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San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

Sigma Nu Fraternity

Case Creation Date:

- November 12, 2019

Incident Summary:

- 2019067101: At least four incidents reported of "pranks" by new members of Sigma Nu on October 8 & 9, 2019 in the SRCA, Student Union and an off-campus restaurant.
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- 2019156001: On October 12, 2019, when the organization had halted new member activities by headquarters, the chapter hosted a new member event with exotic dancers that resulted in university police investigation.
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- 2019088501: On November 12, 2019 the university received information about issues with the Fall 2019 candidate process. The university collaboratively investigated the incidents with Sigma Nu Headquarters and determined the following as cited in the Disciplinary Show Cause letter dated January 24, 2020: Underage alcohol consumption permitted during candidate activities. Apparent lack of cooperation by members during the interviews conducted by the General Fraternity. Purchasing exotic dancers for "Big Brother Reveal" (referenced above in case 2019156001) Personal servitude. Verbal harassment and ridicule Inequitable and required driving duties as part of the candidate program. Creating situations that impose mental anguish on the candidates. Activities designed to create embarrassment, harassment and/or ridicule. Excessive and inequitable cleaning responsibilities
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- 2019113501: On December 11, 2019 Student Involvement and University Housing staff received information about candidates carrying planks and fish.
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- 2019148101: On January 30, 2020 Sigma Nu violated the university Cease & Desist by having both active and new members attend a birthday party hosted at Flames Restaurant.

Student Organization Code of Conduct Violations:

- (1) Aiding and Abetting
 - (B) A student organization aiding and abetting another person or group in

violation of a University policy or procedure or local, state, or federal law,
(C) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

- (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,

- (10) Falsification of Information

- (A) Willful falsification of information on University records, to University officials, or to local government officials.

- (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 meets this criterion; accordingly, they are considered forms of hazing:

- (I) Requiring individuals to perform any act(s) which are construed to be humiliating or degrading in nature, (K) Peer pressure to engage in activities against the individual’s will,
- (L) Carrying or wearing any item(s) setting pledges/new members apart from the members. It is acceptable for new members to wear a pledge pin; however, it should be noted that members also have membership badges/pins that should be worn simultaneously,
- (M) Forced servitude such as shining shoes or boots; cleaning rooms, apartments, houses, cars, etc.; washing clothes or dishes; running personal errands; or other services or duties not normally shared by initiated members; requiring individuals to purchase items or services for other members,
- (N) Requiring activities that are prohibited by law or University policy or procedure, such as trespassing, stealing of any item(s), including personal effects or organizational property (banners, composites, food, paddles, etc.); stealing of any item(s) for scavenger hunts; kidnapping; lewd, obscene, threatening, intimidating, or harassing behavior,
- (O) Requiring activities that interfere with academic studies, assignments, or classes such as awakening individuals in the night for organizational activities, interfering with normal sleep or study schedules, food or sleep deprivation; requiring “take home” assignments that interfere with academic work; serenading or addressing houses/apartments. At no time may a group violate the City noise ordinance.

- (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.
- (23) Violation of Student Organization Conduct Procedures and Sanctions including:
 - (A) Falsification, distortion, or misrepresentation of information related to a discipline matter,
 - (B) Disruption or interference with the orderly progress of a student organization discipline proceeding,
 - (D) Attempting to discourage another from participating in the student organization discipline matter,
 - (E) Attempting to influence the impartiality of any participant in a student organization discipline matter,
 - (F) Verbal or physical harassment or intimidation of any participant in a

student organization discipline matter, **Sanctions:**

Sanctions:

- **Suspension as a SJSU Recognized Student Organization (RSO) effective July 2, 2020 through July 1, 2023.** This sanction stipulates that Sigma Nu will not be permitted to register and/or function as a student organization during the aforementioned time period. Evidence suggesting the active functioning of the organization, or anyone acting on behalf of the organization, in relation to the SJSU community during the period of University suspension may result in the review of the organization's status with the University. Violation of terms of Organization Suspension may thus result in additional university-imposed sanctions that may include, but not be limited to, extended suspension and/or permanent withdrawal of recognition. Any Conduct-related sanctions related to a violation of Organization Suspension shall be determined by the Director of Student Conduct and Ethical Development, or the person's designee, in accordance to University policy governing the student organization Conduct process. Headquarters has shared that no current roster members will be involved in re-chartering efforts. Should any members on the current roster be involved in the organization upon return to campus, the organization will then be placed on Organization Disciplinary Probation effective for one-year (1) following registration as a SJSU Recognized Student Organization (RSO).
- **Adhere to any and all terms from Headquarters & High Council's Decision.**
- **Development and review of an organizational New Member Plan prior to beginning recruitment activities.** Upon being re-recognized as a SJSU Recognized Student Organization (RSO), members of the organization must meet with the Director of Student Involvement, or the person's designee, to develop a Universityapproved 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 planprior 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.
- **Anti-Hazing Workshop for Organization Members.** Following registration as a SJSU Recognized Student Organization (RSO), and prior to the start of any new member recruitment processes, all registered organization members must meet with the Director of Student Involvement, or the person's designee, to complete an educational anti-hazing workshop that details: (a) the SJSU definition of hazing; (b) the organization's alleged Conduct-related violations of university hazing policy; (c) University expectations concerning anti-hazing behaviors; (d) discussion of the organization's university-approved new member recruitment process; (e) the possible methods for reporting an alleged violation of the University hazing policy; and (f) the possible consequences of violation of the University hazing policy.

- **Monthly Meeting with the Director of Student Involvement, or the person's designee, throughout the Fall and Spring academic terms while the organization re-charters.** The president of the organization is required to attend a monthly checkin 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)