

STANDARDS FOR STUDENT CONDUCT GUIDE FOR EXPECTATIONS OF STUDENT CLUB/ORGANIZATION

California State University East Bay
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Student Conduct, Rights and Responsibilities, Student Services and Administration Building, Room 1111
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Standards for Student Clubs/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 Club/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 larger, extended community; and to contribute positively to student and university life.

California State University East Bay has established the following Student Organization Code of Conduct Guide to ensure that all student organization officers and members understand and accept responsibility for the actions of themselves, their members and guests as it relates to CSUEB Standards for Student Conduct.

Application of This Code

The Office of Student Life and Leadership Programs will exercise jurisdiction over recognized student organizations and member conduct. Student organizations are recognized based on the following themes: Academic, Cultural, Greek, Special Interest, Recreation/Club Sports, and Religious. Action by the Office of Student Life and Leadership Programs does not preclude action by one of the Greek Council, 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 Club/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. Further, recommended educational opportunities may be assigned to support areas of concerns based on allegations, investigations, and consultations with involved parties.

Conduct that threatens the safety or security of the campus community and local 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 Life and Leadership Programs, in partnership with the Office of Student Conduct, Rights, and Responsibilities, have 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 Life and Leadership Programs 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. Student Life staff members will meet with the president of the organization to discuss the allegations. The Director of the Student Conduct, Rights and Responsibilities Office and the On-Campus Student Club/Organization Advisor will also be invited to the initial informal conference. If the organization is found responsible for the alleged misconduct, the president will be issued a sanction on behalf of the organization. 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. Individual students involved in the incident may receive a follow-up investigation by the Student Conduct, Rights and Responsibilities Office.

Governance

All student organizations are required to be recognized by the University through the process administered by Student Life and Leadership Programs. Lack of completion of the recognition process and/or prior conduct issues may affect the student organizations recognition approval. 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 clubs/organizations are held responsible. Policies and procedures developed by Greek Council and Club Sports Council are managed as outlined in the respective constitutions and do not preclude action by the Office of Student Life and Leadership Programs.

Unacceptable Student Club/Organization and Member Behaviors

Club/Orgs are responsible to uphold appropriate behaviors throughout university community and larger community. The following behavior is unacceptable and subject to disciplinary sanctions, as specified in CSUEB Standards for Student Conduct (California Code of Regulations - Title 5, section 41301) and other campus-wide policies.

(1) DISHONESTY

California Code of Regulations - Title 5, Section 41301 (1)

Dishonesty, including:

1. Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
2. Furnishing false information to a University official, faculty member, or campus office.

3. Forgery, alteration, or misuse of a University document, key, or identification instrument.
4. Misrepresenting one's self to be an authorized agent of the University or one of its auxiliaries

Aiding and Abetting

- (A) A student club/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 club/organization that misrepresents itself on behalf of another organization to secure rights and privileges. Examples include facilities and funding requests.
- (C) A student organization aiding and abetting another person or group in violation of a University policy or procedure or local, state, or federal law,
- (D) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline

Academic Dishonesty -

- (A) Willful providing of academic materials that are unapproved for distribution and/or intended for unfair academic advantages (i.e. unsanctioned test banks, distribution of previous assignments for purposes of unapproved re-use or resources, etc.)
- (B) Coordinated efforts by organizations and/or select members of organizations for shared test taking process (i.e. group online test taking, academic dishonesty strategies, misrepresentation of identities, etc.)

Falsification of Information

- (A) Willfully providing false information for the purpose of obtaining services (i.e. facilities, funding, sponsorship, equipment, etc.)
- (B) 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,
- (C) Possession, manufacture or distribution of false or altered instruments of identification.

(2) UNAUTHORIZED ENTRY

California Code of Regulations - Title 5, Section 41301 (2)

Unauthorized entry into, presence in, use of, or misuse of University property.

- (A) Trespassing - Entering any University facility, except in accordance with established policies and procedures. Examples include usage of facilities that are not scheduled hours and usage of facilities without provided approval.
- (B) Usage of Facilities Equipment without approval provided for specific to time and location. Examples include removal of tables, chairs, and other equipment beyond approved event set-up.

(3) DISRUPTION OR OBSTRUCTION OF UNIVERSITY ACTIVITY

California Code of Regulations - Title 5, Section 41301 (3)

Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.

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:

- (A) Abridgement of rights to freedom of speech and expression,
- (B) Initiating false fire alarms or tampering with fire alarm devices or fire equipment.

(4) PARTICIPATION IN ACTIVITY THAT DISRUPTS OPERATION/MEMBER OF THE UNIVERSITY

California Code of Regulations - Title 5, Section 41301 (4)

Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.

Participation in 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.

Participation includes infringes on rights of members of University community such as fellow students, faculty, staff, administration, and alumni. Such behavior includes:

- (A) Abridgement of rights to freedom of speech and expression,
- (B) Initiating false fire alarms or tampering with fire alarm devices or fire equipment,
- (C) Unwanted or unapproved solicitation on campus. Sample topics include solicitation of club/org membership, donation efforts, program promotions, etc.

(5) OBSTRUCTION OF FREE FLOW

California Code of Regulations - Title 5, Section 41301 (5)

Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University related activity.

Examples of obstructions include:

- (A) Usage of unsanctioned facilities, including walkways, lawns, buildings, that may lead to obstruction of pedestrian traffic
- (B) Unapproved event or program, such as recreational activities, in free traffic area,

(6) DISORDERLY BEHAVIOR

California Code of Regulations - Title 5, Section 41301 (6)

Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.

- (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, campus activities, campus members or surrounding community
- (D) Handouts, flyers, social media, apparel, and other printed or online marketing/publications that are potentially offensive, vulgar, promote hate, and/or promote alcohol/drug. All items published by student club/org must be in good taste. Poor taste includes, but is not limited to: sexually explicit pictures or photographs of any persons without clothing; statements, symbols, depictions or references to alcohol or drugs (i.e. pictures of beer, kegs, beer steins or the acronym "BYOB"); foul language; and any other offensive, vulgar, and incitement of hate materials.

(7) HARASSMENT, THREAT OR ABUSIVE & ENDANGERMENT

California Code of Regulations - Title 5, Section 41301 (7)

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.

Reckless or intentional acts which endanger the welfare of group members or others as well as compromising the security measures of the campus. Example acts may include lack of risk management/approval for events, unsanctioned membership practices (i.e. hazing), and support, neglect, or condonement an act that can threaten or endanger safety of person(s), verbal or physical threat, and more.

Risk Management of Events

- (A) Failure to secure approved facilities usage,
- (B) Failure to fully disclose purpose of nature of event and programming details,
- (C) Failure to adhere to event start and end times,
- (D) Failure to provide roster and waivers for high risk/off-campus events and/or as requested,
- (E) Failure to provide adequate Security Officer coverage as request required,
- (F) Failure to complete disclosure of all marketing materials, along with how and where distributed.

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, indecent exposure, sharing of sexually explicit images without consent of owner, and more. Sexual misconduct concerns may arise from on-campus/off-campus activities, online social media, mobile devices (cell phones), fliers/publications, and include any other mediums.

More language needed in line with title IX and examples? ADD TITLE 9 language and link

(8) HAZING

California Code of Regulations - Title 5, Section 41301 (8)

Hazing, or conspiracy to haze. Hazing is defined 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 injury 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 harm, personal degradation or disgrace resulting in 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 sanctioned events.

Neither the express or implied 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.

Hazing in every form or conspiracy to haze is prohibited. California State University East Bay 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 implied 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 University or City noise ordinance.

(9) ILLEGAL DRUGS OR DRUG-RELATED PARAPHERNALIA

California Code of Regulations - Title 5, Section 41301 (9)

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.

- (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.
- (C) – Add specific on marijuana?

(10) ALCOHOLIC BEVERAGE & BEHAVIORS

California Code of Regulations - Title 5, Section 41301 (10)

Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.

A copy of the University's Alcohol Policy shall be provided to listed student club/organization's officer during the annual recognition process. Completion of the recognition process includes agreement to abide by and uphold the University's policies. 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. Recognized student club/organizations are not permitted to sponsor events that include alcohol. Should an off-campus venue have license to serve alcohol, student organizations will need to declare that information during the event planning process.

(11) THEFT

California Code of Regulations - Title 5, Section 41301 (11)

Theft of property or services from the University community, or misappropriation of University resources.

- (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.

(12) UNAUTHORIZED DESTRUCTION/DAMAGE TO UNIVERSITY

California Code of Regulations - Title 5, Section 41301 (12)

Unauthorized destruction, or damage to University property or other property in the University community.

Willful or careless destruction, defacement of, or tampering with University property, or the property of others (including private and public ordinances). Examples include: CSUEB facilities equipment (tables, microphone, laptops, etc.), public parks, CSUEB picnic areas, private residential neighborhoods, apartment complexes, Pioneer Heights, BART, East Bay Shuttle, University Union lawn chairs, and more. Damage may include long-term physical harm or temporary harm such as littering, unsanctioned chalking, damaged landscaping/lawns, illegal trash disposal/pollution, and more.

(13) WEAPONS, EXPLOSIVES & DANGEROUS CHEMICALS

California Code of Regulations - Title 5, Section 41301 (13)

Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.

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.

(14) UNAUTHORIZED ACADEMIC DISSEMINATION

California Code of Regulations - Title 5, Section 41301 (14)

Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.

(15) MISUSE OF COMPUTER FACILITIES

California Code of Regulations - Title 5, Section 41301 (15)

Misuse of computer facilities or resources, including:

1. Unauthorized entry into a file, for any purpose.
2. Unauthorized transfer of a file.
3. Use of another's identification or password.
4. Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University community.
5. Use of computing facilities and resources to send obscene or intimidating and abusive messages.
6. Use of computing facilities and resources to interfere with normal University operations.
7. Use of computing facilities and resources in violation of copyright laws.
8. Violation of a campus computer use policy.

(16) VIOLATION OF PUBLISHED POLICY

California Code of Regulations - Title 5, Section 41301 (16)

Violation of any published University policy, rule, regulation or presidential order.

As a recognized student organization you must comply with all policies of the California State University (CSU) systems, CSUEB policies, and affiliated policies with the university. This includes university wide

policies, as well as departmental and facilities based policies. For a full listed of CSUEB policies, please begin with the Student Life and Leadership Recognition process and the CSUEB website for more information.

Examples of published policies

- A. **Discrimination** - As specified in federal and state laws, including Title VI of the Civil Rights Act of 1964 and the California Equity in Higher Education Act. CSU Executive Order 1097, revised October 5, 2016 provides a systemwide procedure for all complaints of discrimination, harassment or retaliation made by students.
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.
- B. (B) Student Life Club/Org Recognition Policy - As guided by EO1068. In additional, Student organizations must be in compliance with pledging and new- member education requirements as outlined in their local and national constitutions and/or by-laws.
- C. University Branding Policy - 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. All club/org purchases and printing/marketing needs (specifically for apparel/equipment) must be approved and processed by the Student Life and Leadership Programs Office. Examples include graduation sashes, t-shirts, lapel pins, etc.
- D. University Union Facilities Policy
- E. CSUEB Time, Place, and Manner of Free Expression (University Executive Directive #11-04)
- F. CSUEB Parking & Transportation Policy
- G. CSUEB Smoke & Tobacco-free Campus Policy
- H. CSUEB Student Housing & Residential Life Policy
- I. And more. Information available on CSUEB web pages.

(17) FAILURE TO COMPLY

California Code of Regulations - Title 5, Section 41301 (17)

Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.

(A) Failure to comply with the directions of University officials acting in the performance of their official duties, including but not limited to University Policy Department (UPD), facilities staff, and other University staff/faculty,

(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.
- (E) Violation of Student Org. Code of Conduct procedures by falsifying information, disrupting process, attempting to discourage others from participation, failure to comply with sanctions.

(18) VIOLATION OF LAW & POSES SUBSTANTIAL THREAT

California Code of Regulations - Title 5, Section 41301 (18)

Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.

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.

(19) VIOLATION OF STUDENT CONDUCT PROCEDURES

California Code of Regulations - Title 5, Section 41301 (19)

Violation of the Student Conduct Procedures, including:

1. Falsification, distortion, or misrepresentation of information related to a student discipline matter.
2. Disruption or interference with the orderly progress of a student discipline proceeding.
3. Initiation of a student discipline proceeding in bad faith.
4. Attempting to discourage another from participating in the student discipline matter.
5. Attempting to influence the impartiality of any participant in a student discipline matter.
6. Verbal or physical harassment or intimidation of any participant in a student discipline matter.
7. Failure to comply with the sanction(s) imposed under a student discipline proceeding.

(A) Willful falsification of information on University records, to University officials, or to local government officials,

(B) Possession, manufacture or distribution of false or altered instruments of identification,

(C) Initiating or causing to be initiated any false report, warning or threat.

(D) Violation of Student Org. Code of Conduct procedures:

- (1) Falsification, distortion, or misrepresentation of information related to a discipline matter,
- (2) Disruption or interference with the orderly progress of a student organization discipline proceeding,
- (3) Initiation of a student organization discipline proceeding in bad faith,
- (4) Attempting to discourage another from participating in the student organization discipline matter,

- (5) Attempting to influence the impartiality of any participant in a student organization discipline matter,
- (6) Verbal or physical harassment or intimidation of any participant in a student organization discipline matter,
- (7) Failure to comply with the sanction(s) imposed under a student organization disciplinary proceeding which may result in further disciplinary action and/or additional sanction(s).

(20) AIDING ANOTHER IN POTENTIAL DISCIPLINARY ACTION

California Code of Regulations - Title 5, Section 41301 (20)

Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

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). Student clubs/organizations, who have guests that do not adhere to the standards of conduct, will be seen as encouraging, permitting, and assisting of the guest in violating the Student Code of Conduct.