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Delta Sigma Phi Fraternity

Case Creation Date:

- October 12, 2022

Incident Summary:

- *It was reported to us that on or about the 9th of September, Delta Sigma Phi Fraternity hosted a social event at which there were violations of the SJSU Student Org Code of Conduct, including but not limited to the sections on alcohol and hazing.*

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.
- (8) 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.
- (17) Pledging and New Member Intake
 - Student organizations that are not in compliance with pledging/new-member education requirements as outlined in their local and national constitutions

and/or by-laws.

- (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 nor 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."

Sanctions:

As a result of the Conference, San José State University resolved the student organization is not responsible for these particular violations of the Student Organization Code of Conduct; therefore, no disciplinary action will be taken by Student Conduct and Ethical Development on these charges. The cease and desist order placed on Sept 1st, 2022 has also been lifted.