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August 19, 2019

PD 2019-02

To: Campus Community

From: Mary A. Papazian, President



Subject: Presidential Directive 2019-02, Executive Order No. 1098,
Student Conduct Procedures (Supersedes: Presidential
Directive 2009-04)

In accordance with California State University [Executive Order 1098](#), I have assigned responsibility for administration of EO 1098, Student Disciplinary Procedures, to the Office of Student Conduct and Ethical Development in the Division of Student Affairs. The student conduct administrators in the Office of Student Conduct and Ethical Development will be responsible for determining whether to initiate disciplinary action for alleged violations to the Student Conduct Code and performing duties as prescribed in the Executive Order procedures.

The student conduct administrator will investigate complaints of suspected violations of the Student Conduct Code. Should it be determined that a violation has occurred, a conference will be held with the student to respond to the allegations. If an agreement is reached as to an appropriate disposition, the matter will be closed. If an agreement is not reached, the student may request a closed hearing with a hearing officer appointed by the president to determine whether formal disciplinary action is appropriate and/or to determine appropriate sanctions. The hearing is intended to be educational rather than adversarial. The hearing officer will make a decision based on information presented during the hearing and present a recommendation to the Vice President of Student Affairs, who then makes the final decision.

The student conduct administrator and the Vice President for Student Affairs are the only university personnel authorized to impose administrative sanctions for violations of the Student Conduct Code in accordance with Executive Order No. 1098.

Faculty members are authorized to impose academic sanctions for academic integrity violations. For more information, please see SJSU's Academic Integrity Policy (F15-7) available on the Academic Senate website.

Each campus president determines whether it is appropriate for attorneys to be present in all or some proceedings. San José State University does not permit attorneys to be present in any proceeding, which applies to both the student charged and the campus. Both the student and campus can consult attorneys outside of the actual proceedings. During the conference and hearing, the student and student conduct administrator may have an advisor, who is not an attorney, present.

Further information can be found in the attachment below. Questions regarding Executive Order No. 1098 may be directed to the Office of Student Conduct and Ethical Development at (408) 924-5985.

Attachment for Presidential Directive 2019-02

Introduction

San José State University is committed to ensuring a safe learning and living environment for students, faculty, and staff. The privilege of attending San José State University is accompanied by certain responsibilities to ensure this environment. The California Code of Regulations, Title 5, Section 41301 establishes behavioral expectations of our students to promote safety and good citizenship. The California State University issued Executive Order No. 1098, named Student Conduct Procedures, on March 29, 2019 to outline procedures for administering the Student Conduct Code as well as ensuring students' rights to due process. Executive Order No. 1098 Revised March 29, 2019 supersedes Executive Order 1098 (Revised June 23, 2015). The process is intended to be educational in nature, and appropriate sanctions may be administered.

Purpose

It is the purpose of this Presidential Directive to assure that San José State University complies with the California Code of Regulations, Title 5, Section 41301 and California State University Executive Order No. 1098 Revised March 29, 2019 and to set forth how the Student Conduct Code is administered at San José State University.

Policy and Implementation

At San José State University the responsibility for administering the Student Conduct Code resides with the Director of Student Conduct and Ethical Development in the Division of Student Affairs. This position is responsible for carrying out the duties in Executive Order No. 1098 Revised March 29, 2019 assigned to the Student Conduct Administrator, including the determination of whether to initiate disciplinary action.

The use of attorneys is not permitted in student conduct proceedings at San José State University except, in specific circumstances outlined in Executive Order No. 1098. This includes the informal conferences as well as formal disciplinary hearings.

In cases involving Discrimination, Harassment and Retaliation based on Gender, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking, the Complainant may elect to have a Sexual Assault Victim's Advocate or an attorney as an Advisor. Likewise, in such matters, the Student charged may elect to have an attorney as an Advisor. Furthermore, attorneys may attend hearings as Advisors: (a) where there are pending criminal (felony) charges arising out of the same facts that are the subject of the disciplinary proceeding; or (b) where the recommended sanction is expulsion.

The duties of the president in Executive Order No. 1098 are delegated to the Vice President for Student Affairs, including the appointment of hearing officers (Article III), review of final reports of hearing officers and issuing notice of the final decision (Article IV, Sections 5 and 6), and the imposition of interim suspension (Article VI).