

Cal State Monterey Bay Recognized Student Organization Code of Conduct (RSOCC)

In accordance with California State University (CSU) [Executive Order 1068](#), Cal State Monterey Bay's president has the responsibility for implementing campus policies, procedures, and/or guidelines for student organizations and activities. This Recognized Student Organization Code of Conduct (RSOCC) is in compliance with [Executive Order 1068](#) and sets forth the Code of Conduct for Cal State Monterey Bay Recognized Student Organizations (RSOs). All campus RSOs are subject to this Code of Conduct.

[This RSOCC complies with all student organization requirements described in Title 5 of the California Code of Regulations, Sections 41500 \(Withholding Recognition\), 41501 \(Definition of Recognition\), 41503 \(Filing Requisites\), and 41504 \(Penalties\); CSU Executive Orders 868 and 1109 regarding Alcohol; CSU Executive Order 1068 \(Student Activities\); and Cal State Monterey Bay Alcohol Policy.](#) 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 is intended to conflict with California Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

Cal State Monterey Bay is committed to maintaining a safe and healthy living and learning environment for students and employees. All campus community members should engage in activities that contribute toward this end. Student organization behavior that is not consistent with the RSOCC is addressed through an educational process that is designed to promote safety and good citizenship, and when necessary, impose appropriate consequences. Recognized Student Organizations (RSO) are subject to all university policies and rules and are responsible for the conduct of their members. Policies and procedures developed by external Greek councils or other external

organizations are managed separately as outlined by their respective organizations and do not preclude action under this RSOCC.

Equal Access

RSOs shall not discriminate on the basis of any protected status, which includes Age, Disability (physical and mental), Gender (or sex, including sex stereotyping), Gender Identity (including transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion (or religious creed), Sexual Orientation, and Veteran or Military Status. The prohibition on membership policies that discriminate on the basis of gender does not apply to social fraternities and sororities.

Member Responsibilities

Members of RSOs are expected to be good citizens and to engage in responsible behaviors that reflect well upon their student organization and the university. Cal State Monterey Bay has established this Code of Conduct to ensure that all student organization officers and members understand and accept responsibility for their actions, and the actions of their members and guests.

Application of This Code

The Office of Student Conduct will exercise jurisdiction over the conduct of all recognized student organizations, including fraternities, sororities, and club sports. Action by this office does not preclude action by one of the independent Greek councils or Associated Students or other external governing bodies. Sanctions for the conduct listed below may be imposed on student organizations found responsible for violating this RSOCC. The Office of Student Conduct uses a preponderance of evidence standard when making determinations regarding violations of this RSOCC in accordance with the policy and procedures set forth in [CSU Executive Order 1098](#). Misconduct by members of student organizations may also subject the members, in their role as a student, to discipline under the CSU Student Code of Conduct. Individual student discipline is addressed elsewhere; this code focuses on discipline against the organization.

Interim Sanctions

The Dean of Students or designee may immediately impose interim sanctions where there is reasonable cause to believe that such an action is required to protect the health, safety, and well-being

of members of the campus community, to protect university resources and property, and/or to ensure the maintenance of order. This may include, but is not limited to: cases involving hazing, incidents involving injury or violence, discrimination, harassment, sexual misconduct, sexual exploitation, domestic violence, dating violence, stalking, retaliation, illegal alcohol or drug activity, or an ongoing pattern of serious violations.

Interim sanctions may include a temporary suspension of official recognition and/or restrictions on specific activities including, but not limited to social probation, participation in campus events, hosting activities, conducting meetings, and recruiting members. Interim sanctions may remain in effect until a final sanction decision has been reached at the discretion of the Dean of Students or designee.

Procedure

The Office of Student Conduct has responsibility for handling all allegations of RSO misconduct on behalf of the university. When this office receives a report or information about a student organization's alleged misconduct, an investigation may occur if warranted (as determined by Student Conduct). The Office of Student Conduct will send the president or chair of the student organization a written letter to schedule an informal conference as well as to notify the president or chair of the charges and the range of potential sanctions. Allegations involving discrimination, harassment, and/or retaliation based on a protected status, or allegations of discrimination, harassment, sexual misconduct, sexual exploitation, dating violence, domestic violence, stalking, and retaliation will be addressed by the Civil Rights & Compliance Office, which is the campus Title IX Coordinator/DHR Administrator in accordance with the policy and procedures set forth in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#).

During the informal conference, the Student Conduct Administrator will meet with the president or chair of the RSO to discuss the allegations and charges, as well as the proposed sanctions. The RSO president or chair may have one advisor of their choice. The RSO charged may elect to be accompanied by an advisor of their choice to any procedural hearing regarding the allegations, subject to the same limitations set forth in Executive Order 1098 Article II. C (pertaining to individual student conduct proceedings). The advisor may not answer questions regarding the subject matter of the proceedings for the RSO charged. Where attorneys are permitted, the RSO charged may elect an attorney as an advisor. However, an advisor is limited to observing, consulting with, and providing

support to the RSO. RSO Code of Conduct matters are not legal processes, and attorneys may not participate directly in the process.

If the RSO is found responsible for misconduct by the Student Conduct Administrator, the Student Conduct Administrator will issue a written notice to the RSO president or chair setting forth the final charges and related sanctions. Outcome letters from the Office of Student Conduct are Administrative Actions and, therefore, are not required to be memorialized in writing by the RSO president or chair. An opportunity to speak into the proposed sanctions will be provided to the RSO president or chair prior to the office Outcome Letter being submitted. The university does not have an appeal process for RSOs.

The RSO president or chair may view their organization's disciplinary file by contacting the Office of Student Conduct. Organization conduct files will not be released during an open investigation. Conduct files may contain the following documents: photographs, supporting documents, memos, police reports, and official letters submitted to the RSO president or chair. Each case is unique, and not all files will contain each of these components. If necessary, the Office of Student Conduct may redact documents to protect any student/witness identities as appropriate. Unless required by law, the university will not release the Student Conduct Administrator's investigation notes. RSO disciplinary files must remain in the Office of Student Conduct and will not be sent to RSO president or chairs via email. These files will remain part of the RSO's record indefinitely.

Unacceptable Student Organization/Member Conduct

The following conduct is unacceptable and may subject the student organization to disciplinary sanctions:

1. **Dishonesty**, including:
 - a. Furnishing false information to a university official, faculty member, CSU students, community members or campus office.
 - b. Forgery, alteration, or misuse of a university document, key, or identification instrument.
 - c. Misrepresenting the organization to be an authorized agent of the university or one of its auxiliaries. Recognized student organizations and their operations are legally separate, independent organizations, do not represent the university, and are not agents of the university.

2. **Unauthorized entry** into, presence in, or use of any facility, property, or equipment owned or operated by the university or a university auxiliary organization, including but not limited to violation of visitation policies of university or university auxiliary owned or operated student residential facilities.
3. **Disruption.** Willful, material, and substantial disruption or obstruction of university operations, university-related activities, university goals and objectives to advance and support the university, or on-campus activities; or sponsoring or encouraging activity that substantially and materially disrupts the operations of the university or that infringes on the rights of members of the university community.
4. **Noise.**
 - a. Violation of municipal noise ordinances.
 - b. Violation of municipal unruly gathering ordinances.
 - c. Excessive noise which disrupts the campus or surrounding community, including violation of campus amplified sound policy.
 - d. Amplified Sound: see the Time, Place, and Manner Addendum
5. **Obstruction.** Willful, material, and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to or from campus property, or an off-campus university authorized activity.
6. **Disorderly Behavior.** Disorderly, lewd, indecent, or obscene behavior at a university-related activity, or directed toward a member of the university community.
7. **Health & Safety.** 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, sexual misconduct, throwing bottles or objects that could result in personal injury, or where three or more members of a student organization engage in group violence or taunt others to engage in violence.
8. **Hazing and Conspiracy to Haze.** Hazing is defined as any method of indoctrination, 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.

9. **Drugs.** Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia (except as expressly permitted by law and university regulation) or the misuse of legal pharmaceutical drugs at an organization-related event or facility.
10. **Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law [and university policy](#)) [or public intoxication while on campus or at a university-related activity \(see Cal State Monterey Bay Alcohol Policy regarding on- and off-campus use, service, sale, and consumption for more detailed information\)](#).
11. **Theft or Misappropriation of University Resources and Property.**
 - a. Theft of property or services from the university community, or misappropriation of university resources. Unauthorized removal of university property from common use areas.
 - b. Possession by the student organization or presence at organization-related activities or facilities of stolen property or university property that has been removed without university authorization.
 - c. Misuse of funds, including RSO, state, and Associated Students (AS) funds.
12. **Property Damage.** Unauthorized destruction, defacement, or damage to university property or other property in the university community, including removal, alteration, or damage to university signs or banners.
13. **Weapons.** Unauthorized possession, use, or misuse of firearms or guns, including weapon replicas, ammunition, explosives, fireworks, knives, tasers, other weapons, or dangerous chemicals at a university-related activity or at a student organization facility, function, or activity.
14. **Misuse of Computers.** Misuse of university computer facilities or resources, including:
 - a. Unauthorized entry into a file, for any purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another's identification of 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.
 - h. Violation of a campus computer policy.
- 15. **Violation of Policies.** Violation of any university policy, rule, regulation, or presidential order.
- 16. **Commercial Purpose.** Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
- 17. **Failure to Comply.** Failure to comply with directions or interference with any university official or any public safety officer while acting in the performance of their duties.
- 18. **Violations of Law.** Any organization-related act chargeable as a violation of 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.
- 19. **Violation of this RSOCC, including:**
 - a. Falsification, distortion, or misrepresentation of information related to a student organization discipline matter.
 - b. Disruption or interference with the orderly progress of a student organization disciplinary matter.
 - c. Attempting to discourage a person from participating in a student organization disciplinary matter.
 - d. Attempting to influence the impartiality of any participant in a student organization disciplinary matter.
 - e. Verbal or physical harassment or intimidation of any participant in a student organization disciplinary matter.
 - f. Failure to comply with the sanction(s) imposed under a student organization disciplinary proceeding.
- 20. **Aiding and Abetting.** Aiding, abetting, encouraging, permitting, or assisting a student or student organization to do any act that would violate a university policy or applicable law or that could subject the student or student organization to discipline.
- 21. **Debts.** Failure of the organization to pay when due debts owed to the university or a university auxiliary organization.
- 22. **Student Organization Events.**
 - a. Failure to comply with event approval conditions imposed by Cal State Monterey Bay Clubs & Organizations or other university offices.

- b. Failure to comply with the policies governing student organization events held on campus or funded by the university or a university auxiliary organization.
 - c. Failure by a fraternity or sorority to comply with the Event Registration Policy.
23. **Use of Cal State Monterey Bay name and logo.** Unauthorized use of Cal State Monterey Bay name, logo, or symbols, or use not in compliance with university policies and authorization.

Sanctions

Student organizations that violate the RSOCC are subject to sanctions. Sanctions may include, but are not limited to, one or more of the following:

1. **Withdrawal of recognition** – includes but is not limited to the student organization being denied use of university facilities, use of the university name, and use of Associated Students facilities and services. Withdrawal of recognition may be permanent, indefinite, or for a specified time.
2. **Suspension** – suspension of some or all privileges granted to the student organization for a specific time. An organization that retains privileges must meet specified conditions or may face removal of all privileges. Suspensions may also be held in abeyance in certain circumstances.
3. **Probation** – places the organization on probation for a period of time during which the organization is expected to demonstrate exemplary compliance with university policies. Probation may include conditions that the organization must meet to be removed from probation. The probationary conditions may specify the sanctions to be imposed should the organization not comply with the term(s) of probation.
4. **Reprimand** – states that the student organization's actions were inappropriate and a warning that future infractions shall not occur.
5. **Restitution/Fines** – compensation for loss, damages, or injury that may include service, monetary, or material replacement.
6. **Educational and remedial sanctions** – orders attendance at education seminars by organization members or requires the organization to prepare presentation(s) to educate others.
7. **Social restrictions** – prohibits the student organization from holding social events for a specific period.
8. **Alcohol restrictions** – prohibits the student organization from having alcoholic beverages present at organization-related activities.

9. **Community service** – orders the organization to perform a specific number of hours of community service to be coordinated and/or approved by the Office of Dean of Students.