

# Disciplinary Procedures for Officially Recognized Clubs or Organizations at CSULB

## **I. Introduction**

When a student joins, or is in the process of joining a student club or organization, he or she, in addition to the obligations, benefits, and privileges of membership accepts responsibility for the actions of the club or organization, and for the other members while engaged in club or organizational endeavors.

Each officially recognized club or organization is responsible for the conduct of its members whenever individual actions are abetted by the officially recognized club or organization, and are in violation of the California Administrative Code, and/or University policy, and/or State/Federal/Local laws or ordinances. Abetting is defined, but not limited to, club/organization sponsorship, sanctioning, participating in or condoning of the event(s).

Clubs or organizations officially recognized by the University are responsible for complying with all regulations of the University, and applicable laws.

CSULB's officially recognized clubs and organizations, and related members and persons, cannot claim as a defense ignorance of these Disciplinary Procedures. Copies of these procedures are available in the Office of Student Life and Development, University Student Union, room 206A, and on the Internet at <http://www.csulb.edu/divisions/students/jaindex.html>. It is the responsibility of all student clubs and organizations to become familiar with, and abide by University regulations and policies as well as applicable laws. It is further the responsibility of student club and organization officers to ensure that all members and prospective members are so informed.

## **II. Jurisdiction**

These Guidelines cover any and all violations occurring: A) on property defined in *Campus Regulations*; or B) Any violations on off-campus property if that behavior: (1) occurred as part of a campus-related or recognized event; (2) adversely affects the health and safety of members of the campus community at large; (3) is sufficiently severe or pervasive; (4) harms University property; or (5) thwarts or interferes with the mission of the University. CSULB retains the final right to determine whether the violation in question warrants adjudication under these procedures. In some cases, the matter may be referred to another forum or may be heard in more than one forum; a matter being heard in another forum may be heard simultaneously with these procedures. Any officially recognized club or organization accused of violating these Guidelines or any other provisions or regulations of the University, at another CSU Campus, shall be subject to having that matter heard by CSULB, under these procedures.

### III. Administrative Proceedings for Violations by an Officially Recognized Club or Organization

The Associate Vice President for Student Services/Dean of Students (hereafter referred to as the Dean of Students) is the designee of the Vice President of Student Services, and has been delegated authority and responsibility to fairly and expeditiously monitor the administration of these procedures, and to mete out sanctions for violations by a club or organization under these procedures. The Dean of Students may designate the Assistant Director of Judicial Affairs or in the event of an absence or other unavailability, may designate another member of the Dean's professional staff to investigate and adjudicate complaints against student clubs and organization officially recognized by the University.

California State University, Long Beach may impose sanctions for violation of, or an attempt to violate any campus regulation, rule or policy; city ordinance or local, state or federal law, including those noted or outlined in these guidelines. Although not an exhaustive list, the reader's attention is especially invited to the following types of conduct which are specifically prohibited:

- A. Any violation of University rules or regulations (see: "CSULB REGS. – Regulations for Campus Activities: Student Organizations and the University Community", available in the Office of Student Life and Development, or the Office of Judicial Affairs.)
- B. Any violation of the University "Code of Conduct for Fraternities and Sororities", available in the Office of Student Life and Development (University Student Union 206A, or the Office of Judicial Affairs - Brotman Hall 377).
- C. Any violation of municipal ordinances, or local, state or federal law.

To ensure that "due process" is afforded to an officially recognized club or organization, the following procedure shall be adhered to in considering sanctions:

- A. A member of the campus community, university police or a person outside the campus community can initiate an allegation of misconduct against a CSULB recognized club or organization. Allegations of misconduct and/or non-compliance with university policy or laws shall normally be brought to the attention of the University Judicial Affairs Office via the Assistant Director for Judicial Affairs whose office is in the University Student Union, Room 208 and phone number is (562) 985-7501. This notification must be in writing, signed and dated and should generally include sufficient detail if known (i.e.: name of the complainant, date, time and place of the incident, names of people involved, description of events and circumstances, and names of witnesses.) Only in the most extraordinary and immediate circumstances will the University consider proceeding without a written complaint. Since a copy of the complaint may be available to the accused, it is suggested that the complainant provide his or her address and telephone number on a separate sheet of paper with the complaint.
- B. Normally, the Assistant Director of Judicial Affairs shall inform the officially recognized club or organization of the allegations within ten (10) working days following receipt of the written allegations.

- C. The Assistant Director of Judicial Affairs shall meet either in person or telephonically with the leadership of the officially recognized club or organization, the complainant, and witnesses. The meeting is designed to determine facts, gather information and informally resolve the matter.
- D. The Assistant Director of Judicial Affairs shall investigate the allegations, and where appropriate, institute sanctions. The Assistant Director of Judicial Affairs will use “preponderance of the evidence” (more likely than not) as his or her standard of proof. This standard of proof requires that facts and evidence supporting the complaint are more likely than not.
- E. The officially recognized club or organization shall be informed by the Assistant Director of Judicial Affairs of the closure, and where instituted of the nature and scope of the sanctions involved.

#### **IV. Sanctions Applied to Officially Recognized Clubs or Organizations**

In the event that a club or organization has committed a violation under these procedures, the club or organization and individuals within the club or organization shall be subject to one or more of the following sanctions:

- A. Official reprimand (written or oral) (with or without conditions).
- B. Restriction of privileges granted to the club/organization.
- C. Restitution, community service, educational sanctions, or any combination of these.
- D. Probation for a specified period of time, with or without conditions.
- E. Suspension of University recognition for a specified period of time, with or without conditions.
- F. Total revocation of University recognition (e.g. the club or organization loses all privileges associated with University recognition).
- G. Any sanctions that are listed under *Article VI. SANCTIONS* within the *Chancellor’s Executive Order NO. 628 (or it’s successor) “Student Disciplinary Procedures for the California State University”* that can be applied to individual students can also be applied, after due process, to members of a violating officially recognized club or organization.

#### **V. Appeals**

- A. Upon notification to the officially recognized club or organization of the decision made by the Assistant Director of Judicial Affairs, the officially recognized club or organization may exercise its rights to appeal the determination of the Assistant Director of Judicial Affairs. This appeal shall be in writing to the Dean of Students within five (5) working days of receipt of the written decision from the Assistant Director of Judicial Affairs. All sanctions are normally suspended during the period of appeal. The decision of the Assistant Director of Judicial Affairs shall be deemed delivered 5 days after the date of the closing letter, when properly addressed and mailed, postage prepaid, to the last address officially on file with the University.

- B. The Dean of Students will only consider appeals from the officially recognized club or organization charged in a case. (Individuals charged with wrongdoing under Executive Order 628 are subject to the process contained therein.) The appeal must be based on one or more of the following:
- 1) New evidence that was not available at the time the Assistant Director of Judicial Affairs rendered a decision.
  - 2) The sanction is not supported by evidence for the determined violation.
  - 3) The Assistant Director for Judicial Affairs substantially deviated from the procedures delineated in these Disciplinary Procedures.
- C. The Dean of Students shall base his or her decision upon:
- 1) The report submitted by the Assistant Director of Judicial Affairs; and
  - 2) Any written appeal regarding the officially recognized club or organization submitted by the officially recognized club or organization; and
  - 3) Counsel solicited from the Assistant Director of Judicial Affairs regarding sanctions imposed in similar cases, and any previous cases of misconduct by the club/organization charged on file with the University; and
  - 4) Such other factors as the Dean of Students shall deem fair and just.
- D. The Dean of Students may seek to verify or elucidate any statement of fact contained in, or received from anyone who may be involved in the matter. The Dean may use any resources to inform himself or herself as to any point of law, procedure or fact related to the case, and may consult any person reasonably expected to have knowledge of any such matters.
- E. At any point in the appeals process, if the Dean of Students deems it necessary or desirable, he or she may meet and discuss the case with the student leaders or advisors of the officially recognized club or organization, witnesses, or the complainant.
- F. Either in the interest of fairness to the officially recognized club or organization charged or in the protection of the integrity of the disciplinary process, the Dean of Students may consider at any point in the process, substantial failure by any party to abide by the Disciplinary Procedures. This consideration may extend, but is not limited, to a decision to dismiss all, or a portion of the charges, or refer back to the Assistant Director of Judicial Affairs for further findings or re-consideration.

## **VI. Notification of Decision on Appeal**

Written notification of the Dean of Students' decision on appeal shall be delivered to the officially recognized club or organization charged. The Dean of Students may decide and modify upward or downward, one or more of the sanctions contained in the decision of the Assistant Director of Judicial Affairs. The Dean of Students is not limited to those sanctions imposed by the Assistant Director of Judicial Affairs. The result may be an increase in the student club's or organization's degree of sanction, or a change in or an addition or deletion to any one or more of the actual terms and conditions of closure.

The decision of the Dean of Students shall be considered "final".

## **VII. Discipline Records**

These discipline records will be filed in the Dean of Student's office. The club or organization directly involved or accused may request a copy of the file.

## **VIII. Amendments**

These procedures may be amended upon notifying all clubs and organizations 30 days in advance of the amended change taking effect.

These procedures shall become effective on January 28, 2002.