

# Chapter 5 - Student Services

## AP 5310 Student Bill of Rights

### References:

Education Code Sections 76060, 76062, 76120, 76230, 76231, 76233, 76242, 76243, and 76244

In order that the students of the Mt. San Antonio Community College District are accorded the same rights guaranteed to all United States citizens by documents basic to our national government, the following Bill of Rights is adapted to the academic community.

College students enjoy the following basic rights together with the responsibility of upholding procedures. Implicit in this document is the belief that both rights and responsibilities will be assumed appropriately by all members of the academic community--students, faculty, administrators, staff, and trustees.

### A. Freedom of Access to Higher Education

Community colleges are open-door colleges, which by law must accept high school graduates, or applicants who are at least 18 years of age and can benefit from instruction. The facilities and services of the College are open to all of its enrolled students, as per College practice and policy. Students have the right to be protected by federal and state laws which prohibit discriminatory practices.

### B. Freedom in the Classroom

Faculty members in the classroom and in conference will encourage free discussion, inquiry, and expression. Student grades shall be determined only on an academic basis, not on opinions or conduct in matters unrelated to classroom activities.

#### 1. Protection of Freedom of Expression

Students shall be free to take reasonable exception to any subject matter or views offered in any course of study.

#### 2. Protection Against Improper Academic Evaluations

Students shall have protection through due process procedures against prejudiced or inconsistent academic evaluation.

Students have a right to printed expectations and grade requirements for each class; to inquire and receive a response regarding the status of their grades at periodic intervals throughout the semester; to evaluate without regard to political belief or affiliation; to assignments which are pertinent to the course; to instructors who come to each class session thoroughly prepared; and to assignments (papers, quizzes, exams, etc.) which are acknowledged and returned to them in a timely and appropriate manner.

### 3. Protection of Freedom of Access

Students shall have reasonable access to teaching staff at fixed or dependable office hours for advice and consultation on coursework. Whenever possible, a qualified substitute teacher will be provided if the regular classroom instructor is unable to meet the class.

### 4. Protection Against Improper Disclosure

Information about a student's views, beliefs, and political association which instructors, advisors, and counselors have acquired in the course of their work shall be considered confidential. To minimize the risk of improper disclosure, academic and disciplinary records will be separate, and the condition of access to each will be set forth in an explicit policy statement. Transcripts of academic records will contain only information regarding academic status.

Students have the right to privacy of all their records as prescribed in Education Code Sections 76242, 76243, and 76244 (FERPA); access to any and all student records relating to them maintained by the College (Education Code Section 76230); waive their right to access to student records as prescribed in Education Code Section 76231; and challenge the content of their student records as prescribed in Education Code Section 76233; and include a statement or response to disciplinary actions as prescribed in Section 76233 of the Education Code.

## C. Freedoms in Student Life

In student life, certain standards must be maintained if the freedom of the students is to be preserved.

### 1. Freedom of Association

Students bring to the campus a variety of interests and develop many new interests as members of the academic community. They shall be free to organize and join associations to promote their common interest.

Affiliation with an off-campus organization shall not in itself be cause for the disqualification of a student organization from institutional recognition.

The Student Life Office will assist in the activation process for Recognized Student Clubs/Organizations (RSCOs). RSCO Advisors should advise the club/organization in the exercise of its responsibilities, but they shall not have authority over the policy of that organization.

Student organizations are required to submit a constitution, statement of purpose, criteria for memberships, rules and procedures, and a list of the current officers. Membership lists shall not be required as a condition of institutional recognition.

Campus organizations, including those affiliated with off-campus organizations, shall not exclude students on the basis of race, creed, color, religion, national origin, sex, age, handicap, status as Vietnam-Era veteran and/or marital status.

Student organizations shall not be held responsible for the actions of its individual members when they act without the permission of that organization. No student organization shall be penalized for its philosophies or beliefs.

## 2. Freedom of Inquiry and Expression

Students shall be free to exercise freedom of expression in accordance with Education Code Section 76120. Students have the right to hear all sides in major campus controversies.

## 3. Freedom of Student Government

As constituents of the academic community, students shall be free, individually or collectively, to express their views on issues or College policy and on matters of general concern to the student body. The student body shall have clearly defined means to participate in the formation of College policy affecting students and academic affairs.

The role of student government and both its specific and general responsibilities will be made explicit and the actions of student government within their areas of jurisdiction will be reviewed only through orderly and prescribed procedures.

Students have the right to be represented on College-wide committees as determined by the Associated Students President.

## 4. Freedom of the Press

College authorities, in consultation with students and faculty, have the responsibility to provide written clarification of the role of student publications, standards to be used in their evaluation, and limitations on external control of their operation.

As safeguards for the editorial freedom of student publications, the following provisions are necessary: The student press will be free of censorship and advance approval of copy, and its editor and managers shall provide editorial freedom for student publications in order to maintain their integrity of purpose as vehicles for free inquiry and free expression in the academic community.

College authorities cannot engage in any activity or cause to be done to student media anything where the effect is to control, diminish, manipulate, or otherwise censor student media or to dismiss, punish, or retaliate against student media staff where such action is motivated by the otherwise lawful content or newsgathering activities of student media.

All College published or financed student publications will explicitly state on the editorial page that the opinions there expressed are not necessarily those of the College or student body.

Regarding commercial speech: Advertising is constitutionally protected expression. Student media may accept advertising. Acceptance or rejection of advertising is within the purview of the publication staff, which may accept any ads except those for products or services that are illegal for all students. Advertisements for political candidates and ballot issues may be accepted; however, publication staff are encouraged to solicit ads from all sides on such issues.

#### 5. Freedom of Safety

Students have the right to a safe and healthy learning environment; sufficient lighting maintained in all campus areas, including parking areas during the evening hours; and safe access to campus facilities.

#### 6. Freedom of Counseling

Students shall have access to educational, career, and personal counseling from professionals.

#### D. Off-Campus Freedom of Students

Students who violate the law may incur penalties prescribed by civil authorities. Off-campus activities other than authorized College functions will not result in discipline by the College, unless there appears to be a clear and present danger to student, staff, or property.

#### E. Freedom and Due Process

In the developing of responsible student conduct, disciplinary proceedings play an important role. In exceptional circumstances when preferred means ~~failure~~ to resolve problems of student conduct, proper procedural safeguards shall be observed to protect the student from the unfair imposition of serious penalties.

The College has an obligation to indicate those standards of behavior which it considers essential to its educational mission and its academic life. These general behavioral and resultant specific regulations shall represent a reasonable regulation of student conduct, but the student shall be as free as possible from imposed limitations that have no direct relevance to his/her education.

Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings shall be instituted only for violations of standards of conduct formulated with significant student participation and published in advance or made available in a body of institutional regulations, including specifics of the disciplinary process.

Although minor penalties may be assessed informally under prescribed procedures, procedural fair play requires that, in all cases, the student be informed of all charges brought against them, that they be given a fair opportunity to refute them, that the College not be arbitrary in its actions, and that there be provisions for the appeal of a decision. The specifics and procedures of this due process shall be formulated and adopted by the College.

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