

CURRENTLY USED BY ATHLETICS

California State University, Fresno Department of Athletics Student-Athlete Code of Conduct

Introduction

Membership on an intercollegiate athletic team at California State University, Fresno is considered a privilege. As team members, student-athletes represent themselves, their sport team, the Athletics Department and University. To maintain this membership, student-athletes are expected to demonstrate good sportsmanship, honesty, integrity and respect for others, as well as abide by University policies, Athletics Department regulations and team rules, the rules and policies of the National Collegiate Athletic Association (NCAA) and the Mountain West Conference (MWC), and city, county, state and federal laws.

The Student-Athlete Code of Conduct is an Athletics Department policy developed in consult with, endorsed and monitored by the Athletics Advisory Council, and approved by the President. This Code supplements, but does not supersede, university policies and procedures for the entire student body. It applies to all student-athletes, including those who are not actively competing in their sport. This Code is intended to reinforce and develop student-athletes who are responsible citizens. It is also intended to optimize the achievement of student-athletes at both academic and athletic pursuits.. These standards and expectations apply at all times -- both on and off the playing field, on campus and off. The Athletics Department will apply sanctions for violations of this Code.

Student-athletes have an obligation to report alleged Code of Conduct violations to their head coach, an Athletics administrator, or the Faculty Athletic Representative (FAR) as soon as possible. Sanctions will be greater for misconduct that was not reported as soon as possible and for misconduct that involves multiple or repeat violations. It is expected that student-athletes will not put themselves in situations in *which guilt of misconduct may be implied*. Also, head coaches may be more restrictive than this Code when implementing written team rules.

The Code of Conduct Review Committee

The Code of Conduct Review Committee is composed of the Athletics Director's (AD) designee, the Faculty Athletics Representative (FAR), two tenured faculty approved by the Athletics Advisory Council, the Dean of Students (or designee), the Associate Vice President for Student Health, Counseling and Wellness (or designee), one student-athlete selected by the Student-Athlete Advisory Committee (SAAC) and up to three additional AD designees from the Athletics Department. Coaches and student-athletes on the committee are excused from deliberating on cases involving their sport. Hearings may be conducted when a quorum (majority) of the committee members are present and must include at least two faculty members. (Note, the FAR counts as faculty for the quorum).

The Committee reviews and hears all Code of Conduct cases. The Committee strives to be fair and consistent in its interpretation and application of the Code and determination of discipline. Its recommendation for discipline and sanction are reviewed and approved by the Director of Athletics. A student-athlete may appeal the Athletics Director's decision to the Faculty Athletics Representative (FAR) who will convene a Student-Athletes Appeal Committee.

Student-Athlete Responsibilities

Academic

In keeping with the mission of the University, a priority of the Athletics Department is to foster educational development and the graduation of student-athletes. Because the ultimate responsibility for academic success lies with the student-athlete, each student-athlete is expected to:

- set a primary goal to graduate from Fresno State.
- be a responsible member of each class, which includes attending, being prepared, completing requirements, and participating at the level expected of all students.
- adhere to the University's Honor Code of Academic Integrity and the Policy on Cheating and Plagiarism found in the general catalog and the Athletics Department policies.
- meet with the academic major advisor and Student-Athlete Services (SAS) staff regularly and participate in academic activities as requested.

Social, University and Legal

Student-athletes of Fresno State are representatives of the campus and community. Student-athletes also frequently serve in the role of ambassadors for the Athletics Department and the University. Therefore, student-athletes are expected to adhere to the standards for appropriate social behavior, Athletics Department policies, University regulations and legal responsibilities, including but not limited to:

Alcohol. The Athletics Department's definition of inappropriate use of alcohol by student-athletes includes, but is not limited to: underage drinking, and **regardless of age**, drinking at any activity where they represent the institution as a Fresno State student-athlete, drinking while on trips for off-campus competition, consumption of alcohol prior to or during athletics practice or competition, public drunkenness, driving under the influence (DUI) or while intoxicated (DWI), and consumption of alcohol when hosting a student-athlete on an official visit. Violation of University policy, and/or city, county, state, and federal law also constitutes violation of the Student-Athlete Code of Conduct.

Hazing. Student-athletes are expected to comply with the University Student Conduct Code regarding any acts which could be considered hazing (reference Section 41301 in Title 5 of the California Code of Regulations). Punishment for violations may include probation, suspension or expulsion by the University.

Student-athletes are also responsible for adhering to Athletics Department guidelines, in which hazing is defined as “any activity expected of someone joining a group that humiliates, degrades, abuses or endangers, regardless of the persons’ willingness to participate” (see the *Student-Athlete Handbook*).

Harassment. Student-athletes are prohibited from harassing others, including harassment due to race (e.g., hate crimes), ethnicity, religion, gender, disability and sexual orientation. Sexual harassment refers to any unwanted, unwelcome attention directed toward a person’s sexuality or sexual identity. It can include unwelcome touching, comments about body or clothing, inappropriate sexual jokes or humor, and offensive visual displays (e.g., gestures, sexually explicit material on one’s computer screen). It also includes actions that create an intimidating, hostile or offensive environment. Sexual harassment is prohibited by State and CSU system policy, and it violates campus policy [CSU Executive Orders No. 1095 (2015), 1096 (2019) and 1097 (2019)] and the State mandated Education Code (Chapter 2, 1996). *All types of harassment within this section are identified as violations in both the campus code and the legal code. All incidents of sexual discrimination, sexual harassment, gender discrimination, sexual misconduct, stalking, domestic violence, rape and sexual assault will be referred to the University Title IX Office.*

Online Communication. Student-athletes are expected to use email and social media (e.g., Facebook, Twitter, Instagram, Snapchat, etc.) in an appropriate manner that reflects sportsmanship and personal responsibility. Student-athletes are expected to adhere to the Athletics Department’s social media policy found in the *Student-Athlete Handbook*.

Physical Assault. All student-athletes shall adhere to the University Student Conduct Code regarding “conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment or sexual misconduct” (Section 41301 in Title 5 of the California Code of Regulations). *All incidents of sexual discrimination, sexual harassment, gender discrimination, sexual misconduct, stalking, domestic violence, rape and sexual assault will be referred to the University Title IX Office.*

Legal. Any violation of city, county, state and federal laws is also considered misconduct under the Student-Athlete Code of Conduct.

Classifications of Misconduct

Violations of this Code are specified as either Category I or Category II misconduct.

Category I

Category I Misconduct: This type of misconduct includes, but is not limited to:

- Violation of any law that is not classified as a felony (e.g., underage drinking, providing alcohol to a minor)
- Violation of an Athletics Department policy that is considered minor or violation of a condition of probation imposed by a University official or Athletics Department administrator
- Violation of University policies and regulations, including the Student Code of Conduct, campus residence halls, the Financial Aid Office, and the parking authority
- Academic dishonesty in violation of University, college, school or department standards which does not involve Athletics Department personnel or services (e.g., cheating on tests, plagiarism)

Category I Sanctions: When there is reasonable and credible evidence that a student-athlete has committed a Category I violation, the Code of Conduct Review Committee will determine the appropriate sanction.

Sanctions for Category I violations may include, but are not limited to: written warnings, reprimands, educational programs, restitution, community service, counseling, academic performance requirements, suspension from practice, suspension from competition, and suspension from all Athletics Department facilities and services.

In Category I cases of violation of University policy, including but not limited to academic dishonesty violations, will be addressed through standard University policies and procedures which apply to all Fresno State students.

Note: Penalties may be greater if any of the following are involved in the violation:

1. failure to disclose the alleged violation to the head coach, an Athletics administrator or the FAR as soon as possible
2. alcohol and/or drugs or a history of a violation(s) of the Athletic Department's Substance Program
3. repeated misconduct including academic dishonesty
4. multiple violations including within a single act of misconduct
5. repeated association with acts of misconduct in which guilt may be implied

Sanctions will be commensurate with the severity of the violation as determined by the Code of Conduct Review Committee. Its recommendation for discipline and sanction is reviewed and approved by the Director of Athletics. When

athletics-related financial aid (i.e., athletics scholarship) is reduced or cancelled, it will occur in accordance with procedures outlined in the *Student-Athlete Handbook*. A student-athlete may appeal the Athletics Director's decision to the Faculty Athletics Representative (FAR) who will convene a Student-Athletes Appeal Committee.

Category II

Category II Misconduct: This type of misconduct includes, but is not limited to:

- Violation of any state or federal law that is classified as a felony
- Violation of a condition of probation or other condition imposed by a court in a criminal proceeding
- A violation that is considered major or a condition of probation or other condition imposed by a University official or Athletics Department administrator. Acts of hazing, harassment and physical assault are considered major violations.
- Academic dishonesty in violation of University, college, school or department standards which involves Athletics Department personnel or services (e.g., receiving inappropriate academic assistance from a staff member, using the Student-Athlete Services computer lab in the involvement of academic fraud or plagiarism)

Category II Sanctions: When there is reasonable and credible evidence that a student-athlete has committed a Category II violation, the Code of Conduct Review Committee will consult appropriate University and/or law enforcement officials before imposing at least one of the following: suspension from practice, suspension from competition, prohibiting the student-athlete from using Athletics Department facilities or services, reduction and/or termination of athletic aid, and/or permanent dismissal from the team. If athletic aid is reduced or terminated, it will occur in accordance with procedures outlined in the *Student-Athlete Handbook*.

If there is reasonable and credible evidence that a student-athlete may have engaged in Category II misconduct, the Director of Athletics (or designee) may temporarily suspend a student-athlete from practice, competition, or all athletics activities and services until a formal review is conducted.

Charge of Felony: If charged with a felony, the student-athlete will be automatically suspended from athletics participation by the Director of Athletics pending further information and in consultation with the Dean of Students. After the case has been adjudicated by the appropriate authorities, the information will be reviewed by the Athletics Department and appropriate disciplinary action will be taken, which may include suspension from competition or greater penalty.

Conviction of Felony: If convicted of a felony, the student-athlete will be immediately removed from his or her athletic team.

Note: Penalties will be greater if any of the following are involved in the violation:

1. failure to disclose the alleged violation to the head coach, an Athletics administrator or the FAR as soon as possible
2. alcohol and/or drugs or a history of a violation(s) of the Athletic Department's Substance Program
3. repeated misconduct including academic dishonesty
4. multiple violations including within a single act of misconduct
5. repeated association with acts of misconduct in which guilt may be implied

Sanctions will be commensurate with the severity of the violation as determined by the Code of Conduct Review Committee. Its recommendation for discipline and sanction is reviewed and approved by the Director of Athletics. When athletics-related financial aid (i.e., athletics scholarship) is reduced or cancelled, it will occur in accordance with procedures outlined in the *Student-Athlete Handbook*. The student-athlete may appeal the Athletics Director's decision to the Faculty Athletics Representative (FAR) who will convene a Student-Athletes Appeal Committee.

Procedures for Handling Violations of the Code of Conduct

The Code of Conduct Review Committee, at the direction and approval of the Director of Athletics, has primary responsibility for handling Code of Conduct violations – both those that are alleged and proven. The steps involved are:

1. The alleged violation is reported to the coach, an Athletics administrator or FAR as soon as possible and referral to appropriate entities (e.g., Title IX office) is made when necessary.
2. The head coach, FAR or Administrator notifies the Director of Athletics, Deputy Director of Athletics or sport supervisor as soon as possible.
3. A review of the circumstances of the violation is conducted by the Code of Conduct Review Committee.
4. The Code of Conduct Review Committee determines whether there is reasonable and credible evidence to support the alleged violation after conducting the review and meeting with the student-athlete. The Committee may also consult with campus law enforcement or judicial affairs during the review process.
5. If reasonable and credible evidence is found, the Code of Conduct Review Committee determines the appropriate sanction(s) for the case. The sanctions are recommended to the Director of Athletics who subsequently approves the sanctions.
6. A meeting is held with the student-athlete and the Athletics Director's designee to impose the sanction(s) through verbal and written notification. A record of the case is filed in the Deputy Director of Athletics' office. A copy of the sanctions is

also included in the student-athletes' file and copied to the head coach, the sport supervisor and the Dean of Students.

Code of Conduct Appeals

A student-athlete may appeal the code of conduct sanction(s) by submitting a written request to the Faculty Athletics Representative (FAR) within ten business days after receiving the Code of Conduct Review Committee's sanction. The request must include the reason for the appeal. Appeals must include substantial mitigating evidence for the appeal to hold the possibility of modification. The FAR will convene a Student-Athletes Appeal Committee. The Student-Athletes Appeal Committee's decision is final. There is no further campus appeal.

Student-Athlete Code of Conduct Protocol

1. All information regarding alleged violations is considered confidential and shall only be shared with those persons who have a need to know. When possible, only circumstances, not names or sport, will be shared.
2. The Code of Conduct Review Committee will identify which person(s) are needed to ensure a thorough review of the circumstances of the violation on a case-by-case basis. These persons may include on-campus officials, law enforcement personnel, professional investigators, and attorneys with expertise in the area of the alleged violation.
3. The student-athlete may bring one person to the Code of Conduct Review Committee meeting for support. Because the person is there for support and this is not a legal procedure, he/she may not speak to the Committee and may not be an attorney by trade.
4. Neither the student-athlete nor any member of the coaching staff may approach any members of the Code of Conduct Review Committee to discuss its review or influence the determination of sanctions.
5. Communication with on-campus personnel:
 - The Judicial Affairs Officer will share information about student-athletes with alleged legal and/or disciplinary issues as soon as possible with Athletics Department staff: Deputy Director of Athletics, Director of Athletics, and/or the Faculty Athletics Representative.
 - The Campus Police will share information about student-athletes including potential felony allegations as soon as possible with Athletics Department staff: Deputy Director of Athletics, Director of Athletics, and/or the Faculty Athletics Representative.
 - Athletics Department staff will share information about student-athletes with potential violations of campus policies with the Judicial Affairs Officer as soon as

possible, including violations of the University Student Code of Conduct which occur while student-athletes are off campus on an official school activity.

- Athletics Department staff will share information with the campus Title IX/Clery office (and Campus Police when appropriate) as soon as possible about student-athletes with potential legal violations, including the reporting required by the Clery Act.

Maintenance and Monitoring of the Student-Athlete Code of Conduct

Maintenance (e.g., minor edits, revisions, etc.) of the Student-Athlete Code of Conduct and/or the form signed by the student-athletes shall be done in consult with and endorsed by the Athletics Advisory Council, and approved by the President. In accordance with APM 420, any substantive changes to this Code (e.g., change in review committee composition, deletion or addition of section, etc.) must be reviewed and endorsed by the Academic Senate, and the Executive Committee of the Academic Senate must be notified of all minor changes. The Athletics Advisory Council shall monitor the application of the policy and review biannual reports from the Athletics Department. The biannual reports shall include, but are not limited to, the number (i.e., frequency) and type of infractions, sport, sanction imposed and summary of solution(s) to minimize reoccurrences.

This policy and protocol will be available online at www.gobulldogs.com in both the Compliance and Student-Athlete Services areas.

September 22, 2006
Update October, 2006
Update January, 2007
Update March 2012
Update April 2012
Update August 2012
Update July 2013
Update August 2014
Update August 2015
Update August 2016
Update September 2019

Sample Code of Conduct Form Signed by Student-Athletes

Academic Year: 2017-18
Created: 8/15/2017
Created By: Assistant AD for Compliance

FRESNO STATE STUDENT-ATHLETE CODE OF CONDUCT

Student-athletes are among the most visible students on campus as well as in the community. Because of America's fascination with sports and those who play, a unique platform exists to be a role model, mentor, or spokesperson. The University, the athletic program, and the student-athlete all benefit from this exposure. However, this platform brings with it a whole set of privileges and responsibilities. The social interaction and personal behavior of student-athletes, on and off campus, becomes public knowledge.

I understand that I, as a student-athlete, represent myself, my family, my sport, the Athletic Department and the University. Also, I understand that participation in intercollegiate athletics is a privilege.

As such, I pledge to demonstrate responsible citizenship, sportsmanship, honesty, and integrity on the field or court, on the campus, in the local community, and to otherwise represent Fresno State in a manner that brings pride to me and Fresno State.

I will make the attainment of an academic degree a high priority.

I will be a responsible member of the student body, which includes attending classes, being prepared, completing requirements, and participating at the level expected of all students in the class.

I will abide by all social guidelines, University policies, Athletic Department policies, team rules, the rules and policies of the NCAA and Mountain West Conference, in addition to city, state, and federal laws.

I will abide by sport-specific team rules and the rules and policies of the Athletic Department governing student-athlete conduct, which are either online or contained in the Student-Athlete Handbook, or any additional material provided to me.

I acknowledge that two basic pillars of the Student-Athlete Code of Conduct are truthfulness and disclosure. As such, I understand that it is my responsibility to report any alleged or actual conduct code violation to my coach, the FAR or the athletics administration.

By entering my California State University, Fresno ID in the box, I indicate my understanding of the information shown and provided on this form, and it is my intent to sign the record. I certify that my answers are complete and correct and that any fraudulent information may make me ineligible for intercollegiate athletic competition and or athletically related financial aid at California State University, Fresno. I understand that California State University, Fresno may share this information with the NCAA and that a photocopy of the authorization shall be valid as an original.

State Law Requirement

State law requires that you be informed of the following: (1) your consent is limited to this one transaction; (2) you are entitled to a paper copy of the documents you have signed; (3) you are entitled to withdraw your consent to future electronic-signatures.

Student ID #: _____
Sport: _____
Electronic Signature: _____
Signature Date: _____