899 Web:
<http://diversity.gmu.edu>

NO CONTACT ORDER-EFFECTIVE IMMEDIATELY

October 11, 2024

Selene Cerankosky
George Mason
University Fairfax,
VA 22030

RE: Case # 2993-1

Dear Selene,

This letter serves as a No Contact Order issued by the Office for Diversity, Equity, and Inclusion at George Mason University. Under this order, **you are to have no further contact with** Mr. Doe
This order is effective immediately.

Under the No Contact Order, you **may not** contact Mr. Doe physically, in person, by phone, text, email, instant messenger, written notes, social media, (including, but not limited to: Facebook, X/Twitter, Snapchat, Instagram, Google Hangout) or any other method of communication.

Additionally, you **may not** request or direct another person to communicate **on your behalf** with Mr. Doe. For example, you may not ask a mutual friend, family member, colleague, or acquaintance to deliver a message from you to Mr. Doe (e.g., "on your behalf").

Finally, you **may not** contact Mr. Doe's immediate family (including their spouse/partner, children, parents, or siblings, if any) or request or direct another person to communicate on your behalf with any of these family members.

Receiving this No Contact Order does not imply or mean that you have violated any University Policy. This No Contact Order is reciprocal, meaning that the person to which you are not to contact, must also comply with the same parameters of no contact with you (e.g., they may not contact you either).

If you are in a class(s), club, or other organization with this other person, this No Contact Order

does not mean that you may not continue attending class or participating in any clubs or activities. You may continue to attend and participate in these programs or activities; however, you may not contact the other person in compliance with this Order. You may contact the Office for Diversity, Equity, and Inclusion if you have any shared programs or activities with the other person for further guidance.

This No Contact Order will remain in effect until further notice.

Retaliation Prohibited

Additionally, you should know that retaliation is against [University Policy](#). Specifically, retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under [University Policy](#). Retaliation includes threatening, intimidating, harassing, coercing or any other conduct in person or on social media that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Process for Alleging a Violation of a No Contact Order

To allege that the other party has violated a No Contact Order, you may:

- (1) Notify the Office for Diversity, Equity, and Inclusion (who will refer you to the Office of Student Conduct or Human Resources);
- (2) File a report with the Office of Student Conduct (for students who allegedly violate the Order); or
- (3) Contact Human Resources via emprel@gmu.edu to report a possible violation (for a faculty or staff member who allegedly violates the Order).

Process to Request to Cancel a No Contact Order

If you wish to cancel the No Contact Order, you must contact the Office for Diversity, Equity, and Inclusion to request that the No Contact Order be cancelled. Upon this receipt, the Office for Diversity, Equity, and Inclusion will determine if cancellation of the No Contact Order is appropriate, given the known circumstances. If this determination is made that the Order can be cancelled, the Office for Diversity, Equity, and Inclusion will then contact the other party to ensure that they are comfortable with the cancellation. If that party is comfortable, the Office for Diversity, Equity, and Inclusion will contact the parties to notify them of the Order’s cancellation.

If you have any questions, please contact me directly at 703-993-8730 or titleix@gmu.edu.

Sincerely,

Thomas ("Tom") M. Bluestein, Ph.D., J.D.
Assistant Vice President, Equity and Access Services
Title IX Coordinator
ADA Coordinator
George Mason University
Office for Diversity, Equity and Inclusi

EXHIBIT 10



Diversity, Equity and Inclusion
4400 University Drive, MS 2C2, Fairfax, Virginia 22030
Phone: 703-993-8730 Fax: 703-993-8899 Web:
<http://diversity.gmu.edu>

NO CONTACT ORDER-EFFECTIVE IMMEDIATELY

October 11, 2024

Maria Arcara
George Mason
University Fairfax,
VA 22030

RE: Case # 2993-1

Dear Maria,

This letter serves as a No Contact Order issued by the Office for Diversity, Equity, and Inclusion at George Mason University. Under this order, **you are to have no further contact with** Mr. Doe
This order is effective immediately.

Under the No Contact Order, you **may not** contact Mr. Doe physically, in person, by phone, text, email, instant messenger, written notes, social media, (including, but not limited to: Facebook, X/Twitter, Snapchat, Instagram, Google Hangout) or any other method of communication.

Additionally, you **may not** request or direct another person to communicate **on your behalf** with Mr. Doe. For example, you may not ask a mutual friend, family member, colleague, or acquaintance to deliver a message from you to Mr. Doe (e.g., “on your behalf”).

Finally, you **may not** contact Mr. Doe's immediate family (including their spouse/partner, children, parents, or siblings, if any) or request or direct another person to communicate on your behalf with any of these family members.

Receiving this No Contact Order does not imply or mean that you have violated any University Policy. This No Contact Order is reciprocal, meaning that the person to which you are not to contact, must also comply with the same parameters of no contact with you (e.g., they may not contact you either).

If you are in a class(s), club, or other organization with this other person, this No Contact Order

does not mean that you may not continue attending class or participating in any clubs or activities. You may continue to attend and participate in these programs or activities; however, you may not contact the other person in compliance with this Order. You may contact the Office for Diversity, Equity, and Inclusion if you have any shared programs or activities with the other person for further guidance.

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To allege that the other party has violated a No Contact Order, you may:

- (1) Notify the Office for Diversity, Equity, and Inclusion (who will refer you to the Office of Student Conduct or Human Resources);
- (2) File a report with the Office of Student Conduct (for students who allegedly violate the Order); or
- (3) Contact Human Resources via emprel@gmu.edu to report a possible violation (for a faculty or staff member who allegedly violates the Order).

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If you wish to cancel the No Contact Order, you must contact the Office for Diversity, Equity, and Inclusion to request that the No Contact Order be cancelled. Upon this receipt, the Office for Diversity, Equity, and Inclusion will determine if cancellation of the No Contact Order is appropriate, given the known circumstances. If this determination is made that the Order can be cancelled, the Office for Diversity, Equity, and Inclusion will then contact the other party to ensure that they are comfortable with the cancellation. If that party is comfortable, the Office for Diversity, Equity, and Inclusion will contact the parties to notify them of the Order’s cancellation.

If you have any questions, please contact me directly at 703-993-8730 or titleix@gmu.edu.

Sincerely,

Thomas (“Tom”) M. Bluestein, Ph.D., J.D.
Assistant Vice President, Equity and Access Services
Title IX Coordinator
ADA Coordinator
George Mason University
Office for Diversity, Equity and Inclusi

EXHIBIT 11



Outlook

Re: NOTICE OF NO CONTACT ORDER

From Thomas Bluestein [REDACTED]

Date Tue 10/15/2024 10:23 AM

To Maria E Arcara [REDACTED]

Cc Title IX [REDACTED]

Good morning, Maria,

Thank you for your email. In response to your points and questions, please consider the following information:

-The receipt of a No Contact Order (NCO) is not punitive or a sanction in any sort. NCOs can lead to disciplinary action if one allegedly violates the NCO, and the Office of Student Conduct adjudicates allegations of violations of NCOs (for students). NCOs are issued reciprocally, meaning both parties to the NCO must abide by the terms.

-NCOs are issued upon receipt of a report of alleged prohibited conduct that falls within Title IX (or Policy 1202) jurisdiction. In this situation, the alleged prohibited conduct is not the underlying speech; we do not limit one's speech or expression about any viewpoint. The alleged prohibited conduct here is the effect of speech on a member of the Mason community. **This is an important distinction; the NCO does not regulate or prohibit your right to speak or express your views (in the GroupMe or other venues).** For this reason, you are welcome to continue posting in the GroupMe, even in response to information provided by the other party (in other words, **you are not** being barred from responding). However, I would caution you from "tagging" that person in a response, or otherwise using their name in the response (in other words, tailor your response to the issue/content, not the individual).

-The NCO lists the process by which an individual may request for an NCO to be removed; here, since the NCO was issued just last week, I will not yet engage the other party in asking whether they are comfortable with removing the NCO. However, in the future, please feel free to contact me, requesting that the NCO be removed.

-Last, currently, there is no open investigation in my office regarding the alleged effect of the content in the GroupMe. Even if there was an investigation and you were found not responsible for violating Policy 1202, the Federal Title IX regulation and University Policy allow supportive measures, such as NCOs to persist between parties.

Thank you,
Tom

--

Thomas ("Tom") M. Bluestein, Ph.D., J.D.
Assistant Vice President, Equity and Access Services
Title IX Coordinator
ADA Coordinator
George Mason University
Office for Diversity, Equity and Inclusion
4400 University Dr., MSC 2C2
Fairfax, VA 22030
Main Office: 703-993-8730
[REDACTED]

[REDACTED]

From: Maria E Arcara [REDACTED]
Date: Saturday, October 12, 2024 at 1:56 PM
To: Thomas Bluestein [REDACTED]
Cc: Title IX [REDACTED]
Subject: Re: NOTICE OF NO CONTACT ORDER

Dear Dr. Bluestein,

There must be some misunderstanding. I have never spoken to [REDACTED] Mr. Doe in person, nor have I contacted him directly using email, messages, or any other virtual platform. To my knowledge, I have only made statements "directed at" [REDACTED] Mr. Doe on three occasions using the "Scalia Law '25" GroupMe, which is open to all 3L law students. On all three occasions, [REDACTED] Mr. Doe publicly expressed an opinion that is a subject of current political debate, and I expressed my objections to [REDACTED] Mr. Doe's position, based on my political and religious beliefs. Is it really the position of this school that I can be barred from responding publicly to a public statement about a politically controversial topic?

Given the serious First Amendment issues implicated by this situation, I ask that you immediately lift the No Contact order with respect to my statements in the "Scalia Law '25" GroupMe until there is a further investigation into whether my statements in that chat constituted harassment against [REDACTED] Mr. Doe

Sincerely,

Maria E. Arcara

J.D. Candidate | Class of 2025

George Mason University Antonin Scalia Law School

Executive Vice President of Membership, Trial Advocacy Association

Vice President, Republican Lawyers Association

Treasurer, St. Thomas More Society

[REDACTED]

From: Title IX [REDACTED]
Sent: Friday, October 11, 2024 4:14 PM
To: Maria E Arcara [REDACTED]
Cc: Thomas Bluestein [REDACTED]
Subject: NOTICE OF NO CONTACT ORDER

October 11, 2024

Dear Maria,

Thank you for your time and attention. I am contacting you to provide notification of a No Contact Order that was issued today by the Title IX Office involving you and another George Mason community member. **This order is effective immediately.** This No Contact Order is being issued mutually to both parties; you should not attempt to contact the other individual named in the No

Contact Order, nor should you receive any outreach from them. If you do receive contact from the other individual, please notify the Title IX Office.

Recognizing that this is being sent on a Friday afternoon, if you have any questions or concerns, please email Title IX Coordinator, Dr. Tom Bluestein (cc'd) directly. In that email you can include dates and times you are available to meet next week as well as any questions you have. Dr. Bluestein will respond to your email as quickly as possible. To ensure effective communication, please send any questions or concerns directly to Dr. Bluestein using the email address

If you would like to schedule a time to discuss the No Contact Order, or if you would like to meet to discuss resources available to you, please let me know. I can assist you with scheduling a meeting with a Title IX Team Member. For more information regarding Title IX at Mason, please see [University Policy 1202: Sexual and Gender-Based Harassment and Other Interpersonal Violence](#).

Please review the No Contact Order attached thoroughly for more information, and reach out to our office if you receive any contact or have any questions or concerns.

Sincerely,

Title IX Office

Diversity, Equity and Inclusion

George Mason University

This email and any files transmitted may contain confidential information as protected by the Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g and/or Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution is prohibited. If you have received this electronic communication in error, please notify me by telephone or return e-mail and delete this message from your system completely.

EXHIBIT 12

Subject: Meeting Summary/Follow-Up

Date: Tuesday, October 15, 2024 at 10:00:37 AM Eastern Daylight Time

From: [REDACTED] on behalf of Thomas M Bluestein

To: Selene M Cerankosky

Caution: This email did not originate from George Mason's mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Good morning, Selene,

Thank you for meeting with me earlier to discuss the No Contact Order. Per your request, please allow this email to serve as a brief meeting summary of the information we discussed earlier.

-NCOs are issued as a supportive measure and are not punitive or a sanction of any sort. NCOs can lead to disciplinary action if one allegedly violates the NCO. The Office of Student Conduct adjudicates allegations of violations of NCOs (for students) and will often (again, I cannot say with 100% certainty, but in my experience, OSC always contacts us) contact TIX if the underlying NCO was issued by my office. I cannot guarantee that you or anyone will not be alleged to have violated an NCO; what Mason can guarantee is that the parties will be provided process through an adjudication process. I explained that NCO violations are akin to "strict liability" laws where the standard of review is simply, was the order violated or not.

-I have never, in my experience, seen a question on a Character and Fitness document requesting data on receipt of an NCO or similar supportive measure. If someone is found responsible for violating university policy (such as Policy 1202 [Title IX policy] or the Code of Student Conduct), that may need to be reported on C&F. If you find yourself feeling like you need to disclose the receipt of an NCO on C&F (again, I find this very unlikely), please contact me--I

would be happy to provide a letter to you (as a supportive measure) to provide to C&F to explain this NCO.

-We discussed that the alleged prohibited conduct is actually about the effect of speech in the GroupMe, not the speech itself. This is an important differentiation as Mason is not attempting, through this NCO (or any other process) to limit one's freedom of speech or expression. Admittedly, the NCO does limit your ability to contact another individual, but as you mentioned, this NCO is reciprocal, so the other person may not contact you as well.

-You are not limited in expressing your beliefs, ideas, etc., in the GroupMe (or in class or other clubs, etc.), except that I would suggest that you not "tag" or otherwise use the other party's name in a response (I do believe you can respond to things posted by the other party, but again, tailor your response to the issue, not the individual).

-You are 100% allowed to attend the event you mentioned to me earlier today; you should feel free to ask a question(s) (in an appropriate manner with tact-- something, after meeting with you, that I do not believe would be an issue) at the event, even if it is hosted by the other party.

-We discussed, very quickly, the procedure for a Title IX investigation. Of most import, anyone alleged to have violated Policy 1202 for which an investigation is opened, receives notice of that investigation with info about the specific allegations made against them. Currently, there is no investigation pending or open in my office (as of this writing).

I did not mention this during our meeting, but please remember/know that there are several resources available to you as you work through this situation and anything else. Resources such as Student Support and Advocacy (SSAC), Counseling and Psychological Services (CAPS), and TimelyCare are excellent resources. Please feel free to let me know if you would like a referral to SSAC or for more information about these resources.

Finally, I believe I captured the high points of our conversation. Please feel free to reply to add anything that I might have forgotten, or to let me know if you have any questions.

Thanks,
Tom