



San José State
UNIVERSITY

STUDENT ORGANIZATION CODE OF CONDUCT

Office of Student Conduct and Ethical Development

Administration Building 218

One Washington Square

San José, CA 95192-0031

(408) 924-5985

http://www.sa.sjsu.edu/student_conduct/index.html

Standards for Student Organization Conduct

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty and staff. Student organization behavior that is not consistent with the Student Organization Code of Conduct is addressed through an educational process that is designed to promote safety and good citizenship, and when necessary, impose appropriate consequences.

Student Organization Member Responsibilities

Members of student organizations are expected to be good citizens and to engage in responsible behaviors that reflect well upon their student organization and university; to be civil to one another and to others in the campus community; and to contribute positively to student and university life.

San José State University has established the following Student Organization Code of Conduct to ensure that all student organization officers and members understand and

accept responsibility for the actions of themselves, their members and guests.

Application of This Code

The Office of Student Conduct and Ethical Development will exercise jurisdiction over recognized student organizations and member conduct, including fraternities, sororities and club sports. Action by the Office of Student Conduct and Ethical Development does not preclude action by one of the four Greek Councils, the Club Sports Council, or other governing bodies.

Sanctions for the conduct listed below may be imposed on student organizations found responsible for violating the Student Organization Code of Conduct. Sanctions may include actions such as withdrawal of recognition, suspension of recognition for a specified period of time, probation (warning that might lead to a more severe sanction), restriction of privileges, reprimand, and restitution for losses caused.

Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University, is within the

jurisdiction of this Code, regardless of whether it occurs on or off campus. Nothing in this code may conflict with Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

The Office of Student Conduct and Ethical Development has responsibility for adjudicating cases based on allegations of misconduct. Ordinarily the University will proceed with written complaints but reserves the right to proceed without a written complaint. When the Office of Student Conduct and Ethical Development receives a report of a student organization's alleged misconduct, an investigation will occur, and if warranted, the office will send the president of the student organization a letter to schedule an informal conference as well as to notify the president of the alleged charges. The Student Conduct Administrator will meet with the president of the organization to discuss the allegations. If the organization is found responsible for the alleged misconduct, the president will be issued a sanction. It is the president's right to accept or reject the sanction. If the president believes his/her due process rights have been violated or the informal sanction was too excessive, he/she may submit a written request to the Associate Vice President for Campus Life within five days of the notice of sanctions, to have the case reviewed by the Associate Vice President for Campus Life. The president of the organization will be notified of the University's final decision within 10 working days.

Governance

All student organizations are required to be recognized by the University through the process administered by Student Involvement. Recognized student organizations are subject to University governance and are responsible for the conduct of their members. Governance pertains to University policies and procedures, including local, state, and federal laws, to which student organizations, including fraternities and sororities and club sports (hereinafter referred to as groups in this section), are held responsible. Policies and procedures developed by the four Greek Councils and Club Sports Council are managed as outlined in the respective constitutions and do not preclude action by the Office of Student Conduct and Ethical Development.

Unacceptable Student Organization/Member Behaviors

The following behavior is unacceptable and subject to disciplinary sanctions:

(1) Aiding and Abetting

- (A) A student organization that assists a group that has lost University recognition, or facilitates the existence of a group that does not have University recognition,
- (B) A student organization aiding and abetting another person or group in violation of a University policy or procedure or local, state, or federal law,
- (C) Encouraging, permitting, or assisting another to do any act

that could subject him or her to discipline.

(2) Alcohol

A copy of the University's Alcohol Policy shall be provided to each student organization president and must be followed. The University's Alcohol Policy is in compliance with California Law, which prohibits the sale or giving of any alcoholic beverage to any person under the age of 21. Student organizations are in violation of University policy if any individuals under the age of 21 are in possession of alcoholic beverages at an activity sponsored/hosted by the student organization and/or if intoxicated individuals consume alcohol. All student organization presidents must sign an agreement to abide by and uphold the University's Alcohol Policy as well as present an alcohol awareness program to their organizations (should be pre-approved by the Prevention Education Program Center) or arrange for an alcohol awareness program approved by the Prevention Education Program Center. Student organizations sponsoring events are responsible for following the appropriate procedures to prevent underage drinking, including providing alternatives to alcohol.

(3) Damage to Property

Willful or careless destruction, defacement of, or tampering with University property, or the property of others.

(4) Discrimination

Discrimination is prohibited on the basis of race, religion, color, ancestry, ethnicity, gender, marital status, pregnancy, national origin, age, mental or physical disability, sexual orientation, special disabled veteran's status, Vietnam era or other covered veteran status. The prohibition on membership policies that discriminate on the basis of gender does not apply to social fraternities or sororities or to other university living groups.

(5) Disorderly Conduct

- (A) Any offensive or disorderly act or display which interferes with the rights of others,
- (B) Harassment, threats, physical abuse, intimidation or the threat of physical abuse, including bias-related incidents.
- (C) Excessive noise which is disruptive to the campus or surrounding community

(6) Drugs

- (A) Use, possession, manufacture or distribution of illegal drugs, or drug-related paraphernalia (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs,
- (B) Sponsoring/hosting an activity at which substances noted above are used.

(7) Endangerment

Reckless or intentional acts which endanger the welfare of group

members or others as well as compromising the security measures of the campus.

(8) Failure to Comply

- (A) Failure to comply with the directions of University officials acting in the performance of their official duties,
- (B) Resisting or obstructing University officials acting in the performance of their official duties,
- (C) Failure to follow all policies and procedures established by the University pertaining to student organizations, including fraternities and sororities, as outlined in the *Student Organizations Handbook*,
- (D) Failure to follow all policies and procedures established by the University pertaining to club sports, as outlined in the *Club Sports Handbook*.

(9) False Alarms and Fire Safety

Initiating false fire alarms or tampering with fire alarm devices or fire equipment.

(10) Falsification of Information

- (A) Willful falsification of information on University records, to University officials, or to local government officials,
- (B) Willfully providing false information for the purpose of obtaining services,

- (C) Unauthorized presentation of oneself and one's organization as a representative of the University for the purpose of gaining or attempting to gain privilege, convenience, goods or services,
- (D) Possession, manufacture or distribution of false or altered instruments of identification,
- (E) Initiating or causing to be initiated any false report, warning or threat.

(11) Firearms, Fireworks, Weapons and Explosives

- (A) It is prohibited to carry or contain firearms, ammunition, gun powder, air rifles, air pistols, paintball guns, guns of any kind, knives, replicas or other weapons, dangerous chemicals, or explosive materials, except as authorized in supervised academic programs, on campus or at group sponsored events off-campus,
- (B) Possession or use of fireworks on campus or at group sponsored events off-campus.

(12) Guests

Student organizations are responsible for informing their guest(s) of University policies and procedures and will be held accountable for the behavior of their guest(s).

(13) Harassment and Abusive Behavior

Conduct that threatens or endangers the health or safety of

any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct is prohibited.

(14) Hazing

Hazing in every form, or conspiracy to haze is prohibited. San José State University takes a zero tolerance approach to hazing. Commission of hazing can be considered either a misdemeanor or a felony, punishable by up to one year in jail and up to a \$5000 fine. Participation in a hazing practice may result in both individual and organizational disciplinary action. Hazing is defined in Section 41301 of Title 5 of the California Code of Regulations as “any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily danger to any former, current, or prospective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6) and in addition, any act likely to cause physical or mental harm, to any former, current, or prospective student of any school, community college, college, university, or other educational institution; the term ‘hazing’ does not include customary athletic events or school sanction events. Neither the express or complied consent of a victim of hazing, nor the lack of active participation in a particular

hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.”

The following non-exhaustive list of activities meet this criterion; accordingly, they are considered forms of hazing:

- (A) Physical activities such as calisthenics, jogging, sit-ups, push-ups, or carrying of objects such as bricks, stones, blocks, or any other item(s) which serve to create physical hardships, discomfort, and/or distress,
- (B) Abduction or involuntary transportation of individuals or leaving individuals at off-campus locations and requiring them to find their way home,
- (C) Physical exposure or abuse such as nudity, paddling, pushing, shoving, hitting, punching, tackling, or throwing any substance at another person; submerging or dunking in water or other substances; marking, branding or tattooing; or any activity which has the potential for the exchange of blood or other bodily fluids,
- (D) Forced or required consumption of any substance, including food, drugs, alcohol, water, or any beverage; or any items individually or in combination that may or could induce vomiting, psychological abuse and/ or humiliation,
- (E) Requiring individuals to walk, march, or run in single file against their will.

- (F) Dress in revealing, embarrassing, or uncomfortable clothing or any type of uniform,
- (G) Exposing individuals to extremely uncomfortable or dangerous environments (e.g., too loud, dark, small, hot, or cold); blindfolding where there is a potential for danger,
- (H) Intense interrogation of pledges; name calling or screaming at individuals and/or prolonged periods of enforced silence or use of gags,
- (I) Requiring individuals to perform any act(s) which are construed to be humiliating or degrading in nature,
- (J) Inability to talk to members of the opposite gender,
- (K) Peer pressure to engage in activities against the individual's will,
- (L) Carrying or wearing any item(s) setting pledges/new members apart from the members. It is acceptable for new members to wear a pledge pin; however, it should be noted that members also have membership badges/pins that should be worn simultaneously,
- (M) Forced servitude such as shining shoes or boots; cleaning rooms, apartments, houses, cars, etc.; washing clothes or dishes; running personal errands; or other services or duties not normally shared by initiated members; requiring individuals to purchase items or services for other members,

- (N) Required activities that are prohibited by law or University policy or procedure, such as trespassing, stealing of any item(s), including personal effects or organizational property (banners, composites, food, paddles, etc.); stealing of any item(s) for scavenger hunts; kidnapping; lewd, obscene, threatening, intimidating, or harassing behavior,
- (O) Requiring activities that interfere with academic studies, assignments, or classes such as awakening individuals in the night for organizational activities, interfering with normal sleep or study schedules, food or sleep deprivation; requiring "take home" assignments that interfere with academic work; serenading or addressing houses/apartments. At no time may a group violate the City noise ordinance.

(15) Misuse of Computer Facilities or Resources

The following behaviors pertaining to misuse of computer facilities or resources are prohibited.

- (A) Unauthorized entry into a file, for any purpose,
- (B) Unauthorized transfer of a file,
- (C) Use of another's identification or password,
- (D) Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University community,

- (E) Use of computing facilities and resources to send obscene or intimidating and abusive messages,
- (F) Use of computing facilities and resources to interfere with normal University operations,
- (G) Use of computing facilities and resources in violation of copyright laws. Downloading of any copyright protected material, including literary works, musical works, dramatic works, graphic art works, sound recordings, motion pictures, pictorials, and software is prohibited,
- (H) Violation of a campus computer use policy.

(16) Obstruction of University Activities

Behavior which disrupts or interferes with normal University or University sponsored activities, including, but not limited to, study, teaching, research, officially invited speakers, University administration, public safety, fire, police or emergency services, or other authorized activity. Such behavior includes abridgement of rights to freedom of speech and expression.

(17) Pledging and New Member Intake

Student organizations that are not in compliance with pledging/new-member education requirements as outlined in their *local and national constitutions and/or by-laws*.

(18) Risk Management of Events

- (A) Failure to adhere to event start and end times

- (B) Failure to adhere to guest lists
- (C) Failure to check identification.
- (D) Failure to provide adequate Security Officer coverage
- (E) Failure to complete disclosure of all marketing materials, along with how and where distributed

(19) Sexual Misconduct

Sexual misconduct includes but is not limited to, sexual activity forced on another person against his or her will, either by physical or psychological force. Sexual misconduct also includes sexual harassment, obscene phone calls, and indecent exposure.

(20) Theft

- (A) Theft of property or services on the University campus or at sponsored events,
- (B) Removal of University property from common use areas,
- (C) Removal of books or other items from University facilities without following prescribed procedures,
- (D) Possession of property illegally procured is prohibited.

(21) Trespass

Entering any University facility, except in accordance with established policies and procedures.

(22) Use of the University Name

Use of the name or marks (logo, seal, graphics, etc.) of the University is prohibited, unless specifically authorized in writing by the

President of the University, or designated representative.

(23) Violation of Student Organization

Conduct Procedures and Sanctions including:

- (A) Falsification, distortion, or misrepresentation of information related to a discipline matter,
- (B) Disruption or interference with the orderly progress of a student organization discipline proceeding,
- (C) Initiation of a student organization discipline proceeding in bad faith,
- (D) Attempting to discourage another from participating in the student organization discipline matter,
- (E) Attempting to influence the impartiality of any participant in a student organization discipline matter,
- (F) Verbal or physical harassment or intimidation of any participant in a student organization discipline matter,
- (G) Failure to comply with the sanction(s) imposed under a student organization discipline proceeding which may result in further disciplinary action and/or additional sanction(s).

(24) Violations of Civil or Criminal Law

Student organizations in violation of local, state or federal law are in violation of the University Code of Conduct. University sanctions for such violations may be imposed independent of and prior to the

disposition of any legal proceeding in a civil or criminal justice case.

Approved on behalf of the University:

Veril L. Phillips, Vice President for Student Affairs

Date