

The California State University:
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San Bernardino
San Diego
San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

Akbayan Student Organization

Case Creation Date:

- June 22, 2020

Incident Summary:

- *The university president received an email is alleged that substances are part of the AKBAYAN KCAMP.*

Student Organization Code of Conduct Violations:

- (2) Alcohol
 - A copy of the University's Alcohol Policy shall be provided to each student organization president and must be followed. 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. All student organization presidents must sign an agreement to abide by and uphold the University's Alcohol Policy as well as present an alcohol awareness program to their organizations (should be pre-approved by the Prevention Education Program Center) or arrange for an alcohol awareness program approved by the Prevention Education Program Center. Student organizations sponsoring events are responsible for following the appropriate procedures to prevent underage drinking, including providing alternatives to alcohol.
- (08) Failure to Comply
 - (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.
- (14) Hazing
 - Hazing in every form, or conspiracy to haze is prohibited. San José State

University 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 complied 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:

- (K) Peer pressure to engage in activities against the individual's will.

- (18) Risk Management of Events

Sanctions:

- **Organization Disciplinary Probation effective August 19, 2020, through May 19, 2021.** Organizational Disciplinary Probation is a period of time in which the privileges of continuing as an RSO are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which an RSO would otherwise be entitled, and/or the probability of more severe disciplinary sanction if the organization is found to violate the Student Organization Code of Conduct or any University policy during the probationary period. Any conduct-related sanctions related to a violation of Organization Disciplinary Probation shall be determined by the Director of Student Conduct and Ethical Development, or the person's designee, in accordance with University policy governing the student organization Conduct process.
- **Organizational Social Event Restriction is effective from August 19, 2020, through May 19, 2021.** During the Organization Social Event Restriction period, any event or activity that a reasonable person may label as an organization-affiliated or attended function MAY NOT be social in nature and must be SUBSTANCE-FREE. SJSU defines a substance-free environment as a setting that prohibits and lacks the presence of drugs and alcohol, including any legal medicinal and/or recreational drugs recognized by California state law. While SJSU Student Involvement procedures and

expectations must be followed and adhered to when planning, registering, and hosting organizational events, unofficially-recognized gatherings of individuals may also be considered organizational events according to the reasonable person standard.

- **Membership Recruitment Restriction is effective immediately through December 19, 2020.** During the Membership Recruitment Restriction period, the organization shall not be permitted to recruit members, participate in, or host, recruitment activities. The organization must complete all sanctions as outlined by the Office of Student Conduct and Ethical Development, and receive approval from the Director of Student Involvement, or the person's designee, prior to resuming membership recruitment activities.
- **Mentorship Program Restriction effective immediately through December 19, 2020.** During the Mentorship Program Restriction period, the organization shall not be permitted to host or participate in any mentorship program activities (e.g. KAMP).
- **Redevelopment and Review of Mentorship Program by December 19, 2020.** Prior to the end of the Mentorship Program Restriction, organizational leadership must meet with the Director of Student Involvement, or the person's designee, to redevelop a University-approved mentorship program. The organization shall not be permitted to host, or participate in, any activities related to any mentorship program without approval from the Director of Student Involvement, or the person's designee.
- **Responsible Leadership Course by December 19, 2020.** The organization will participate in an online course addressing topics related to responsible leadership (e.g. risk reduction, mentorship, power dynamics, etc.). This course will be facilitated by Student Involvement. Contact Student Involvement during the fall 2020 academic semester for instructions on how to register for this course. Failure to complete this course will extend Membership Program Restriction past December 19, 2020.
- **Title IX / Conduct Workshop by May 20, 2021.** The organization is required to participate in this workshop. This workshop will be facilitated by the Title IX office at SJSU. Please work with Student Involvement and the Office of Student Conduct and Ethical Development to schedule this workshop with Title IX. Your organization must complete the workshop by May 20, 2021.
- **Monthly Meeting with the Director of Student Involvement, or the person's designee through May 19, 2021.** The organization's cabinet is required to attend a monthly check-in meeting with the Director of Student Involvement, or the person's designee, to discuss organization activities and to establish an organization redevelopment plan (see attached document for reference).