

# *STUDENT DISCIPLINE RELATING TO CONDUCT ON STATE UNIVERSITY CAMPUSES*

## *San Jose State University*

Inappropriate conduct by students or by applicants for admission is subject to discipline as provided in Sections 41301 through 41304 of Title 5, Education, California Code of Regulations. These sections are as follows:

### CHAPTER 1, SUBCHAPTER 4, ARTICLE 2

**41301. Expulsion, Suspension and Probation of Students.** Following procedures consonant with due process established pursuant to Section 41304, any student of a campus may be expelled, suspended, placed on probation or given a lesser sanction for one or more of the following causes which must be campus related:

- a. Cheating or plagiarism in connection with an academic program at a campus.
- b. Forgery, alteration or misuse of campus documents, records, or identification or knowingly furnishing false information to a campus.
- c. Misrepresentation of oneself or of an organization to be an agent of a campus.
- d. Obstruction or disruption, on or off campus property, of the campus educational process, administrative process, or other campus function.
- e. Physical abuse on or off campus property of the person or property of any member of the campus community or of members of his or her family or the threat of such physical abuse.
- f. Theft of, or non-accidental damage to, campus property, or property in the possession of, or owned by, a member of the campus community.
- g. Unauthorized entry into, unauthorized use of, or misuse of campus property.
- h. On campus property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes, except when lawfully prescribed pursuant to medical or dental care, or when lawfully permitted for the purpose of research, instruction or analysis.
- i. Knowing possession or use of explosives, dangerous chemicals or deadly weapons on campus property or at a campus function without prior authorization of the campus president.

- j. Engaging in lewd, indecent, or obscene behavior on campus property or at a campus function.
- k. Abusive behavior directed toward, or hazing of, a member of the campus community.
- l. Violation of any order of a campus president, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this Section.
- m. Soliciting or assisting another to do any act which would subject a student to expulsion, suspension or probation pursuant to this Section.
- n. For purposes of this Article, the following terms are defined:
  - 1. The term "member of the campus community" is defined as meaning California State University Trustees, academic, nonacademic and administrative personnel, students, and other persons while such other persons are on campus property or at a campus function.
  - 2. The term "campus property" includes:
    - A. real or personal property in the possession of, or under the control of, the Board of Trustees of The California State University, and
    - B. all campus feeding, retail, or residence facilities whether operated by a campus or by a campus auxiliary organization.
  - 3. The term "deadly weapons" includes any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.
  - 4. The term "behavior" includes conduct and expression.

5. The term "hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the campus community; but the term "hazing" does not include customary athletic events or other similar contests or competitions.
  - o. This Section is not adopted pursuant to Education Code Section 89031.
  - p. Notwithstanding any amendment or repeal pursuant to the resolution by which any provision of this Article is amended, all acts and omissions occurring prior to that effective date shall be subject to the provisions of this Article as in effect immediately prior to such effective date.

**41302. Disposition of Fees: Campus Emergency; Interim Suspension.** The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated in Section 41301. No fees or tuition paid by or for such student for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, quarter, or summer session in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

The President may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the President or designated representative, enter any campus of The California State University other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

**41303. Conduct by Applicants for Admission.** Notwithstanding any provision in this Chapter 1 to the contrary, admission or readmission may be qualified or denied to any person who, while not enrolled as a student, commits acts which, where he enrolled as a student, would be the basis for disciplinary proceedings pursuant to Sections 41301 or 41302. Admission or readmission may be qualified or denied to any person who, while a student, commits acts which are subject to disciplinary action pursuant to Section 41301 or Section 41302. Qualified admission or denial of admission in such cases shall be determined under procedures adopted pursuant to Section 41304.

**41304. Student Disciplinary Procedures for The California State University.** The Chancellor shall prescribe, and may from time to time revise, a code of student disciplinary procedures for The California State University. Subject to other applicable law, this code shall provide for determinations of fact and sanctions to be applied for conduct which is a ground of discipline under Sections 41301 or 41302, and for qualified admission or denial of admission under Section 41303; the authority of the campus President in such matters; conduct related determinations on financial aid eligibility and termination; alternative kinds of proceedings, including proceedings conducted by a Hearing Officer; time limitations; notice; conduct of hearings, including provisions governing evidence, a record, and review; and such other related matters as may be appropriate. The Chancellor shall report to the Board his actions taken under this section.

October, 1991