

Student Rights and Responsibilities 5500

Students at Foothill or De Anza College have guaranteed rights, and assume responsibilities, under applicable State and Federal law and regulations derived from these statutes. These rights and responsibilities include protection of freedom of expression and protection against improper evaluation in the classroom; access to, safe keeping, and confidentiality of records; rights of freedom of association, inquiry and expression; participation in student governance with corresponding responsibilities; and the exercise of the rights of citizenship off campus. Foothill and De Anza College have the responsibility to establish disciplinary proceedings and applicable penalties, within the law, for the violation of College rules and regulations. The colleges shall also establish procedures for grievances and complaints in order to provide a means for resolving alleged unfair or improper action by any member of the academic community. See Appendix AP-5500 California Education Code §76030 et. seq., 76120, 76210 et. seq. California Administrative Code, Title 5, § 54600, 59300 et. seq. Approved 1/4/99

Student Rights and Responsibilities AP 5500

Purpose of this statement is to inform students of their rights and responsibilities at Foothill and De Anza College. The policies and procedures as set forth in this statement are for institutional and student use, but cannot be separated from public laws and regulations; therefore, everything stated herein must be considered within the limits of the law.

I. IN THE CLASSROOM

A. Protection of Freedom of Expression

Students are free to take reasoned exception to the data or views offered in any course of study to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. Protection Against Improper Academic Evaluation

Students shall not be evaluated in a prejudiced or capricious manner. At the same time, students are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Standards relating to matters of class attendance, punctuality, dress (e.g. safety goggles and uniforms), and other similar classroom requirements, where essential in evaluation, should be clearly communicated by the instructors to the students enrolled in the courses where they apply.

C. Protection Against Improper Disclosure

Information about students' views, beliefs, and political associations which employees acquire in the course of their work is considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character for such matters as letters of recommendation and security checks may be provided under appropriate

circumstances, normally with the knowledge and consent of the student.

II. STUDENT RECORDS

A. Definition of Records The following files, records, and documents are maintained by the colleges as “Education Records:” admissions and registration forms, academic transcripts and grade reports, general education certification, graduation petitions, K-12 permission forms, instructor role books, placement test scores, counseling records, financial aid applications, campus employment information, veterans folder relating to certification and benefits, discipline records, and athletic eligibility forms.

B. Right to Access Any currently enrolled or former students shall have a right of access to their own “Education Records” as defined above or those that meet the definition of a “student record” in Title 5 regulations of the California Administrative Code. Such access shall be provided during regular office hours, and the appropriate College official may require a written request from the student provided that access is granted where authorized by law no later than five working days following the date of the request.

C. Location of Records

Most of the above records are housed in Administration Building. The Vice President of Student Services (De Anza College) and the Dean of Instruction and Student Development (Foothill College) have overall responsibility for such

records. The Vice President's Office (De Anza) or Dean (Foothill) shall provide specific directions to students, upon request, concerning which college officials to contact to make a request for access to any records.

- D. **Directory Information** The colleges may release directory information as to any student or former student currently attending the college, consistent with applicable Federal and State statutes. Directory information for students includes the following: name, address, telephone number, date and place of birth, class schedule, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent public or private school attended. No directory information shall be released regarding any student or former student when the student or former student has notified the college in writing, pursuant to published procedures established by the District, that such information shall not be released.
- E. **Confidentiality of Records** Information from Education Records will be available only to legally authorized persons. The express consent of the student is required for access by any other persons. No records will be kept which reflect the political and religious activities or beliefs of students. All college employees are to respect confidential information about students which they acquire in the course of their work.

Access to student records may be permitted to the following:

1. Officials and employees of the Foothill-De Anza District; provided that any such person has a legitimate educational reason for inspecting a record.
2. Federal and state officials so authorized.
3. Officials of other public or private schools where the student seeks or intends to enroll.
4. Agencies or organizations in connection with a student's application for, or receipt of financial aid; provided that information permitting the personal identification of students may be disclosed only as necessary for purposes relating directly to that aid.
5. Accrediting organizations in order to carry out their accrediting functions.
6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for purposes allowed in Title 5 and so long as that information that allows personal identification of a student is kept confidential and destroyed when no longer needed.
7. Appropriate person in connection with an emergency if the information is

necessary to protect the health or safety of the student or other persons.

F. Impoundment of Records

Whenever a student is delinquent through failure to comply with college rules or regulations, to pay college debts, or to return property owned by the college, the student's records may be impounded. A student whose records are impounded shall not be allowed to: register for subsequent terms of instruction, receive or send transcripts or work completed, and /or receive other services in the college which relate to his/her records.

III STUDENT AFFAIRS

A. Freedom of Association

Students are free to organize and join associations to promote their common interest.

1. The policies and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the organization and are enrolled at either Foothill or De Anza College.
2. Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.
3. Campus advisers are strongly recommended; each organization is free to choose its own

adviser. Institutional recognition will not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus adviser may advise organizations in the exercise of responsibility, but they will not have the authority to control the internal policies of such organizations.

4. Student organizations are required to submit to the Associated Student Body at the campus for which they are seeking recognition, a statement of purpose, criteria for membership, rules or procedures, and a current list of officers as a condition of institutional recognition.
5. Campus organizations, including those affiliated with an extra-mural organization, shall be open to all Foothill and De Anza College students without respect to race, creed, gender, religion, sexual orientation, age, physical abilities, or national origin.

B. Freedom of Inquiry and Expression

1. Students and student organizations are free to examine and to discuss all questions of interest to them, to express opinions publicly and privately, and to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, student shall make it clear to the academic and the larger community that in their public expressions or

demonstrations students or student organizations speak only for themselves.

2. Students are allowed to invite and to hear any person of their own choosing. Routine procedures are required by the colleges before a guest speaker is invited to appear on campus to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities is not used as a device of censorship. Those in charge of a program shall make it clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. Student Participation in Institutional Governance

As constituents of the academic community, students are free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The students may participate in the formulation and applications of institutional policy affecting academic and student affairs through student government. The Associated Student Body Board Policy Manual — printed 12/10/04 ASB) at Foothill and De Anza College are the institutionally recognized system of student government which has express responsibility for a student activities program designed to benefit the colleges and contribute to

the welfare of the students. The student council of each ASB formulates and executes student government policies; administers a budget; plans and conducts social, club, recreational, service and leisure-time programs in accordance with the ASB constitution and other laws and regulations (of each college); makes appointments to college- and district-wide committees, task forces etc.; and assists in the coordination of club activities.

Any matter of student governance that conflicts with college policy shall be resolved by the administration after opportunities have been given to the ASB to either correct the matter or to discuss the matter completely with the administration.

See Board Policy 2222

D. Student Publications

Foothill and De Anza Colleges provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to instruct students on the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of journalism, such as the avoidance of

libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

1. The student press is free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage. Editors and managers of student publications are protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes shall editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal. In the absence of an appointment agency, the regular hearing procedures of this statement should be utilized in the removal of an editor Board Policy Manual — printed 12/10/04 or manager. If such agency does exist, the orderly and prescribed procedures for removal must be stated in writing and submitted to the appropriate administrator (vice president/dean) at each campus to ensure it is consistent with the District's procedures and policies related to Student Rights and Responsibilities and Student Due Process.
2. All Foothill and De Anza published, financed, or recognized student publications shall explicitly state on the editorial page that the opinions there

expressed are not necessarily those of the College or student body.

IV. DISCIPLINE

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the settings of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. The following standards and procedures are intended to promote responsible student conduct and fair play:

A. Standard of Conduct

Foothill and De Anza College considers the following principles essential to its educational mission and its community life:

1. Mutual respect between students, faculty and staff.
2. Pursuit of studies with honesty and integrity.
3. Respect for College and personal property.
4. Compliance with all rules and regulations.

Students shall be subject to College discipline for any of the following misconduct which occurs at any time on campus or at any off campus facility or college-approved or sponsored function:

1. Dishonesty, such as plagiarism, or knowingly furnishing false information to the Colleges, or District;
2. Violation of examination rules, e.g. communicating or transferring information to another student, using any materials such as books, notes, etc. other than those expressly allowed for the exam, looking at another student's exam, etc.;
3. Forgery, alteration, or misuse of College documents, records or identification;
4. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College or District activities, including its public service functions, or of other authorized activities;
5. Physical or verbal abuse of any person or conduct which threatens or endangers the health or safety of any such person;
6. Theft of or damage to property of the College, or District, or of a member of the College community or campus visitor;
7. Unauthorized entry to or use of College or District facilities;
8. Violation of College or District policies or of campus regulations including those concerning registration of student

organizations, use of College or District facilities, or the time, place and manner of public expression;

9. Use, possession, or distribution of legally controlled drugs such as alcohol, narcotics, marijuana or cocaine, except as expressly permitted by law;
10. Use, possession, or sale of any firearm, knife, explosive, or other object that could be classified as a weapon (unless the student has specific authorization from a College or District official);
11. Failure to comply with directions of College or District officials acting in the performance of their duties;
12. Gambling on College or District property;
13. Hazing or any act that injures, degrades, or disgraces or tends to injure, degrade, or disgrace any fellow student or other persons;
14. Disorderly conduct or lewd, indecent, or obscene behavior;
15. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board;
16. Theft or abuse of computer time, including but not limited to:

- a. unauthorized entry into a file, to use, read or change the contents or for any other purpose.
- b. unauthorized transfer of a file.
- c. unauthorized use of another persons identification and password.
- d. use of computing facilities to interfere with the work of another student, faculty member or college official.
- e. use of computing facilities to send obscene or abusive messages, or to defame or intentionally harm other persons.
- f. use of computing facilities to interfere with normal operation of the college computing system.
- g. use of computing facilities for student's personal benefit.

17. Sexual Harassment (see Board Policy 4640);

18. Willful obstruction of the orderly operation of the campus.

A. Applicable Penalties

Upon determination that discipline is warranted, any one or more of the following sanctions may

be applied according to the severity of the offense by the appropriate College administrator/instructor:

1. Admonition — An oral statement to the student offender that the student has violated College or District rules.
2. Warning — Notice to the student, orally or in writing, that continuation or repetition of specific conduct found wrongful within a period of time stated in the warning, may be cause for more severe disciplinary action.
3. Censure — Written reprimand for a violation of a specified regulation including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any College or District regulation within a period of time stated in the letter or reprimand.
4. Disciplinary Probation — Exclusion from participation in privileges or extracurricular activities set forth in the notice of disciplinary probation for a specified period of time.
5. Restitution — Financial liability for damage to or misappropriation of property. Restitution may take the form of appropriate service to repair or otherwise compensate for damages.

6. Suspension — Suspension from one or more classes for a period of up to ten days of instruction; or from one or more classes for the remainder of the school term; or from all classes and activities of the College for one or more terms. The suspended student is prohibited from being enrolled in any other college in the District for the period of suspension.
 - a. Summary Discipline or Suspension — Where an immediate suspension is required in order to protect lives or property or to ensure the maintenance of order, any student who has willfully disrupted the orderly operation of the campus may be promptly suspended pending a hearing, where such immediate suspension is required in order to protect lives or property and to insure the maintenance of order, provided, however, that a reasonable opportunity must be afforded the suspended person for hearing within ten days. In all other cases, where disciplinary action is to be taken in response to willful disruption of the orderly operation of the campus, discipline shall be imposed only after a prompt hearing by a campus body resulting in a finding that the student willfully disrupted the orderly operation of the campus.
7. Expulsion — by the Governing Board for good cause when other means of correction failed to bring about proper conduct, or when the presence

of the student causes a continuing danger to the physical safety of the student or others.

C. Administration of Discipline

1. Except in cases where immediate discipline pending a hearing is authorized, suspension of a student shall be preceded by a prompt hearing by a campus disciplinary hearing board resulting in a finding that the student has engaged in the charged misconduct. For the purposes of this provision, “campus disciplinary hearing board” means one or more members of the faculty, staff, or administration appointed to decide the charges; and “prompt hearing” means, (1) that the student is informed (or that a reasonable attempt is made to inform the student) of the nature of the charges against student, and date, time and place of the hearing;(2) that this notice to (or attempt to notify the student) occurs within a reasonable period of time after initial determination that the discipline should be imposed; (3) that the student is given a fair opportunity to rebut the charges before the campus disciplinary hearing board; and (4) that the campus disciplinary hearing board’s decision is a fair and reflection of the evidence presented at the hearing. Provided, however, strict rules of evidence and procedural formalities need not be followed, and, absent determination of the campus disciplinary hearing board to the contrary, the student shall not be entitled to legal representation of or participation by an attorney on his/her behalf.

2. Appeal — any student prejudiced by a decision of the campus disciplinary hearing board regarding suspension or lesser discipline, shall be entitled to appeal that decision to the College President or his/her designee. Written notice of appeal shall be filed by the student, with the College President's office, no later than thirty days after the student is notified of the decision of the campus disciplinary hearing board. The notice of appeal shall include a detailed, written statement of the grounds for appeal and the reasons why the determination of the campus disciplinary hearing board should be overruled. At his/her discretion, the College President may also provide the student with an opportunity to verbally present his/her arguments for reversal, but in all other cases, the College President shall make his/her decision based upon the written materials presented by the student and by the college administrator who recommended the discipline. The determination of the a campus disciplinary hearing board shall be upheld unless the College President determines that it is not supported by the weight of the evidence. With respect to suspension and all lesser forms of discipline, the decision of the College President shall be final.

3. .Expulsion — expulsion decisions shall be made by the Board of Trustees upon written recommendation by the College President or President's designee, and only after findings by the Board that good cause therefore exists; that due notice of the proposed expulsion was provided to the student; that there was fair opportunity to rebut the evidence of misconduct in a prompt hearing

before a campus disciplinary hearing board; and that other reasonable means of correcting the student's conduct have been tried and have failed. The Board, at its discretion, may allow the student to appear before it to argue his/her position. The decision of the Board shall be final.

V. **Student Complaints and Grievance Procedures**

The student is encouraged to pursue academic studies and other College sponsored activities that will promote intellectual growth and personal development. In pursuing these ends, the student should be free of unfair and improper action by any member of the academic community. Procedures for grievances and complaints are described below and provide a means for resolving any alleged unfair or improper action.

A. Complaints

Students with the specific kinds of complaints listed below shall direct these complaints to the appropriate College official:

1. Residence Determination Contact the Director of Admissions and Records at De Anza College or the Associate Registrar at Foothill College; final appeal may be made to the Vice President of Student Services (De Anza) or Dean of Student Affairs and Activities (Foothill).
2. Dismissal from College for Academic Reasons
 - a. Consult a counselor

- b. If there are extenuating circumstances, the student may appeal the dismissal to the Academic Council after consulting a counselor.

3. Discrimination Complaints

Complaints of discrimination on the basis of race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status, or physical or mental disability filed against an employee of the District should be directed to Don Dorsey, Campus Coordinator for Foothill College, or Trudy Walton, Campus Coordinator for De Anza College, or Robin Moore at the District Office.

- B. Grievance

1. Reason for Grievance

- a. A grade when the student contends that the determination of the grade involved is a mistake, fraud, bad faith, or incompetence. (According to the California Education Code, an instructor's grade is final in the absence of mistake, fraud, bad faith, or incompetence.)
- b. Act or threat of intimidation or harassment.
- c. Act or threat of physical aggression
- d. Arbitrary action or imposition of sanctions without proper regard to academic due

process specified in the College procedures, unrelated to disciplinary actions.

- e. Violation of student rights which are described in College rules and regulations.

2. Grievance Process

- a. Step 1: Student shall confer with the faculty member, administrator or classified person directly involved in the facts giving rise to the grievance in an effort to resolve the issue or issues at that level.
- b. Step 2: If the grievance is not resolved at step 1, the student shall confer with the supervisor of the faculty member, administrator or classified person directly involved with the facts giving rise to the grievance, in an effort to resolve the issue or issues.
- c. Step 3: If after exhaustion of steps 1 and 2 If the student believes the issue has not been resolved satisfactorily, the student may trigger step 3 of the process by submitting a written statement specifying the time(s), place(s), and nature of the grievance to the Vice President of Student Services (De Anza) or the Dean of Instruction and Student Affairs (Foothill). The Vice President/Dean shall, upon receipt of such written statement, arrange for an appropriate campus body of two or more persons to consider the grievance, providing appropriate notice thereof to the student. Within 30 days

thereafter and upon due notice to the student, the campus body shall hold a hearing for the purpose of resolving the grievance for or against the student. Strict rules of evidence and procedure formalities need not be followed. Absent determination of the campus body to the contrary, the student shall not be entitled to legal representation by or participation of an attorney on his/her behalf.

- d. Step 4: A student prejudiced by the ruling of the campus body on his/her grievance may, within 30 days of his/her receipt of notice of said ruling, file notice of an appeal with the office of the College President. The notice of appeal shall include a detailed, written statement of the grounds for appeal and the reasons why the determination of the campus body should be overruled. At his/her discretion, the College President or his/her designee may also provide the student with an opportunity to verbally present his/her arguments for reversal, but in all other cases, the College President shall make his/her decision based upon the written materials presented by the student and any other evidence presented to the campus body. The determination of the campus body shall be upheld unless the College President determines that it is not supported by the weight of the evidence. The decision of the College President shall be final.

VI. Exceptions to Academic Regulations and Requirements

Requests for exceptions to the admissions, academic and curricular regulations may be made by petition to the Academic Council. Exceptions are made only for unusual circumstances. Petitions for exceptions should be filed on the Academic Council form. These forms are available from Admissions and Records and from counselors.

See Board Policy 5500—Student Rights and Responsibilities Reviewed by Board 1/4/99