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CSUMB CATALOG

Student Conduct Code

Article 2. STUDENT CONDUCT

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 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 oneself 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. 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.

(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 of, or interference with, any university official or any public safety officer while acting in the performance of duties.

(18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or wellbeing of members of the university community or to property within the university community, or that 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) 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.

(d) 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.

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.

Enforcement Process

The Judicial Affairs Officer represents the university community's interests during the enforcement process. The Judicial Affairs Officer is empowered to investigate the allegations against the student, to decide whether or not sufficient evidence exists to file a complaint, and to represent CSUMB at the hearing.

The Judicial Affairs Officer and other members of the university community may also work with students to resolve the issues in question before a hearing becomes necessary. Detailed information about student conduct policies and procedures is available on the CSUMB.EDU/judicial website.

Note: *Adopted at the California State University system level and mandated for inclusion in all CSU campus catalogs , gray-colored text applies to all 23 campuses in the system. Black text pertains uniquely to CSUMB.*

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