



**San José State**  
UNIVERSITY

# STUDENT CONDUCT CODE

Office of Student Conduct & 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](http://www.sa.sjsu.edu/student_conduct/index.html)

## TITLE 5

### California Code of Regulations

#### **41301. Standards for Student Conduct.**

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community must choose behaviors that contribute toward this end. Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences.

#### **(a) Student Responsibilities**

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

#### **(b) Unacceptable Student Behaviors**

The following behavior is subject to disciplinary sanctions:

(1) Dishonesty, including:

- (A) Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
- (B) Furnishing false information to a University official, faculty member, or campus office.
- (C) Forgery, alteration, or misuse of a University document, key, or identification instrument.
- (D) Misrepresenting one's self to be an authorized agent of the University or one of its auxiliaries.

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

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

(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.

(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.

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

(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.

(8) Hazing, or conspiracy to haze, as defined in Education Code Sections 32050 and 32051:

"Hazing" includes any method of initiation or pre-initiation into a student organization, or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm, to any student or other person attending any school, community college, college, university or other educational institution in this state; but the term "hazing" does not include customary athletic events or other similar contests or competitions.

A group of students acting together may be considered a 'student organization' for purposes of this section whether or not they are officially recognized. Neither the express or implied consent of a victim of hazing, nor the lack of active participation while hazing is going on 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) 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.

(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.

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

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

(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.

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

(15) Misuse of 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 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.
- (H) Violation of a campus computer use policy.

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

(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.

(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.

(19) Violation of the Student Conduct Procedures, including:

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

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

### **(c) Procedures for Enforcing This Code**

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code.

### **(d) Application of This Code**

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. 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 Article 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.

Note: Authority cited: Sections 66017, 66452, 66600, 69810, 89030 and 89035, Education Code. Reference: Sections 66450, 69813 et seq. and 89030, Education Code.