

A. STANDARDS OF CONDUCT FOR STUDENTS

Admission to a campus of the California State University carries with it the assumption of a sense of responsibility for the welfare of the community. Also assumed are the obligations on the part of each individual to respect the rights of others and to protect the Academy as a forum for the free expression of ideas. Therefore, conduct, which violates California State University and/or The California Maritime Academy policy, is considered a detriment to the learning environment and the members of the Academy. Conduct in violation of the offenses listed shall be punishable by expulsion, suspension, probation or other sanctions as outlined in Section 3.A.(2).

(1) STUDENT AUTHORITY FOR STATUTORY DISCIPLINE

The Trustees of the California State University are authorized to establish student disciplinary rules pursuant to Education Code 66300. Section 60017 provides specific authorization for the Trustees to establish procedures to take disciplinary action against students for willfully disrupting the orderly operation of the campus. The statute also authorizes immediate suspension where necessary in order to protect lives or property and to ensure the maintenance of order. Education Code Section 69810, et seq. govern the forfeiture of state aid to students based on either conviction of a public offense or a campus student disciplinary determination that the student willfully and knowingly disrupted the peaceful conduct of the activities of a campus.

(2) CAUSES FOR DISCIPLINARY ACTION

- (a) Cheating or plagiarism or other forms of academic dishonesty in connection with an academic program are intended to gain unfair academic advantage.
- (b) Forgery, alteration or misuse of campus documents, records, or identification, or knowingly furnishing false information to a campus authority.
- (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 any member of the campus administrative process, or other campus function.
- (e) Conduct that threatens or endangers the health and safety on or off campus of any person or property within or related to the University community or of members of his or her family, including physical abuse, threats, intimidation, harassment, or sexual misconduct. For additional information refer to Section 6.K.
- (f) Theft of, misappropriation of university resources, 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 or off campus property, the use, sale, manufacturing, distribution of illegal drugs – related paraphernalia or misuse of legal pharmaceutical drugs except as expressly permitted by law and University regulations.
- (i) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals without prior authorization of the campus president on campus or at a university related activity.
- (j) Engaging in disorderly, lewd, indecent, or obscene behavior at a University related activity (on or off campus), or directed toward a member of the University community.
- (k) Abusive behavior directed toward, or hazing of, or conspiracy to haze, a member of the campus community.
- (l) Violation of any order of the 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) Misuse of computer facilities or recourses, including:
 - (1) Unauthorized entry into a file, for any purpose
 - (2) Unauthorized transfer of a file
 - (3) Use of another's identification or password

- (4) Use of computer facilities, campus network, or other resources to interfere with the work of another member of the University community
- (5) Use of computing facilities and resources to send obscene or intimidating and abusive messages
- (6) Use of computer facilities and resources to interfere with the normal University operations
- (7) Use of computer facilities and resources in violation of copy write laws
- (8) Violation of a campus computer use policy. For further information, please refer to Section 6.D.
- (o) 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 event.
- (p) Unauthorized recording, dissemination, or publication of academic presentations (includes handwritten notes) for a commercial purpose.
- (q) Failure to comply with directions, or interference with, any university official or any public safety officer while acting in the performance of his/her duties.
- (r) Any act chargeable as a violation of 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 possess a significant threat of disruption or interference with University operations.
- (s) Violation of the Student Conduct Procedures, including:
 - (1) Falsification, distortion, or misrepresentation of information related to a student discipline matter.
 - (2) Disruption or interference with the orderly progress of a student discipline proceeding.
 - (3) Initiation of a student discipline proceeding in bad faith.
 - (4) Attempting to discourage another from participating in the student discipline matter.
 - (5) Attempting to influence the impartiality of any participant in a student disciplining matter.
 - (6) Verbal or physical harassment or intimidation of any participant in a student disciplinary matter.
 - (7) Failure to comply with the sanction(s) imposed under a student discipline proceeding.
- (t) Encouraging, permitting or assisting another to do any act that could subject him or her to discipline.
- (u) By Order of the President of The California Maritime Academy, the following conduct is also prohibited -
 - (1) Violation of CMA Policy on Use of Alcoholic Beverages, including unauthorized possession, use, manufacturing, distribution of alcoholic beverages, public intoxication while on campus, at a University related activity or aboard the Training Ship or any other craft owned, operated or otherwise in the custody of The California Maritime Academy. Furnishing alcohol to any student less than 21 years of age.
CMA will impose disciplinary sanctions against any individual, group, or entity for violating this policy. Sanctions may range from a warning to dismissal from the Academy or loss of organizational status, depending on the nature of the violation and circumstances, and may also include referral to law enforcement agencies for prosecution.
 - (a) Persons who unlawfully furnish alcoholic beverages to others who are not of legal drinking age must be liable for personal injuries or property damages resulting from misconduct committed by the underage person.
 - (b) For health and safety reasons, it is in the best interests of an intoxicated student in an impaired condition to be brought immediately to the attention of campus staff or medical personnel.
 - (c) No student will be subject to formal discipline for intoxication on campus if, at the time of disclosure to Academy staff, the student was seeking medical care or was referred for such care by another Cadet/s, provided the other Cadet/s remain with the student while medical help is summoned..
 - (d) Alcohol-related incidents and offenses are categorized as follows:
 - (i) Tier I Offenses –Alcohol-Related Incident (not a violation of CMA Alcohol Policy), recommended to be adjudicated by CRB, include:
 - Possession of alcohol related paraphernalia i.e. (Beer can/bottle collection or shot glass collection on display, etc.). (First offense)
 - (ii) Tier II Offenses – Alcohol Offense (a violation of CMA Alcohol Policy), recommended to be adjudicated by CRB, include:
 - Subsequent offense from above Tier I Offenses.
 - Under age cadets engaging in alcohol use. (First offense)
 - In a campus space where alcohol is present. (First offense)

- Consuming alcohol in the residence halls with no other conduct associated offenses. (First offense)
- (iii) Tier III Offense – Alcohol Offense (a violation of CMA Alcohol Policy), recommended to be adjudicated by DRIC, include:
- Subsequent offense from above Tier II Offenses.
 - Knowingly engaging underage use of alcohol (if cadet is 21 + years of age). (First offense)
 - Consuming alcohol in the residence halls with other conduct associated offenses.
 - Violence/sexual assault resulting from alcohol use.
 - Inappropriate behavior or conduct as a result of alcohol intoxication.
- (2) Violation of CMA Drug Testing Policy and Procedures, including failure to pass a drug or alcohol test, refusal to test, or specimen adulteration. For additional information, please refer to Section 6.B.
- (3) Failure of the Academy Professional Development Training Program by exceeding the Academy demerit limit by accumulating more than 75 demerits in a given semester, or 125 demerits in an academic year, or a totally of 350 demerit during the academic career of any student.
- (4) Violation of the Student Housing License Agreement by on campus residents. Refer to Chapter 5 - Residential Life.
- (5) Any policy of the campus duly promulgated within the Student Handbook, Academic Catalog, or Policy Manual.
- (v) For purposes of this article, the following terms are defined:
- (1) **“Campus”** and **“university”** are used interchangeably and both mean the California State University.
- (2) **“Member of the university community”** means California State University trustees, employees, students, and university guests who are on university property or at a university related activity.
- (3) **“Sexual misconduct”** means any non-consensual sexual intercourse, sexual assault, sexual exploitation, indecent exposure, or attempt to commit any of these acts.
- (4) **“Student Conduct Code”** means Section 41301 of Title 5 of the California Code of Regulations.
- (5) **“University official”** means any person employed by a campus, performing administrative or professional duties.
- (6) **“University property”** means:
- (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 facilities whether utilized by the university or a campus auxiliary organization.
- (7) **“University related activity”** means any sponsored by, coordinated with, or directly affecting the university’s regular functions.
- (8) **“Working day”** means any day of the academic year, summer session or special session, other than a Saturday, Sunday, or academic holiday as that term is defined in Section 42800 of Title 5 of the California Code of Regulations.
- (9) **“Crime of violence”** includes arson, assault offenses, burglary, criminal homicide (manslaughter by negligence), criminal homicide (murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible and non-forcible sex offenses.
- (10) **“Deadly weapon”** means any instrument or weapon of the kind commonly known as blackjack, sling shot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, and knife having a blade longer then five inches, and razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.
- (11) **“Behavior”** includes conduct and expression.
- (12) **“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 perspective 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 perspective 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, or 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.

(3) ORGANIZATION AND JURISDICTION OF HEARING OFFICERS AND BOARDS

(a) AUTHORITY OF THE PRESIDENT

The President of the Academy is responsible for student discipline, including the implementation of these procedures and any action taken under this authority. The functions of the President may be delegated to individual designees who are members of the faculty and staff of the Academy, and who shall exercise those functions in the President's names. All references in these procedures to the President include such designees.

- (1) The President of the Academy shall annually appoint faculty and staff to the hearing and appeals boards defined below.
- (2) During periods of campus emergency, as determined by the President of the Academy, the President may 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.
- (3) The duties of the President in these proceedings may be delegated to another campus official.

(b) STUDENT CONDUCT ADMINISTRATOR

- (1) Appointment. The Student Conduct Administrator shall be appointed by the Director, Marine Program and Leadership Development.
- (2) Decision to Initiate Disciplinary Action. The Student Conduct Administrator shall make the decision as to whether disciplinary action shall be taken on all violations of Section 3.A.(2) of the Standards of Conduct for Students.
- (3) Notification of Victims of Sexual Assault or Physical Abuse. The Student Conduct Administrator may notify alleged victims of sexual assault or physical abuse of the results of and disciplinary action taken within three (3) working days following that disciplinary action (Education Code Section 67143).
- (4) Notification of Victims of Crime of Violence. The Student Conduct Administrator may notify alleged victims of a crime of violence of the results of any disciplinary action taken.

(c) STUDENT CONDUCT FACILITATOR

- (1) Appointment. The Student Conduct Facilitator shall be appointed by the Director, Marine Program and Leadership Development.
- (2) Decision to Initiate Disciplinary Action. The Student Conduct Facilitator shall make the decision as to whether disciplinary action shall be taken on all other violations.
- (3) Scheduling of Hearings. The Student Conduct Facilitator shall make the physical and scheduling arrangements for hearings held under these procedures.
- (4) Campus Representative. The Student Conduct Facilitator shall represent the campus in all hearings.
- (5) The Student Conduct Facilitator shall meet with the charged students to assure they understand the procedures of the conduct system and their rights within the system.
- (6) The Student Conduct Facilitator shall track the students' conduct records providing regular reports to the Student Conduct Administrator.
- (7) The Student Conduct Facilitator shall assign and supervise extra duty requirements.

(d) HEARING BOARDS

- (1) Discipline Review and Investigating Committee (DRIC) has jurisdiction over all violations of the Standards of Conduct for Students and can impose disciplinary sanctions. The DRIC consists