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## **Alpha Tau Omega Fraternity**

### **Case Creation Date:**

- September 10, 2023

### **Incident Summary:**

- *On September 10, 2023, the University received information about hazing involving items such as forced alcohol consumption, acts of servitude, and more, as well as actively violating a previous Cease & Desist Order. An investigation into the incident found the following:*
  - *Underage alcohol and drug use at the chapter facility & within the pledging process either formally or informally.*
  - *At least two active members telling pledges what to say or not say in the Fall 2022 investigation process.*
  - *Active members require pledges to complete activities to gather signatures.*

### **Student Organization Code of Conduct Violations:**

- (02) 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.
- (07) Endangerment
  - Reckless or intentional acts which endanger the welfare of group members or

others as well as compromising the security measures of the campus.

- (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.
- (06) Drugs
  - (A) 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.
  - (B) Sponsoring/hosting an activity at which substances noted above are used.
- (23) Disruption or Interference
  - (B) Disruption or interference with the orderly progress of a student organization discipline proceeding.

#### **Sanctions:**

- **Extended Organization Disciplinary Probation/Deferred Suspension until December 31, 2024.**

Disciplinary Probation is a period of time in which the privileges of continuing as a RSO are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a 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.

- **Development and review of an organizational New Member Plan prior to beginning New Member activities.**

Members of the organization must meet with the Director of Student Involvement, or the person's designee, to develop a University-approved new member plan prior to beginning any new member recruitment processes. Additionally, the governing leadership of the organization (e.g., national or regional executive board) must be informed and approve of the new member plan prior to its enactment. The organization shall not be permitted to conduct new member recruitment activities (e.g., canvassing, tabling, hosting or participating in recruitment events, etc.) until receiving written permission from the Director of Student Involvement, or the person's designee.

- **Substance-Free Organization Event Restriction through Completion of Alcohol Education & Risk Management Presentation (from Fall 2022 outcome).**

During the Substance Free Organization Event Restriction period, any event or activity that a reasonable person may label as an organization-affiliated or attended function 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.

- **Anti-Hazing Presentation until December 31, 2023.**

90% of your membership must participate in an in-person training about hazing. Completion is expected from all members to serve as a way to educate the entire organization, including pledges, about hazing. Failure to complete this course by the deadline will result in a suspension of new member and recruitment activities.

- **Substance Use Education Prior to Social Events.**

90% of your membership must participate in an in-person training about substance use. Completion is expected from all members to serve as a way to educate the entire organization, including pledges, about safe substance use. Failure to complete this course by the deadline will result in a suspension of social activities.

- **Continued Cease and Desist Order until the end of the Student Conduct appeal process or accepting of the proposed sanctions.**

A Cease and Desist Order stipulates that the organization is restricted from conducting and/or participating in organized or community activities. This includes, but is not limited to, participating in or hosting social events, philanthropy, fundraisers, service activities, and/or meetings of any kind. While active, a Cease and Desist Order requires that any organization-related communication involving active members and pledges/new members must be limited to the distribution and clarification of conduct-related sanctions. Communication includes, but is not limited to, in-person meetings, email, SMS messages, and social media. A violation of a cease and desist directive may lead to more severe university sanctions that could, among other sanctions, include the organization's permanent withdrawal of recognition from the institution.

