



Educational Policy & Technology Committee Working Group Report in Response to Spring 2024 Encampment and Resulting Stet Agreements

Preamble:

In late August 2024, in response to a resolution put forth by a fellow committee member (Appendix 1), the EPT Committee established a subcommittee Working Group (WG) to address concerns and collect information related to GW student conduct and the U.S. Attorney's Office (USAO) criminal charges stemming from the spring 2024 encampment. Eight EPT Committee members volunteered to serve as a part of this working group.

From August to November, the WG held multiple meetings and frequent discussions via email to complete this task. The WG produced this report that we submit now for review to the full EPT Committee.

To gather information to guide its activity, the WG:

- Received copies of select stet agreements (Appendix 2);
- Invited GW Counsel and Provost to the full EPT committee on September 13, 2024, to respond to questions developed and provided in advance by the WG (Appendix 3 - EPT 9/13/2024 meeting minutes);
- Met on October 23, 2024, on the condition of confidentiality, with a subset of students who entered into stet agreements and two students' lawyers to learn of their experience with GW administration and the USAO following their arrests, as well their interactions with the Conflict Education & Student Accountability (CESA, formerly known as Student Rights & Responsibilities);
 - The students read aloud written, prepared statements followed by questions posed by WG members;
- Requested and received details from Dean of Students Colette Coleman regarding Student Affairs Office support for impacted students;
- Reviewed [GW Mission Statement](#);
- Reviewed the report of a [Faculty-Led working group](#) regarding free speech;
- Reviewed [GW's Code of Ethical Conduct](#), including its [Demonstrations Policy](#) and [Disruptions of University Functions Policy](#);
- Reviewed GW's Democracy is in our DNA, a division of Student Affairs, [purpose statement](#); and
- Reviewed the U.S. House of Representatives Republican Staff Report, "[Anti-Semitism on College Campuses Exposed](#)," with attention to the sections devoted to GW, namely, pp. 85–87, and the section of Appendix A which references a letter, pp. 260–263, submitted by counsel for GW (Appendix 4) and its accompanying table of incident reports (Appendix 5).¹

¹ The House report does not directly address the arrests or the stet agreements. Given that lack of clarity, the Working Group found that it did not have the necessary information to determine whether the individuals arrested, a subset of whom have stet agreements, are the same as those involved in the incidents outlined in the House report. Thus, the Working Group focused on the GW-specific components of the House report, namely the GW counsel letter (Appendix 4) and the "incident table" (Appendix 5).

Summary of Findings:

- The WG noted relevant GW policies:
 - “The mission of the George Washington University is to educate individuals in liberal arts, languages, sciences, learned professions, and other courses and subjects of study, and to conduct scholarly research and publish the findings of such research.” (GW Mission Statement; Approved by the Board of Trustees on February 8, 2019)
 - “The George Washington University (GW) strives to create a positive and ethical environment and maintain the confidence of local, national, and global communities. The university’s ethical culture has a profound effect on the experience of the GW community. For the university to maintain the desired ethical culture and public confidence, all persons acting on behalf of the university should maintain the highest level of ethics in all of their actions and must comply with university policies as well as applicable laws and regulations.” (GW Code of Ethical Conduct)
 - “Members of the university may be disciplined for conduct in violation of this policy by dismissal from the university, or by some lesser disciplinary action through procedures established within the university for the governance of its members. Violators may also face criminal prosecution.” (GW Disruptions of University Functions Policy)
 - “This university initiative seeks to strengthen our community through civic engagement and dynamic experiences that inspire curiosity and exploration. Our commitment is to cultivate a campus environment where each member can engage with opportunities and programs that foster student development, wellbeing and belonging at GW and beyond.” ([Democracy is in our DNA](#))
- We noted parallels between this WG’s research and the work of a separately-led [Faculty-Led working group](#) with respect to interim suspensions and stay-away orders and sanctions received by students.
- We developed a summary of student statements and other documents (Appendix 6) and a timeline of events (Appendix 7) related to issues under WG concern.
- During the EPT meeting on September 13th, 2024, GC Barber held that GW did not have a position on the stet agreements, would not negotiate exemptions directly with students or their legal representatives, but would consider requests for exemptions directly from the USAO. GC Barber stated that all requested exemptions were granted.
 - However, students' and their counsels' accounts of stet agreement determinations held that:
 - GW requested a significant increase in the number of surrounding blocks imposed on students between the initial and the final stay-away order.
 - GW OGC suggested stay away boundaries to the USAO that GW counsel agreed exceeded the actual campus.
 - USAO stated that stay-away orders were made at the request of GW leadership.
 - Student(s) were displaced from their on-campus housing and the stay-away orders may have included off-campus housing, forcing students to find temporary housing outside of the stay-away order perimeter.
 - One student had to take a leave of absence (LOA) and postpone graduation for six months to meet the six-month stay-away from campus imposed by the Stet agreement.
 - GW did not respond to requests for exemptions for student access to specific areas of campus (including but not limited to library resources, study locations on campus, Multicultural Student Services Center, food/restaurants on-campus, health services, etc.).

- The information that GW leadership developed for the U.S. House of Representatives’ Republican Staff Report by August 30, with updates on October 9 and 11, was not sent to EPT in September (Appendices 4 and 5), in October, or even after it was published online. We recommend, in the future, that similar, appropriately anonymized information is timely shared with EPT, especially when EPT has indicated interest in it.
- In response to the WG’s inquiry, Vice Provost Coleman indicated (Appendix 8):
 - “The Student Support Office, Division of Student Affairs (DSA), and the Office for Diversity, Equity and Community Engagement (ODECE) have provided support on an as-needed basis to students who were arrested in the encampment and who signed stet agreements with the District of Columbia.”
 - “In general, this response has included support provided by the Student Support Office to any student that raised concerns, assistance obtaining university resources from spaces closed off to students (ex. by delivering things directly to the student) and providing help navigating class assignments that conflict with the limitations of the stet agreement.”
 - However, students’ accounts noted that they have not been contacted by the DSA or ODECE office.
- In response to the WG’s inquiry, Charles Barber, GW General Counsel indicated (Appendix 9):
 - “The university’s response to outreach from the U.S. Office of the Attorney General (USAO) regarding District of Columbia criminal prosecution of students arrested last spring was discussed extensively during the September 13th meeting that Provost Bracey and I attended.”
 - “I cannot tell you what the USAO did – or did not – say to students and their attorneys since I was not part of those discussions. I was clear, however, about what I said directly to the USAO. While the university took no position on the District’s proposal to respond to the criminal charges with a stay away order, we voiced no objection to proposed exemptions to allow students to attend class (so long as the students had not been suspended through GW’s own disciplinary process.) I later advised the USAO that if the District decided to provide such exemptions, the university would not object to requests made by the USAO for extending the exemptions to campus facilities related to the student’s academic pursuits.”
 - “These requests, I emphasized, needed to come from the USAO because we were not ‘negotiating’ with students or their counsel over District criminal processes. Indeed, when counsel for one of the students contacted OGC, I had a staff attorney send him an email saying ‘GW has no authority to direct the prosecution of your client’s criminal case’ and thus ‘we think it best if you engage in negotiations directly with the U.S. Attorney’s Office.’ The USAO conveyed only one such request to me, which the university accepted. The university did not ‘refuse’ any request presented by the USAO on behalf of students or recommend that any be rejected.”

Recommendations:

- GW leadership should support all of the university’s students in pursuing their educational endeavors. GW leadership should avoid seeking or agreeing to the removal of educational resources from students in good standing, unless those students are determined to pose a threat to the university community.
- GW leadership should use the interim suspension process in a politically neutral way and adjust such processes as quickly as possible.
- Regarding the internal student conduct process, we suggest recommitting to principles:

- When sending long files or videos concerning a case, CESA should mark the information relevant to the specific case.
- CESA should not engage in collective punishment; individuals should be held responsible for their own actions and not that of others.
- CESA should respond in a timely manner.
- Students charged with a violation should have adequate time to review the information that provides the substance of the charge against them.
- In matters that impact instruction, including students' access to educational facilities on campus, we recommend that, in the future, GW leadership commit to increased transparency, communication, and consultation with its faculty.

List of Attachments

- Appendix 1 - Original (proposed) EPT Resolution (August 2024)
- Appendix 2 - STET agreement summary
- Appendix 3 - EPT meeting Minutes 9.13.24
- Appendix 4 - [GW counsel letter](#)
- Appendix 5 - [GW incident table](#)
- Appendix 6 - Summary of student statements
- Appendix 7 - Timeline
- Appendix 8 - DSA response to query regarding support services
- Appendix 9 - Follow-up question from EPT working group and reply from C Barber (GC)

Working group participants

Lisa Schwartz & Mountasser Kadrie (Working Group Co-Chairs)
 Scott Beveridge
 Thomas Choate
 Jamie Cohen-Cole
 Crystal DeVoss Mahany
 Eyal Eviv
 Andrew Smith
 Sarah Wagner & Irene Foster (EPT Co-Chairs)

Submitted to the full Educational Policy & Technology committee on November 15, 2024.

Working Group (WG) for the EPT Committee Report
in Response to Spring 2024 Encampment and Resulting Stet Agreements

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[DRAFT] A RESOLUTION REGARDING THE INTRUSION OF THE U.S. ATTORNEY’S OFFICE IN THE AFFAIRS OF THE UNIVERSITY (24/?)

WHEREAS, The George Washington University (GWU) Code of Student Conduct¹ fully documents the rights and responsibilities of students as members of the GW community and specifies both prohibited conduct and the procedures for addressing violations of the Code; and

WHEREAS, A media report that “George Washington University students arrested during a spring protest of the war in Gaza may be able to have their charges dropped — but only if they accept a deal that would restrict their access to campus for six months” was not disputed by “a GWU spokesperson”, who reportedly asserted that “the government, not the university, is responsible for the court deal presented to students ... the university supports the ability of students who aren’t suspended to be able to attend classes”²; and

WHEREAS, Under the reported restrictions, sanctioned students who accept the government’s “deal” are permitted only to go to and from their residence and classes, with exceptions for accessing the hospital or using the Metro, but are unable (among other limitations) to visit the Office of Disability Support Services, to fulfill on-campus requirements of any work-study agreement, to visit the campus Libraries, to meet on campus with their academic advisor or study groups, or to visit on-campus dining facilities; and

WHEREAS, The government restrictions are independent of any actions (or non-actions) taken by GW which result from the standard adjudication procedures stipulated in the GW Code of Student Conduct; and

WHEREAS, The government restrictions intrude upon the fundamental rights of the University to independently investigate and, when appropriate, sanction violations of the Code; and

WHEREAS, By failing to object to the government’s action, the University administration has failed in its responsibility to defend and protect the well-being of its students and the independence of the University to conduct its own affairs;

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Faculty Senate asks the University administration to

1. Object to the interference by the U.S. Attorney’s Office in GW affairs, in the recognition that the University is fully capable of imposing GW-related sanctions on its students if and as prescribed under the GW Code of Student Conduct;
2. Note to the U.S. Attorney’s Office that the reported agreement forces the University to abrogate the legal requirement of the University to ensure that all students are able to engage in activities necessary to be *successful* students – including our obligation to provide equitable access without regard to a disability.

Faculty Senate Committee on Educational Policy and Technology, August 23, 2024

¹ <https://compliance.gwu.edu/code-student-conduct>

² <https://www.washingtonpost.com/dc-md-va/2024/08/10/gwu-students-gaza-protest/>

Appendix 2

Stet Agreement Summary

United States Attorney's Office (USAO) for the District of Columbia

A Stet Agreement is one of several [diversion programs](#) offered by the USAO to eligible individuals charged with a criminal offense. Individual cases are reviewed separately. Defendants must comply with the court-ordered conditions for the duration of the program.

Eligibility:

1. Defendants cannot be previously convicted or served probation, parole or supervised release for any of the following:
 - a. Firearms-related offenses
 - b. Sex offense
 - c. Child abuse
 - d. Violent felony offense (within last 10 years)
 - e. Arrest or conviction for homicide or rape (no time limit)
 - f. A "dangerous crime" as outlined by [D.C. Code § 23-1331](#)

Considerations:

1. History of the defendant
2. Requests of the complainant and the community
3. Severity of the offense

Stet Agreement Conditions: an agreement between the defendant and the United States. The defendant agrees to comply with the terms of the agreement for the required duration. If successful, the United States agrees to dismiss criminal charges.

1. Eligible cases:
 - a. Unlawful entry
 - b. Theft
 - c. Destruction of property
 - d. (Unspecified) drug-possession
 - e. No or minimal injury
 - f. Victim's willingness to the disposition of the agreement
2. Other factors of eligibility:
 - a. Defendant's criminal history
 - b. Defendant's agreement to stay away from the victim or location for a period of six (6) months
 - i. Defendant must agree to comply with other conditions (e.g., curfew, stay away order, restitution to the victim)
3. Process:
 - a. Each case is reviewed for eligibility, terms, and conditions are determined
 - b. If agreed to, the defendant and USAO enter into an agreement
 - c. Case is placed on Stet Docket for a period of six (6) months

- d. If the defendant fully complies with terms and duration, criminal charges are dismissed.
4. Defendant agrees to the following:
 - a. Must stay away from areas specifically identified in the agreement
 - b. Must not violate any laws
 - c. Must avoid arrest and avoid probable cause arrest
 - d. Must abide by all court-ordered stay away orders
 - e. Abide by all conditions of release
 - f. Any other conditions contained in the agreement
5. United States agrees to the following:
 - a. At the successful conclusion of the Stet Agreement, all charges are dismissed *with prejudice* (which means the charges may not be revisited - the decision is FINAL)
 - b. If the defendant violates any of the conditions, the U.S. will not dismiss the charges and the case will be processed through the courts.

Important considerations:

1. Only the USAO determines whether the defendant has violated any condition of the agreement.
2. The USAO may only revoke the agreement *before* filing the agreement with the Court.
3. Part of the agreement requires the defendant to acknowledge the USAO has probable cause and possesses sufficient evidence to conclude the defendant committed the crime.

Acknowledgments by the Defendant:

1. Read, reviewed, consulted with their attorney
2. Fully understands the agreement and is not under the influence that might influence their ability to understand the terms or the agreement in full
3. Agrees without reservation, threat, or under duress
4. Agrees voluntarily and of their own free will
5. Waives right to speedy trial under the [Sixth Amendment to the U.S. Constitution](#) and requests a delay for the duration of the agreement
6. Satisfied with their private legal advice and services

Acknowledgements by the Defendant's Attorney:

1. Read and understood the terms of the agreement in full
2. Fully reviewed and advised with their client (defendant)
3. Pages of the agreement are accurate to the agreed upon terms and conditions

A Stet Agreement essentially delays a criminal trial with the agreement between the parties that the Defendant will comply with the terms or face prosecution by the USAO. This is an efficient way to manage criminal cases non-violent in nature and for individuals who do not have a criminal record (nor wish to attain one). Once the terms of the agreement are met, charges are dismissed.

One important piece is that the USAO has probable cause and a preponderance of evidence to convict the defendant of the crime. When faced with this information, the possibility of a

conviction, and the implications on their future, the Stet Agreement provides students a far better alternative to the arduous and costly process of a criminal trial.

Faculty Senate Educational Policy Meeting Minutes

Friday, September 13, 2024, 10:30AM-12:00PM

Attendance (via Zoom): Eyal Aviv, Sameh Badie, Yordanos Baharu, Scott Beveridge, Ben Bronner, Karen Singer-Freeman, Danmeng Shuai, Thomas Choate, Eyal Aviv, Megan Siczek, Tobe Frierson, Jane Hyatt Thorpe, Ben Bronner, Chante Clarkson, Katie Cloud, David Rain, Crystal DeVoss Mahany, Tobe Frierson, Geneva Henry, Mountasser Kadrie, Michael Kern, Shaista Khilji, Kevin Knudsen, Guy Lotrecchiano, Terry Murphy, Katrin Schultheiss, Andrew Smith, Ben Toll, Kimberley Williams, Barbara von Barghahn, Amita Vyas, Lisa Schwartz, Candice Johnson, Jason Torres, Karen Frosolid Jones, Andrew Smith, Chris Bracey, Charles Barber,

Presiding: Irene Foster, Sarah Wagner

Meeting Minutes

The meeting opened at approximately 10:32 am.

Agenda

(1) Brief announcements (Sarah and Irene)

- unanimous approval of Aug 23 minutes. Sarah and Irene are working to use automated notetaking in compliance with university policies;
- update on AY2024-2025 subcommittees— there are five populated subcommittees.

From chat: Future enrollment

- Academic technology
- Academic freedom and free speech
- Student success and retention
- Strategic planning

Introduction of Karen Frosolid-Jones, the Associate Provost of Assessment and Planning.

(2) Discussion of issues related to the 8/23 resolution (Provost Bracey and General Counsel Charles Barber)

[The questions for each and the STET agreement explanation document were shared in the chat.]

Provost Chris Bracey (difficult to understand over video): Estimated 130 violations recorded during Spring 2024 protests, 45 proceeded to panel or adjudication, a small number of which were actually brought up on student conduct charges. Other complaints did not proceed, either because of failure to identify or early determination that conduct did not violate policy.

Charles Barber, OGC:

- Drew the distinction between GW disciplinary process and DC criminal justice controlled by US attorney and DC courts. US Attorney and DC courts invoked when violation is against DC community, not just GW.

- In this context, GW viewed as “victim” of crime of unlawful entry. US Attorney consulted with GW as stipulated by law.

[Chat]: "in our mind, the victim was the people of the District of Columbia" is not a good reason to refrain from expressing an opinion on the stet agreements when asked, given that the US Attorney’s Office considers the victim to be GW specifically (as stated earlier).

[Chat]: Agreed. Also, since we [are] equating GW with the "people of DC", then the faculty too should have been included in the discussion as part of the university community. Not to interfere with the process but to influence best outcomes.

[Chat]: But there is simply a contradiction between saying that (1) GW will refrain from objecting to the STET agreements on the grounds that the victim was the people of the District of Columbia, and (2) saying that legally the victim is GW specifically. That contradiction isn't addressed by saying that the protestors violated DC laws and hence were properly charged.

Barber: Over the summer, the US Attorney’s office contacted GW about most cases of arrests for unlawful entry. Noted that of the handful of students who have entered into STET agreements, the action or behavior that resulted in them being criminally charged was unlawful entry of GW property. The person charged with assault was not a GW student.

GW informed US attorney that it did not have a position on charges or on whether there should be a STET agreement.

At various points over the summer, US Attorney consulted with GW on exceptions to STET agreement. GW stated it would not negotiate but would consider exceptions conveyed via the US Attorney.

Requested exceptions:

- Use of metro (GW approved);
- Accessing medical services (GW approved);
- Attending class (approved as long as not separately suspended under GW disciplinary) – no students were suspended;
- Access to library and other facilities – (GW approved);
- Later request to access several buildings – (GW agreed).

OGC has not seen STET agreement.

On enforcement of STET Agreement: It is not GW’s responsibility to enforce compliance. Sole exception: If a student were before the student conduct panel for a new violation, violation of the order would be considered.

- Only 1 defense attorney for a student made a request for an exception to the USAO, beyond attending class, metro/hospital
- Defense attorneys directly contacted GW OGC instead
- GW OGC relayed defense attorney contacts to the USAO
- GW would have no objections to any academic location exceptions for students in good standing

Timeline on communication on exceptions to STET with U.S. Attorney's office:

Mid-late June

Couple in July

Mid-August

At initial consultation, GW could have taken a different stance on charges brought by US Attorney's office. The feeling was that students had received repeated warnings and violated law. GW's decision was to take a neutral stance.

EPT question about whether OGC should have brought EPT into discussion.

Barber: Not appropriate to bring in EPT; students had attorneys.

EPT question about contact U.S. attorney about STET.

Barber: GW was consulted on whether charges should be brought. (Recognizes that there are differences of opinion on this question.) GW felt that DC law enforcement was justified. Clear evidence that students had violated DC law.

- **EPT member:** concerned that the administration and OGC spoke for the GW community which is not in agreement. Need more shared governance. What was rationale behind GW position?

Provost Bracey: Faculty has a particular role in Shared Governance. That role does not include safety. The administration took advice of OGC on safety issue with respect to arrests by DC law enforcement.

Every student should have right to succeed, not just protesters.

- GW accepted every request for accommodation.
- GW accommodated students "as best they could."

[Chat: In this situation, those two things – safety of the university and our responsibility to the education of those students – are closely intertwined. I don't see how we can assess them separately.]

EPT member: re-emphasize benefit of faculty consultation to facilitate "best outcomes."

Barber: US Attorney represents the interests of people of DC. They are the client. The university is the victim in this instance.

On shared governance: every case is unique. Not appropriate to convene a committee in response to safety issues.

- GW allowed for educational provisions for students.

EPT member: We shouldn't forget that administration must protect entire student body, not just protesters.

EPT question about Title VI issues – how to balance first amendment rights again Title VI concerns?

Barber: First amendment allows for disagreements, offensive speech.

- Title VI limits speech for discriminatory harassment. Must be severe and pervasive;
- Even if speech doesn't cross line of discriminatory harassment, university can speak out and take other actions short of prohibiting speech.

Bracey: Need for balance between free speech and unlawful speech; should allow for all kinds of disagreement.

EPT member: Question about use of temporary (interim) suspension. Have these students gone through GW's full hearing process?

Barber: Interim suspension used for immediate threat. Maximum of 21 days. A "handful" of students were suspended. All went through disciplinary process. Various sanctions imposed. Very few received suspension.

NONE of the criminally charged students were suspended from GW
 Some were found responsible of student conduct offenses, some were not
 Some got heavier student conduct sentences, some lighter
 Indeed, none should have been even suspended on an interim basis, because the interim suspensions preceded the arrests.

EPT member: Were any students who received interim suspension also arrested by DC?

Barber: Not aware of overlap; students shouldn't have been on campus.

EPT member: Did US Attorney provide reasoning for offering STET agreement?

Barber: No, not really; general sense that they were reluctant to take students through criminal process (exception: there was a person arrested for assault on police officer, but was not a GW student).

EPT member: How were students identified as posing an imminent threat?

Barber: Some identified though some were masked so hard to identify.

Barber: One student has taken leave of absence. Repeated that GW is not monitoring IDs or entry into library etc. Enforcement is between student and US attorney.

Provost Bracey and OGC Barber dismissed.

Sarah Wagner: EPT should decide what to do about resolution; do we want a report? Something else? People interested in helping the existing working group come up with either a resolution or something else based on what we learned today should contact her or Irene.

Katrin Schultheiss: Thanks to Sarah and Irene for facilitating visit by Provost and OGC to provide information and clarification.

[Chat: We may need to invite the student lawyer to seek more facts... and insight]

Lisa Schwartz: We should focus on future actions, not past.

(3) Strategic framework input (Strategic planning subcommittee)

Sarah: EPT has created sub-committee; Ilana is reporting to Board soon.

- Has a Strategic Framework thematic report already been issued?

Terry Murphy: Administration made a presentation to BOT in Spring 2024; very general. In fall 2024, two stages:

- 1) Formation of Innovation Committee – will be largely composed of faculty (14 or 15) and some administrators. Will discuss ways of incorporating principles into framework. Probably another Faculty retreat.
- 2) Innovation Committee will assemble report with ideas – forwarded to senior strategic committee. Ilana included in latter. Will ask for another round of participation from faculty to decide on funding a couple of ideas.

Innovation Committee membership invitations going out today.

FSEC chair Ilana Feldman will report to the BOT Committee on Academic Affairs on Monday, September 16. She has prepared a slide on EPT priorities regarding strategic planning, point that were included in the EPT AY 2023-2024 annual report:

- increasing opportunities for first-year students to have meaningful interactions with faculty;
- considering whether the University Honors Program should be re-imagined to be more future-focused; and
- working toward meeting 100% of demonstrated financial need for all students."

Sarah explained that the Strategic Planning Subcommittee drafted language to provide to Ilana for her presentation.

[Sarah in Chat: Faculty emphasize meeting financial aid needs because in our conversations with prospective and existing students we see again and again that our students are aware that other universities are out competing GWU. We also see that the underfunding of financial aid is currently a drag on recruiting the best good students and damaging student experience.]

(4) FSEC query regarding faculty consultative committee/sounding board (Amita Vyas, EPT Liaison to FSEC)

- Introduced idea conveyed from Administration to FSEC about desirability of some sort of faculty consultative committee that could provide advice, sounding board to administration especially in urgent circumstances where long deliberations are not possible. Administration expressed desire for confidentiality to enable free discussion. (Note that in wake of 2023 disagreements over FSEC handling of Arming of Police initiative, the Senate stripped FSEC of right to hold items in confidence.)

Meeting adjourned at 12:00 pm



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October 11, 2024

The Honorable Virginia Foxx
Chair
Committee on Education and the Workforce
House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Foxx:

We are submitting this letter on behalf of our client, The George Washington University (“GW”), in response to the Committee on Education and Workforce’s inquiry into combating antisemitism on college campuses. We thank you and your staff for the opportunity to provide further information on GW’s plans to protect its students this academic year. This letter provides further information your committee staff requested from GW on September 30, 2024.

1. *For any cases that resulted in disciplinary sanctions such as disciplinary probations or suspensions, please provide the length of time for the sanction.*

The chart we provided on GW’s behalf in August provided an accounting of all incidents on campus received by the university during the time period of October 2023 to May 2024, regardless of whether the university was able to identify a responsible party, or if the allegations, if true, would have constituted a violation of GW policy.

Many of the respondents connected to the listed incidents represent the same student organizations, student groups, or students. As the conduct process proceeded for both groups and students, cases were combined, resulting in an overlap with the 32 respondents listed as respondents related to the encampment. Overall, there were 22 student respondents who went through the student conduct process related to the incidents detailed to the committee that were not yet complete as of the time of writing.

Of those student respondents:

- 1 was placed on suspension for one semester
- 7 are on disciplinary probation for one year
- 3 are on disciplinary probation for one semester
- 2 are on disciplinary probation for the remainder of their time at GW

- 1 student has signed a withdrawal agreement after requesting to delay their conduct case while they remained on temporary suspension for an extended period of time
- 3 students were censured
- 3 cases are still open
- 2 received no formal charges as they provided additional evidence to justify their presence in the buildings surrounding the encampment.

Ten student organizations were identified as respondents and were subject to the student conduct process related to the incidents detailed to the committee. The outcomes are:

- 3 are on disciplinary probation for 1 academic year
 - 2 received suspension for one semester and disciplinary probation for 1 academic year
 - 4 received disciplinary probation of one semester
 - 1 was found not responsible
2. *Please identify any cases in which proposed disciplinary outcomes were lifted, reduced, or otherwise modified (i.e. a one-semester suspension altered to probation after the student appealed.) Please provide the length of time for any responsive proposed sanctions.*

There were no cases in which proposed disciplinary outcomes were lifted, reduced, or otherwise modified.

3. *Please clarify the current status of the cases listed as ongoing disciplinary processes or under review.*

Since the August submission, many cases that were pending review have proceeded through the routine disciplinary process—updates on the cases resulting from incidents on April 11, April 18, April 25, April 29, and May 9 are detailed below and noted in the chart.

a) The 4/11/2024 “Flag drop at residence hall” incident

12 respondents were identified as involved in the April 11 “flag drop” incident. In this case, 2 students were included as respondents. The first underwent a disciplinary process that was combined with an additional incident. The first student is on a year-long disciplinary probation. The second student was found responsible for a regulation violation and safety measures violation for this incident. The second student received disciplinary probation for one semester.

10 student organizations were identified as respondents but were found not responsible for this incident.

b) The 4/18/2024 “improperly distributing flyers” incident

Three students were initially linked to the April 18 event regarding improperly distributed flyers. None of these students were ultimately charged because, of those identified as being present for the incident, reporting did not indicate that they entered Kogan Plaza or engaged in posting

against policy. While they did not immediately provide their ID upon request, the students later provided their ID.

c) The 4/25/2024 “disruption from the encampment” incident

32 respondents, representing 22 students and 10 student organizations, were linked with the disruption from the encampment on April 25. The disruption from the encampment was combined with many other of the incidents listed. The outcomes for involved students and organizations are detailed in question 1.

d) The 4/29/2024 "targeting of Jewish students in the encampment" incident

This incident concerning the targeting of Jewish students on campus by one student on April 29 was combined with other cases for review. For this specific incident, the student involved was found responsible for access without authorization. They were found not responsible for: discriminatory harassment, community disturbance, disorderly conduct one (threatens, endangers, or harasses) and two (disrupting, obstructing, or interfering with the activities of others). At the conclusion of the conduct review process, they received a sanction of disciplinary probation through May 30, 2025.

e) The 5/9/24 drug violation case

The incident involving a drug violation by one student on May 9 was combined with other cases for review. The student was found responsible for access without authorization, a drug violation (possession/use), a second drug violation (paraphernalia), and non-compliance. They were found not responsible for disorderly conduct and community disturbance. The student received a sanction of disciplinary probation for two semesters.

f) The 5/9/2024 “Protest on F street” incident

The 10 respondents for this incident involving a protest on F Street, NW included one student and 9 organizational respondents. The student was found not responsible for all charges. For the 9 organizational respondents, this incident was combined with others and the sanctions are detailed in question 1.

4. For the April 3 incident reporting harassment concerning a GW student to a non-GW affiliate, please clarify what the alleged harassment in question was, and why it would not be considered a rule violation.

This incident constituted a single instance of a student referring to a group as “terrorists.” The Code of Student Conduct defines discriminatory harassment as any unwelcome conduct based on a protected characteristic where such conduct is so objectively and subjectively severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the university’s programs. The university determined that the instance, although unwelcome, did not rise to the level of discriminatory harassment because it was not sufficiently severe, persistent, or pervasive. However, repeating this behavior could

reach that threshold. The student was informed that future instances of the same behavior could constitute “persistent” conduct among other policy violations.

5. *For the April 29 report of a student organization making statements that were identified as being unwelcoming to Jews, please clarify what the statements in question were.*

This report referenced a statement issued by a Greek life organization that condemned the university’s response to the encampment and expressed support for pro-Palestinian student organizers and their demands.

We appreciate your attention to these issues and hope you find this information to be helpful in your inquiry. If you have any further questions, please feel free to contact us.

Sincerely,



Craig Saperstein
Partner



The Honorable Greg Laughlin
Senior Counsel

George Washington University Incident Overview

Updated 10.9.24

The following chart describes the reports of antisemitism, Islamophobia, and complaints related to the Israel-Palestine conflict on the George Washington University Foggy Bottom Campus since October 7, 2023, reported to the Division of Student Affairs and/or the George Washington University Police Department (GWPD) alleging violations of university policy. In some cases, a single incident corresponds with multiple complaints and multiple respondents. Respondents are those alleged to have violated university policy. In order to be formally adjudicated under GW policy, a respondent must be a student, student organization, or student group. The reported date of the incident is recorded for each. Finalized organizational sanctions are published on GW's Student Life website.¹

For each reported incident, GW reviewed the allegations to determine whether there was a violation of GW policy. Where appropriate, and even in the absence of a finding of a violation, the university made available supportive measures to the reporting party. When an incident notes that a process was “rescinded,” this indicates the Office of Student Rights and Responsibilities² received clear evidence that a preponderance of evidence would not indicate responsibility of the respondent.

The university does its best to identify the respondents based on the available evidence. It is sometimes difficult to identify that person or organization for various reasons, including the absence of visual identification by any witness or the lack of sufficient information provided by the reporting party. The university directs members of the GW community to report suspected violations of university policy.³

¹ <https://studentlife.gwu.edu/org-policies-resources> (See “List of Student Organizations with conduct violations”)

² In August 2024, Student Rights and Responsibilities was renamed to Conflict Education & Student Accountability.

³ In the Compliance, Reporting and Investigations section in the GW Code of Ethical Conduct, <https://compliance.gwu.edu/code-ethical-conduct>, GW tells members of the GW community “If you have a good-faith reason to believe noncompliance has occurred, you are responsible for reporting that noncompliance as soon as possible to an appropriate university authority.”

Incident	Date of Incident	Number of Respondents	Charges⁴	Outcome After Investigation (as of August 2024)	Outcome After Investigation (October Update)
Reported complaint re: statement released by pro-Palestinian student organization.	10/9/23	1	<ul style="list-style-type: none"> No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Reported whiteboard erasure of pro-Israel/pro-peace writing.	10/9/23	1	<ul style="list-style-type: none"> Misconduct related to property. 	Found Responsible. Warning, reflection assignment.	<i>Not applicable</i>
Reported complaint re: Vigil for Martyrs, hosted by a pro-Palestinian organization.	10/10/23	1	<ul style="list-style-type: none"> No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Reported unwanted interactions online in which reporting party was called antisemitic.	10/11/23	1	<ul style="list-style-type: none"> No charges brought. 	Insufficient evidence provided to show potential violation of GW policy.	<i>Not applicable</i>
Report of spitting at pro-Israel student organization table.	10/16/23	1	<ul style="list-style-type: none"> Disorderly conduct (i.e., Threatens, Endangers, Harasses). Discriminatory Harassment. 	Process rescinded. Insufficient information provided. Additional reporting party provided information indicating that initial accusation was mistaken identification.	<i>Not applicable</i>

⁴ This column contains a list of all Code of Student Conduct violations charged relating to the incident. In incidents involving more than one respondent, some respondents may have been charged with and/or found in violation of some or all of the listed Code violations.

Reported whiteboard erasure of pro-Israel/pro-peace writing.	10/16/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report that a student was falsely reported as having spit at the pro-Israel organization table.	10/17/23	1	<ul style="list-style-type: none"> No charges brought. 	Insufficient evidence provided to show potential violation of GW policy.	<i>Not applicable</i>
Report of unwanted videotaping and interactions during tabling event of pro-Israel student organization.	10/18/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Reported whiteboard erasure of pro-Israel/pro-peace writing.	10/18/23	1	<ul style="list-style-type: none"> Misconduct related to property. 	Found Responsible. Warning, reflection assignment. Agreed to stay away from the residential area of reporting party.	<i>Not applicable</i>
Report of antisemitic comment made to a Jewish student.	10/24/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Pro-Palestinian messages projected on Gelman Library.	10/24/23	2	<ul style="list-style-type: none"> Regulation violation⁵ Non-compliance. 	Two respondents found responsible. Disciplinary probation, organization disciplinary probation.	<i>Not applicable</i>
Report of antisemitic online posting.	10/24/23	2	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>

⁵ A violation of any published GW policy.

Report of someone threatening another student while shouting “Free Palestine.”	10/24/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Reported unwanted interaction with someone (no evidence person was affiliated with GW) approaching a GW student to suggest they fight for Palestine.	10/25/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Reported whiteboard erasure of pro-Israel/pro-peace writing.	10/26/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of a student wearing jewelry with a Jewish symbol receiving unwanted interactions, including someone yelling “Free Palestine.”	10/28/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party. Reporting party declined to follow up.	<i>Not applicable</i>
Reports of pro-Palestinian protesters engaging in unwanted interaction with fraternity members	10/28/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>

of a Jewish fraternity on or near members' front porch.					
Report of online threats to pro-Israel student organization.	10/29/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of anti-Israel online postings	10/31/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of someone (no evidence person was affiliated with GW) recruiting people to fight for Palestine.	11/1/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Online post comparing students with certain views to terrorists.	11/1/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of anti-Muslim action when a door was shut in the face of a Muslim student.	11/2/23	1	<ul style="list-style-type: none"> • No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Removal of posters from Hillel building.	11/3/23	1	<ul style="list-style-type: none"> • Access without authorization. • Discriminatory harassment. • Misconduct related to property. • Theft. 	Found responsible. Sanctions are access limitations, disciplinary probation, limitation of privileges, restorative action, apology letter, restitution, reflection essay and meeting.	<i>Not applicable</i>
Report of pro-Palestinian poster in	11/5/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>

a residence hall bathroom.					
Report of online threats to pro-Israel student organization.	11/5/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of someone wishing to terminate interactions with reporting party who they perceived as being “Zionist.”	11/5/23	1	<ul style="list-style-type: none"> • No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Report of online disagreement related to Israel-Palestine.	11/15/23	1	<ul style="list-style-type: none"> • No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Report of a student following a pro-Palestinian protest and yelling “Nazis.”	11/15/23	1	<ul style="list-style-type: none"> • No charges brought. 	Reporting party declined to follow up.	<i>Not applicable</i>
Report of misconduct at pro-Palestinian protest.	11/15/23	5	<ul style="list-style-type: none"> • Community disturbance. 	Found not responsible.	<i>Not applicable</i>
Rock thrown at doxing truck.	11/15/23	1	<ul style="list-style-type: none"> • Misconduct related to property. • Discriminatory harassment. • Disorderly conduct i. (threatens, endangers, harasses) 	Found responsible. Disciplinary probation. Respondent also received educational and restorative assignments.	<i>Not applicable</i>
Report of unwanted and false postings about a Jewish student’s actions	11/15/23	1	<ul style="list-style-type: none"> • No charges brought. 	Reporting party declined to follow up.	<i>Not applicable</i>

during a pro-Palestinian protest					
Islamophobic poster placed around campus.	11/16/2023	1	<ul style="list-style-type: none"> Disorderly conduct i. (threatens, endangers, harasses). Discriminatory harassment. Dishonesty/misrepresentation. Regulation violation: posting policy. 	Responsible party accepted a finding of in violation for all charges. Outcomes included disciplinary probation, limitation of privileges, educational and restorative assignments.	<i>Not applicable</i>
Reports of harmful ideas expressed by a student organization.	11/27/23	1	<ul style="list-style-type: none"> No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Report of doxing truck.	11/29/23	1	<ul style="list-style-type: none"> No charges brought. 	Non-GW entity on public street where the university police lack jurisdiction. MPD assisted in getting driver to leave the campus. GW created doxing webpage. https://students.gwu.edu/doxing .	<i>Not applicable</i>
Report of antisemitic behavior in a fraternity group.	11/29/23	3	<ul style="list-style-type: none"> Disorderly conduct (i., disrupting, obstruction, interfering). Discriminatory harassment.⁶ 	One respondent received a warning. The other two respondents were not charged.	<i>Not applicable</i>
Report of disruption from a pro-	12/1/23	12	<ul style="list-style-type: none"> Community disturbance. 	For seven organizations/groups, the disciplinary process was	<i>Not applicable</i>

⁶ Discriminatory harassment was alleged, but no formal policy violation found.

Palestinian student group protest.			<ul style="list-style-type: none"> Disorderly conduct ii. (disrupting, obstructing, interfering). 	<p>rescinded based on evidence that the organizations were no longer affiliated with the coalition by the date of the incident.</p> <p>Five organizations / groups were found responsible. Received censure or disciplinary probation.</p>	
Whiteboard erasure of Jewish symbols.	12/6/23	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of misconduct at protest by the pro-Palestinian student group.	12/8/23	12	<ul style="list-style-type: none"> Community disturbance Disorderly conduct ii. (disrupting, obstructing, interfering). Non-compliance. 	<p>For seven organizations/groups initially identified as part of the coalition, the disciplinary process was ended based on evidence that the organizations were no longer affiliated with the coalition by the date of the event, and that they did not sponsor the protest.</p> <p>Five organizations / groups found responsible. Received censure or disciplinary probation and requirements to complete</p>	<i>Not applicable</i>

				sanctions including meetings with university officials.	
Report of a student engaging in unwanted interactions with pro-Palestinian activists.	12/8/23	1	<ul style="list-style-type: none"> • Disorderly conduct (i.e., threatens, endangers, harasses). • Disorderly Conduct (ii. Disrupting, Obstructing, Interfering). • Discriminatory Harassment. 	Reporting party declined to follow up.	<i>Not applicable</i>
Report of a student being asked to identify their Jewishness during an unwanted interaction.	12/14/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Graffiti in multiple locations on campus.	12/22/23	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of a GW student sending unwanted and anti-Muslim communications to another student online.	12/31/23	1	<ul style="list-style-type: none"> • Discriminatory harassment. • Disorderly Conduct (i. Threatens, Endangers, Harasses). 	Reporting party declined to follow up.	<i>Not applicable</i>
Report of online threat to report student as antisemitic.	1/11/24	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party. Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>

Report of prohibited participation in a protest by a student and student organization under limitation of privileges.	2/3/24	2	<ul style="list-style-type: none"> • Non-compliance. • Outcome violation (student conduct). 	Respondents found not responsible.	<i>Not applicable</i>
Report of anti-Israel online accounts.	2/6/24	1	<ul style="list-style-type: none"> • No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Report of unwanted interaction with a student seeking resources.	2/7/24	1	<ul style="list-style-type: none"> • No charges brought. 	Respondent is a medical student. Referred to SMHS. Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Report of anti-Arab sentiment in a student organization online post.	2/11/24	2	<ul style="list-style-type: none"> • No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Report of unwanted interaction by a Jewish student with pro-Palestinian protestors.	2/19/24	1	<ul style="list-style-type: none"> • No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	<i>Not applicable</i>
Report of pro-Palestinian student organization using a table reserved for Jewish student organization and pro-Palestinian student organization	3/25/24	2	<ul style="list-style-type: none"> • No charges brought. 	Reporting party declined to follow up.	<i>Not applicable</i>

engaging in unwanted interactions with representatives of Jewish student organization.					
Report of harassing online conduct by a GW student against a non-GW affiliate.	4/3/24	1	<ul style="list-style-type: none"> No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	This incident constituted a single instance of a student referring to a group as “terrorists.” The Code of Student Conduct defines discriminatory harassment as any unwelcome conduct based on a protected characteristic where such conduct is so objectively and subjectively severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the university’s programs. The university determined that the instance, although unwelcome, did not rise to the level of discriminatory harassment because it was not sufficiently severe, persistent, or pervasive. However, repeating this behavior could reach that threshold. The student was informed that future instances of the same behavior could

					constitute “persistent” conduct among other policy violations.
Flag drop at residence hall.	4/11/24	12	<ul style="list-style-type: none"> • Regulation violation. • Safety Measures violation (throwing/dropping objects). 	Conduct proceedings ongoing. Findings and sanctions to be determined.	<p>Two students were included as respondents. The first student underwent a disciplinary process that was combined with an additional incident. Sanction: The student is on a year-long disciplinary probation.</p> <p>The second student was found responsible for a regulation violation and safety measures violation. Sanction: The student received a disciplinary probation for one semester.</p> <p>10 student organizations were identified as respondents, but were ultimately found not responsible for this incident.</p>
Whiteboard erasure of Jewish symbols and a call to release the hostages.	4/18/24	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of noise disruption from pro-Israel student organization event in Kogan Plaza.	4/18/24	1	<ul style="list-style-type: none"> • No charges brought. 	Noise stopped upon request. Outreach and education provided in lieu of conduct charges.	<i>Not applicable</i>

Report of pro-Palestinian students entering Kogan Plaza during pro-Israel student organization event and improperly distributing fliers.	4/18/24	3	<ul style="list-style-type: none"> • Non-compliance. • Regulation violation, posting policy. 	No students were charged.	<p>No students were charged.</p> <p>Of the students identified as being at the event, reporting did not indicate that they entered Kogan Plaza or engaged in posting against policy. While they did not immediately provide their ID upon request, the students later provided their ID.</p>
Report of protest at the Amphitheater.	4/22/24	2	<ul style="list-style-type: none"> • Disorderly conduct (i.e., disrupting, obstructing, interfering). 	Unable to identify one person alleged to be responsible. Second respondent found not responsible.	<i>Not applicable</i>
Report of disruption from the encampment.	4/25/24	32	<ul style="list-style-type: none"> • Access without authorization • Community disturbance • Disorderly conduct (i.e., disrupting obstructing, interfering) • Non-compliance • Regulation violation • Misconduct related to property • Regulation violations (demonstrations and posting) • Discriminatory harassment • Violation of law 	Charges vary by respondent. 32 respondents received multiple charges.	<p>Breakdown of outcomes and sanctions provided in the accompanying letter.</p> <p>The number of respondents includes 22 students and 10 student organizations.</p>

Palestinian flag hanging from Samson Hall.	4/25/24	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of anti-Muslim statements from a student.	4/27/24	1	<ul style="list-style-type: none"> Discriminatory Harassment Disorderly Conduct (i. Threatens, Endangers, Harasses). 	Found not responsible.	<i>Not applicable</i>
Report of unapproved pro-Palestinian posters as well as tearing items off doors.	4/27/24	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of non-student holding a sign with antisemitic content and engaging in unwanted contact with others.	4/28/24	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party (and no information to support finding that party was affiliated with GW).	<i>Not applicable</i>
Report of unauthorized access to MPA building.	4/29/24	1	<ul style="list-style-type: none"> Access without Authorization Dishonesty and Misrepresentation (i. With University Officials) 	Process rescinded based on finding that no violation of GW policy occurred.	<i>Not applicable</i>
Report of student organization making statements that were identified as being unwelcoming to Jews.	4/29/24	1	<ul style="list-style-type: none"> No charges brought. 	Allegations if true would not have constituted a violation of GW policy.	This report referenced the statement issued by a Greek life organization that condemned the university's response to the encampment and expressed support for pro-

					Palestinian student organizers and their demands.
Report of targeting of Jewish students in the encampment.	4/29/24	2	<ul style="list-style-type: none"> • Discriminatory Harassment. • Access without Authorization. • Disorderly Conduct (i. Threatens, Endangers, Harasses). • Disorderly Conduct (ii. Disrupting, Obstructing, Interfering). • Non-compliance. 	Conduct proceedings for one respondent ongoing. One was not a GW affiliate.	<p>Cases were combined and the student was found responsible for access without authorization.</p> <p>The student was found <u>not</u> responsible for discriminatory harassment, community disturbance, nor disorderly conduct I (threatens, endangers, or harasses others) and II (disrupting, obstructing, or interfering with the activities of others).</p> <p><u>Sanction:</u> Disciplinary probation through May 30, 2025.</p>
Report of erasure from a whiteboard belonging to a Jewish student and other forms of unwanted contact.	5/1/24	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of Jewish students receiving unwanted email contact regarding the events in Israel/Gaza.	5/2/24	1	<ul style="list-style-type: none"> • No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>

Report of a Jewish student being spat on during the encampment and receiving harassing messages online.	5/2/24	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of Palestinian flag, Genocide Joe, and other activities in the encampment.	5/3/24	9	<ul style="list-style-type: none"> No charges brought. 	This behavior was adjudicated and addressed in another case related to the encampment.	<i>Not applicable</i>
Report of unwanted contact towards a Jewish family who was in the encampment.	5/3/24	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of unwanted contact towards a Jewish family who was in the encampment.	5/4/24	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of unwanted interaction involving pro-Palestinian protestors.	5/6/24	1	<ul style="list-style-type: none"> No charges brought. 	Unable to identify responsible party.	<i>Not applicable</i>
Report of unauthorized access to Lisner Hall.	5/7/24	2	<ul style="list-style-type: none"> Access without authorization. 	One respondent warned, one process rescinded.	<i>Not applicable</i>
Report of student property recovered from University Yard, including	5/9/24	1	<ul style="list-style-type: none"> Drug violations (Paraphernalia). 	Conduct proceeding ongoing and combined with another case.	The student was found responsible for access without authorization, a drug violation (possession/use), a second drug violation (paraphernalia), and

marijuana paraphernalia.					<p>non-compliance. The student was found <u>not</u> responsible for disorderly conduct or community disturbance.</p> <p>Sanction: The student received disciplinary probation for two semesters.</p>
Report of 5/9/24 Protest on F Street.	5/9/24	10	<ul style="list-style-type: none"> • Access without authorization. • Community disturbance. • Disorderly conduct (interfering with events). • Outcome violation. 	Conduct proceeding ongoing.	<p>The 10 respondents for this incident included one student and nine organizational respondents.</p> <p>The student was found <u>not</u> responsible for all charges.</p> <p>For the nine organizational respondents, this incident was combined with others and detailed in the attached letter.</p>

GENERAL Timeline from posted DOCS

STUDENT #1

5/8/2024	Arrested - morning
5/22/2024	Arraignment: 6 block stay away order
6/28/2024	Student receives notice of letter from Anna Martin, Student Conduct Officer
7/5/2024	Students reponds to SRR letter (dated 6/28); indicates a conference date for 7/9/24 at 11am; SRR indicates a time for "mutual availability" and student asks for extension; indicates that there is video evidence that she cannot access; Anna shows flexibility in scheduling meeting
7/16/2024	Student sends email to Anna indicating that there is a video evidence folder that she cannot access and also asks that attorney have access too
7/16/2024	QUOTE: "Just getting in touch about the evidence files again. The video evidence folder is just a gdoc with a link that I can't click, and when I try to type in the link it comes up as invalid. I'm attaching a screenshot. Can we try another way to upload the video evidence?"
7/16/2024	Students sends another email to Anna; requests SRR proceeding to be postponed until criminal trial is over; student still cannot access case file ; student reminds Anna that "the student code of conduct requires the full case file to be provided no later than three days prior to the conference"
7/17/2024	Anna responds to student and gives link to video folder. postpones SRR until Friday (7/19)
7/17/2024	Hearing to sign STET agreement under original conditions-- 10 minutes prior to hearing the Prosecutor withdraws any STETs with exceptions - student asked to sign a 23 block stay away or go to trial
7/18/2024	Student responds to Anna; not all videos are playable; indicates that judge continued trial until 8/14/24
7/19/2024	Student's case reassigned to Zabrina Anzy, Interim Student Conduct Officer; more email exchanges between student and Zabrina follow
8/12/2024	Student signs STET agreement QUOTE: "The morning of our court appearance, the USAO revoked their offer, making a new offer that did not include any exceptions. While I do not have access to court transcripts, the USAO referenced GW's general counsel as the responsible agent. GW later denied involvement."
8/14/2024	Zabrina informs student that SRR conference is scheduled for 8/20/24 at 11 am; student requests rescheduling
8/26/2024	Student requests rescheduling again (apparently it was recheduled to Wed. Aug. 28); Zabrina rejects request in a follow-up email; meeting seems to have happened with the student having to get representation b/c of scheduling conflict
9/5/2024	Student requests from Zabrina copy of unredacted arrest warrant ; it seems that there was an arrest affidavit, with student's name redacted, alleging that the student tripped or kicked an MPD officer on 5/8 = ARREST RECORD 52024-06
9/17/2024	Student receives from Zabrina copy of unredacted arrest warrant
10/8/2024	Student receives letter from Zabrina informing that "a Student Conduct Conference was held to address [student's] behavior on or around Thursday, April 25, 2024; student was found RESPONSIBLE for "Access without Authorization" . Student found NOT responsible for 1) Community Disturbance, 2) Disorderly Conduct (ii)-- disrupting, obstructing, interfering; 3) Misconduct Related to Property; 4) Non-Compliance; 5) Regulation Violation(s): Demonstrations Policy and Posting Policy; and 6) Violation of Law: Violation of federal, state, and/or local law.
10/23/2024	Student gives testimony ; indicates that she was found guilty of 5 of 7 charges (CHECK)

Students indicates that there were over 120 videos files in case folder; **NOT all were pertinent to student's case**; told by Zabrina that extraneous material will NOT be removed and will not be considered during proceedings if not relevant
Student makes it clear that that unredacted arrest record **DID NOT** mention her name assaulting an MPD officer was made up (contra Zabrina on 9/5)
Student indicates that her only TAP records were to get into Gelman

STUDENT #2

- 5/8/2024 **Arrested - morning**
Arraignment - judge affirmed that the stayaway orders imposed as release conditions ought to be limited to the region from I St to F St, 20th St to 22nd St, with exceptions for classes, work, home, and dining hall access
- 6/4/2024 **Student receives SRR letter**; student charged with 9 counts; found responsible for two: noncompliance and access without authorization' receives 1 year disciplinary probation
Student appeals; appeal is rejected
- 7/17/2024 **Status hearing** - prosecutors revoke the STET agreements that individual was prepared to sign
- QUOTE:** "During the hearing, one of the prosecutors expressly stated that GW played a decisive role in the decision to reissue the STETs, and that the **government would comply with any motion to alter the agreements so long as GW clarified a new stance.**"
Attorney asked for continuance
- 7/18 - Aug? **Email campaign with 5000+ signatures** to OGC led to meeting with GW Associate General Counsel Ashley Miller
Statement of Miller to student attorney: Miller claimed that the direction [to revise STET] had not come from the office of the General Counsel
Miller denies attorney request to "to clarify GW's position on students being allowed to access campus spaces in writing"
Second hearing - Revised STET agreement offered, "which included the same larger boundaries with exceptions to attend classes, travel to and from residence, and access the metro and hospital."
- 8/21/2024 Student arrives on campus
- 10/23/2024 **Student gives testimony** (summarized above)

STUDENT #3

- 4/26/2024 **Student receives SRR letter**
- 10/23/2024 **Student gives testimony; quoted in part from SRR letter**

QUOTE: Temporary Suspension- You are suspended on a temporary basis from the George Washington University, effective 9:00 AM Saturday, April 27, 2024, pending university adjudication of the charges set forth in this letter. During this temporary suspension, you are not permitted to attend classes, unless otherwise instructed. Absences from class will be excused during this time. You are not permitted to attend or participate in any university-sponsored activity, regardless of where that activity takes place, including if the activity is virtual. This includes all student organization activities and any other university event, whether on campus or off campus. Additionally, and effective at 9:00 AM Saturday, April 27, 2024, you are administratively barred from all university property, including but not limited to all residence halls, academic buildings, and rental properties owned or leased by the George Washington University. If you come onto university property for any reason, you will be trespassing and may result in additional action taken against you by the university. It is your responsibility to work with the Office of Student Rights & Responsibilities to obtain approval to attend your conduct proceeding and any meetings with staff that may occur on university property. Please note that GWPD may issue a campus law enforcement bar, which will be communicated separately by GWPD. Violation of a GWPD bar notice could result in arrest if violated.

Student remarked "Prior to receiving this letter I had not received any communication from any administrator or representative of the administration except for an email from President Granberg which was sent to the entire student body, which stated that she had had requested that MPD "relocate the unauthorized protest on university yard". The email also said that the university "will insist that protesters meet their responsibility to university policies" and encouraged GW students to keep protest within the "defined limits of free expression at GW", but did not cite any specific policy broken by the encampment and did not instruct students to leave or indicate that merely being present was impermissible or violated any university policy."

Student accused of (from SRR letter): 1) **Access without Authorization** (entering or remaining on or in any part of any university premises without valid permission); 2) **Community Disturbance** (Making excessive noise either inside or outside a building, including but not limited to shouting, pounding objects or surfaces, or playing music or other electronics at a loud volume in a manner that disturbs others); 3) **Disorderly Conduct** (ii. Disrupting, Obstructing, Interfering) Disrupting, obstructing, or interfering with the activities of others, including university events; 4) **Non-compliance** (failure to comply with reasonable directions of university officials (provided in writing or verbally) acting in performance of their duties. This includes but is not limited to including GW Police officers and representatives of Student Affairs. This includes directions to produce identification or comply with barring notice, and no contact order); and 5) **Regulation Violation** (Any violation of other published university regulations and policies, including but not limited to the following: Demonstration Policy, Posting Policy, Disruption of University Functions, Policy U-yard Events and Venues Policies)"

Student's evidence file (per student's claim) included ONLY evidence was an electronic tap record indicating use of student ID to enter Corcoran hall in order to use the restroom (claims that a university security guard and administrator ok'ed it); remainder of file included video records that (apparently) did not show student in them; **SRR officer assigned to case did not indicate that student was present in any of them.**

Student's evidence file (per student's claim) included also a file of screenshots of instagram posts made by organizations in the Student Coalition for Palestine and by the coalition itself; **student NOTES that he is not a member of these organizations**

Student guilty on all charges EXCEPT the charge of violating the postering policy

Student instructed (w/ QUOTES) 1) "to plan two events which had the stated purpose of repairing harms caused to facilities workers and students at the law school," and 2) "to write three essays, one of which instructed [student] to describe how [student's] life would be affected and what [student] I would miss if [student] was expelled from GW housing again in the future." A third prompt instructed student as follows: "**You must complete the following research and reflection by July 1, 2024. Research the impact on engaging in demonstrations in a non-US country of your choosing, including what protections do and do not exist for Americans traveling in that country and including the university's systems in place for such an event.**"

Student remarked "after the sweep of the encampment the university gained possession of my passport, laptop, and birth certificate, which were being held temporarily by a friend while I lacked housing. Upon repeatedly calling GW I was eventually told that they had likely been destroyed.

STUDENT #4

5/22/2024

Student arraignment

From student: "A couple weeks later, at my arraignment on May 22nd, I plead not guilty to a charge of unlawful entry on private property...Regardless, **I was issued a court ordered stay away order, which the USAO stated was at the request of GW...**Before our next court appearance, I was offered a deferred prosecution agreement by the USAO. This agreement required me to maintain an expanded, 24 block stay away order. This offer included very limited exceptions for going to class and meeting with professors. The only other option would be to go to trial..The morning of my court appearance, just **10 minutes before court commenced, the USAO revoked their offer, making a new offer that did not include any exceptions.** While I do not have access to court transcripts, **the USAO referenced GW's general counsel as the responsible agent.** It was only after ...2 more court appearances, that limited exceptions were added back into the offer 2 days before classes were to begin. **These exceptions are limited to traveling to classes, work, my residence, the hospital, and the metro.**

10/23/2024

Student gives testimony

Student is informed 3 days before SRR panel hearing (after 12 days of no communication with case manager) **that there were new charges: being a organizer of the encampment**

Student's presence at the encampment was condoned (per student) by Dean Colette Coleman, the Director of Student Rights and Responsibilities Christy Anthony, Assistant Dean Brian Joyce, and Provost Christopher Bracey; **student was to serve as a communications liaison**

DEAN Joyce testified at student's panel in support of student

STUDENT's CLAIM: there is a "a video, of Provost Bracey assaulting me and my friend. In fact, **Dean Joyce was an eyewitness** to my being assaulted by Provost Bracey. He described the chain of events during my SRR panel. Yet he still faces zero accountability for his actions. Meanwhile, I was charged with physical abuse by CESA. They claimed, without evidence, that I was responsible either for committing physical abuse or organizing unidentified others to commit physical abuse."

SRR panel took 6 hours over 2 days

Student was found responsible for: Access without Authorization, Community Disturbance, Disorderly Conduct (Disrupting, Obstructing, Interfering), and Regulation Violation.

Student quotes the reasoning provided for Access without Authorization charge: **“The access log shows that you did not access any buildings past 3:08 on 4/25 making it more than likely than not you were present at the encampment past the deadline of 7pm on 4/25).”**

STUDENT #5

10/23/2024 **Student gives testimony** - lot of history about student but little of relevance to current issue

ATTORNEY (ies) - timeline

5/1/2024 **Multiple attorneys sign letter of support for the students**

7/14/2024 Attorney sends letter to Anne and Kirk (re: one of the students)

7/16/2024 Attorney sends follow-up letter to Anne and Kirk; request to adjust the diversion SAOs for the GWU students

7/22/2024 Attorney contacts Anne and Kirk and requests contact info for GW counsel; attorney receives response from Anne Cotter suggesting that he contact Ashley Miller

8/1/2024 Attorney has video conference with Ashley; states that the United States Attorney's Office described the boundaries as being provided by GWU official

8/15/2024 Attorney sends request to Ashley Miller; states that prosecutor did not adjust the diversion enough to make appropriate accommodations

8/20/2024 Ashley responds and states that GW "GW has no authority to direct the prosecution of [his] client's criminal case

Ashley states GW's position: "which has been communicated to the U.S. Attorney's Office – is that any enrolled student who has not been suspended by the university should be able to attend classes on campus and we are willing to consider requests for exceptions for specific educational facilities."

4-Sept Attorney remarks that USAO received stay away boundaries from GWU leadership and that Ashley Miller agrees that stay away boundaries exceed actual GWU boundaries

Appendix 7

Student timeline of events (as reconstructed from student accounts):

- In the early morning of May 9, 2024, 33 persons were arrested by DC MPD in or adjacent to University Yard, including several GW students. Subsequently, they were arraigned, and those GW students were charged with unlawful entry with GWU as the victim of the offense.
- On July 3, the United States Attorney's Office (USAO) made its first stet offer. All stets had the 26-block boundaries — for both tranches of protesters. The USAO treated both tranches the same at this point.
 - Negotiations occurred involving those protesters who needed modifications to the boundaries — mostly GW students and those who lived, worked, or received medical care in the area. For these, the USAO made stet stay away order (SAO) exceptions to attend classes or seek medical treatment. However, the USAO steadfastly refused to decrease the 26-block SAO, attributing the boundaries to GW's representations.
- July 8: At the initial status hearing for the first protester tranche, almost all protesters enrolled in stet agreements, including some GW students who had stet SAO exceptions for attending class and getting medical treatment. Only a very small number of cases continued to further negotiations.
- July 17: At the initial status hearing for the second tranche, less than half an hour before the court hearing, the USAO prosecutor announced in the hallway that the USAO withdrew the stet offers for all protesters who did not enroll on July 8 — and extended a separate stet offer that contained no exceptions whatsoever to the stet SAO.
 - This meant that the first tranche received exceptions that the second tranche did not receive. The prosecutor attributed this change to GW general counsel.
 - Most non-student protesters in the second tranche agreed to stet #2 because the SAO exceptions did not matter to them. Also, a real possibility existed that the USAO would become even more harsh at the next hearing for those who didn't reenroll. (The USAO offered "take it or leave it" exceptions for stet #3, which followed). Those who did not enroll in stet #2, which had no SAO exceptions, received a status hearing date in August.
 - The defense attorneys asked the USAO for the name and contact information of the GW attorney speaking with the USAO on behalf of GW. The USAO provided contact information for Ashley Miller, GW assistant general counsel.
- Between the July 17 and August hearings, the defense attorneys representing the five remaining GW students had a joint video attorney-only meeting with Ashley Miller. GW General Counsel Charles Barber would not speak with the students' attorneys — only with the USAO.
 - Ashley Miller said Charles Barber had all interactions with the USAO, and she knew nothing firsthand, other than what Mr. Barber told her. Ashley disavowed the 26-block boundary, and

she said GW would not block any student from attending school. The attorneys asked her to put this in writing, but this didn't happen for more than a month — late August — after everyone enrolled in a stet agreement (#3 or #4).

- After the video conference, USAO made adjustments to the stet SAO to allow exceptions for classes. The USAO made some additional stet SAO exceptions for students, such as medical and metro use. However, the USAO continued to refuse to reduce the 26-block SAO (non-negotiable). More importantly, the USAO prosecutor would not give a GW student an exception for the library, justifying this by saying that as a GW student he/she has more culpability than non-students. The prosecutor also said all exceptions needed approval from higher levels (*very unusual*).
- Five days before the students' August hearing, the USAO offered stet #4, saying either accept the stet at the hearing or go to trial. A GW student made the pressured decision to accept, knowing she would have to take a leave from fall classes and have no library/resources access during the first month of the spring 2025 semester.
 - The USAO rejected a counter offer of a community service diversion in lieu of the stet (a diversion). No other choices existed, as far as could be gathered.
- We could not gather data on whether GW Office of General Counsel (OGC) communicated on these topics with the USAO. Students perceive that:
 - The GW OGC chose to engage with the USAO.
 - The GW OGC asked the USAO to take positions adverse to the GW student protesters and failed to engage with the students' attorneys with the same cooperation as with the USAO.



Wagner, Sarah <sewagner@email.gwu.edu>

EPT query

Colette Coleman <colettec@gwu.edu>
Reply-To: colettec@gwu.edu
To: "Wagner, Sarah" <sewagner@email.gwu.edu>
Cc: Irene Foster <fosterir@gwu.edu>

Fri, Oct 25, 2024 at 7:02 PM

I hope you both are doing well. The Student Support Office, Division of Student Affairs (DSA), and the Office for Diversity, Equity and Community Engagement (ODECE) have provided support on an as-needed basis to students who were arrested in the encampment and who signed stet agreements with the District of Columbia. In general, this response has included:

- support provided by the Student Support Office to any student that raised concerns,
- assistance obtaining university resources from spaces closed off to students (ex. by delivering things directly to the student), and
- providing help navigating class assignments that conflict with the limitations of the stet agreement.

On Wed, Oct 23, 2024 at 9:53AM Wagner, Sarah <sewagner@email.gwu.edu> wrote:

[Quoted text hidden]

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Colette Coleman

Vice Provost and Dean of Students

Division for Student Affairs

pronouns: she, her, hers

The George Washington University

colettec@gwu.edu | p. 202-994-6555



Schwartz, Lisa <lschwartz@email.gwu.edu>

Fwd: follow-up question from EPT Working Group

Irene R. Foster <fosterir@email.gwu.edu>
To: Lisa Schwartz <lschwartz@gwu.edu>
Cc: Sarah Wagner <sewagner@gwu.edu>

Fri, Nov 8, 2024 at 12:39 PM

Response from Charles Barber.

Irene

Begin forwarded message:

From: "Barber, Charles" <cbarber@email.gwu.edu>
Date: November 7, 2024 at 7:50:25 PM CST
To: "Wagner, Sarah" <sewagner@email.gwu.edu>
Cc: Christopher Bracey <cbracey@gwu.edu>, Irene Foster <fosterir@gwu.edu>
Subject: Re: follow-up question from EPT Working Group

Professors Wagner and Foster:

The university's response to outreach from the U.S. Office of the Attorney General (USAO) regarding District of Columbia criminal prosecution of students arrested last spring was discussed extensively during the September 13th meeting that Provost Bracey and I attended. I cannot tell you what the USAO did – or did not – say to students and their attorneys since I was not part of those discussions. I was clear, however, about what I said directly to the USAO. While the university took no position on the District's proposal to respond to the criminal charges with a stay away order, we voiced no objection to proposed exemptions to allow students to attend class (so long as the students had not been suspended through GW's own disciplinary process.) I later advised the USAO that if the District decided to provide such exemptions, the university would not object to requests made by the USAO for extending the exemptions to campus facilities related to the student's academic pursuits.

These requests, I emphasized, needed to come from the USAO because we were not "negotiating" with students or their counsel over District criminal processes. Indeed, when counsel for one of the students contacted OGC, I had a staff attorney send him an email saying "GW has no authority to direct the prosecution of your client's criminal case" and thus "we think it best if you engage in negotiations directly with the U.S. Attorney's Office." The USAO conveyed only one such request to me, which the university accepted. The university did not "refuse" any request presented by the USAO on behalf of students or recommend that any be rejected.

I trust that this fully addresses reasonable inquiries from the EPT working group.

On Tue, Nov 5, 2024 at 12:06 PM Wagner, Sarah <sewagner@email.gwu.edu> wrote:
Dear GC Barber and Provost Bracey,

On behalf of EPT's Working Group tasked with addressing the university and USAO responses to the spring 2024 demonstrations, we write with the following query:

In an effort to continuously seek clarity and understanding of the resulting events from the encampments during the spring 2024 semester and the corresponding student arrests, EPT's internal Working Group (WG) respectfully submits the following points of information and subsequent follow-up questions to

Provost Christopher Bracey and General Counsel Charles Barber:

During the EPT meeting on September 13th, 2024, GC Barber indicated GW did not have a position on the STET Agreements, would not negotiate exemptions, but would consider requests for exemptions. However, the WG received direct accounts from several students and their attorney(s) who report GW directly influenced STET Agreement exemptions.

1. Students' accounts of "stay-away" orders indicate GW leadership requested a significant increase to the initial number of surrounding blocks and provided boundaries of the stay-away orders imposed on students immediately following their arrests.
2. Students' accounts of STET Agreement hearings indicate GW requested or refused exemptions for student access to campus.
3. Students and lawyer(s) indicate the USAO recommended they contact GW OGC directly to request STET exemptions, which differs from information shared by OGC during the September Senate and EPT meeting. Does this discrepancy indicate the USAO made a suggestion GW leadership did not accept?

Given this information, the EPT WG respectfully requests Provost Bracey and GC Barber to further clarify GW's position and involvement with the USAO pertaining to students' access to campus and STET Agreement exemptions. If possible, we ask that you please provide your responses by Monday, November 11.

Thank you for your assistance with this matter.

Best wishes,
Sarah and Irene

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Sarah Wagner
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email: sewagner@gwu.edu
<https://anthropology.columbian.gwu.edu/sarah-e-wagner>

[Rituals in the Making](#)
[Bones of Contention](#)

Author, *What Remains: Bringing America's Missing Home from the Vietnam War* (Harvard University Press, 2019)