

To: Executive Committee
CC: Leonard Valdez, Director of Student Conduct
John Williams, Faculty Coordinator, Student Issues
Don Taylor, Director of Academic Programs and Global Engagement
From: Kristin A. Van Gaasbeck, Chair, Academic Policies Committee
Date: May 6, 2011
RE: Revisions to the Student Rights and Responsibilities policy

In Fall 2010, at the request of the Provost and the Director of Academic Programs and Global Engagement, the Executive Committee referred the Student Rights and Responsibilities policy to the Academic Policies Committee (APC) for revision. The specific charge was to rectify the inconsistencies between the existing Student Rights and Responsibilities policy, and existing campus and systemwide policies governing student and faculty conduct. The APC's recommendations are attached.

The APC thanks Leonard Valdez and John Williams for their extensive work on this issue.

The existing Student Rights and Responsibilities policy includes language that has since been superseded by other systemwide and local campus policies. These policies are now referenced in the modified Student Rights and Responsibilities policy (on pg. 2 of the attached document). In order to facilitate the practical application of the Student Rights and Responsibilities policy, links to the appropriate related policies are included in the document.

It is important to note that the committee's charge was restricted to rectifying inconsistencies between existing Student Rights and Responsibilities policy and other policies.

STUDENT RIGHTS AND RESPONSIBILITIES (SRR)

Preamble

This University exists to provide an opportunity for education to enable students to live a more perceptive and fulfilling life. Its aim is to inspire them in creative and critical thinking and to encourage them to contribute their ideas for the improvement of the society in which they live.

Basic to the achievement of these purposes is freedom of expression and communication. Without this freedom, effective sifting and testing of ideas ceases, and research, teaching and learning are stifled. Knowledge is as broad and diverse as life itself, and the need for freedom is equally broad. The University always must strive to strike that balance between maximum freedom and necessary order which best promotes its basic purposes by providing the environment most conducive to the many-faceted activities of research, teaching, and learning.

Upon enrollment, the student becomes a member of the academic community and thereby accepts both the rights and responsibilities associated with that membership. As a member of the academic community, students have the right to challenge any attempt to deprive them of their rights, either as a citizen or as a student. The policies and procedures contained in this document attempt to define both the students' ~~freedom and the limits to those freedoms~~ **rights and responsibilities**.

Statement of Student Rights and Responsibilities is subject to and limited by all applicable regulations of the Constitution of the United States and of state law, including regulations passed by the Trustees of the California State University and local campus regulations duly instituted by the President of the University.

The campus is not a sanctuary immune from civil law and authority, and students may be prosecuted for violation of the law, whether an action occurs on the campus or off; however, University sanctions will be imposed only for those violations that interfere with University functions.

~~It is the responsibility of each student, faculty, administrative, and staff person to adhere to all policies in this document.~~

A number of policies are in place to protect student rights and to facilitate the definition of student responsibilities at California State University, Sacramento. ~~(hereafter referred to as Sacramento State).~~ The following statements sections of California State University, Sacramento's policy manual contain those policies. Students are encouraged to carefully review the policies below in order to be informed of their rights and responsibilities. ~~are set forth.~~

Academic Honesty Policy and Procedure:

<http://www.csus.edu/umannual/AcademicHonestyPolicyandProcedures.htm>

Outlines the classroom responsibilities of students and faculty; right to due process and procedures to ensure fairness.

Complaint Hearing procedures for Students:

<http://www.csus.edu/umannual/student/UMC02450.htm>

Addresses unfair policies or inequitable treatment of students and provides procedures for review, determination and appeal.

Discrimination Complaint Procedure for Current Students or Applicants for Admission:

<http://www.csus.edu/umannual/hr/UMS16310.htm>

Ensures equal opportunity for students and applicants to the university.

Grade Appeals Procedures:

<http://www.csus.edu/umannual/acad/Grade%20Appeal%20Policy.htm>

Provides students with procedures to address unfair assignment of grades.

Notice to Students of their Rights Under (FERPA) Family Educational Rights and Privacy Act:

<http://www.csus.edu/umannual/student/umf04650.htm>

Ensures a student's right to privacy.

Statement of Faculty Responsibilities and Professional Ethics:

<http://www.csus.edu/umannual/hr/UMF04525.htm>

Outlines faculty responsibility to students.

Time Place and Manner of Individual Expression and Conduct of Campus:

<http://www.csus.edu/umannual/student/UMI07000.htm>

Establishes guidelines for the expression of beliefs (freedom of speech) and use of university facilities.

[Note: we are recommending that the following language be retired. A double strikethrough is used to identify the language that should be retired].

~~Freedom of Access to Higher Education. The University is open to all persons who are qualified according to its admission standards and current resource limitations. In addition, the University shall make all possible effort to provide for the education of all students by making equitable provision for their admission, instruction, counseling, and housing. Under no circumstances will an applicant be barred from admission to the University because of race, ethnicity, national origin, gender, sexual orientation, marital status, pregnancy, age, disability or veteran status. The University will inform all prospective students, upon request, of the academic standards required by the University. Normally these standards will be contained in the University catalog.~~

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~~Rights in the Classroom~~

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~~The classroom is the essential part of the University, and the freedom to learn should be promoted and encouraged by the instructor. Students have the right to assume and expect:~~

- ~~• That they will be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students will be free to take reasoned exception to the data or views offered in any course of study and 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.~~

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- ~~• That they will receive thoughtfully prepared presentations which are purposefully related to the stated objectives of the course, consonant with the description in the University catalog.~~

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- ~~• That instructors will inform them of the course requirements, the methods to be employed in determining the final course grade, and of any special requirements, including attendance, prior to the last day to drop a course without penalty.~~

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- ~~• That they will be provided with an opportunity to review and discuss any graded examinations and papers. It is expected that examinations will be graded within a sufficiently appropriate time to make the examinations part of the student's learning experience. Students have the right to review and discuss all tests and papers by the last academic day of each semester, if feasible. Faculty must keep all examinations and papers submitted by students for at least one semester after the completion of the course to enable students to review their work if it was not possible for this review to take place by the last academic day of the semester as noted above.~~

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- ~~● That all instructors will meet their classes regularly and at scheduled times and that an effort will be made to notify students when class is not being held or when an instructor is to be late.~~

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- ~~● That all instructors will provide a reasonable proportion of time for student conferences, and office hours for these student conferences shall be posted and adhered to.~~
- ~~● That their course grade represents the instructor's good faith judgment of the student's performance in the course. (A lack of good faith may be established by adequate demonstration that a grade was based on something other than the student's performance in the class, as outlined in grievance procedures.)~~

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- ~~● That unjustified failure of the instructor to meet classes, repeated lack of preparation which results in incompetent performance by the instructor, or discrimination against a student because of his or her race, religion, creed, sex, national origin, ethnic background, political affiliation, economic status, handicap, or age, is a legitimate ground for student complaint to the department, or division, or the dean of the college.~~

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- ~~● That they may participate in procedures designed to solicit their opinion on teaching effectiveness. The school/division deans/chairs, with adequate input from faculty and students, shall be responsible for developing procedures for obtaining and utilizing student opinion on teaching effectiveness. The results may be made available by the department.~~

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- ~~● That race, ethnicity, national origin, gender, sexual orientation, marital status, pregnancy, age, disability or veteran status shall not be used in a derogatory manner in the classroom.~~

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- ~~● That graduating seniors have the right to complete all requirements for a course before Commencement.~~

- ~~● That they not be given tests or additional work beyond what has already been assigned during the week prior to final examinations of each semester. With the permission of the instructor, graduating seniors may waive the rights stated in Section K.~~

Right to Privacy

- ~~● The student has a right to protection against improper disclosure of information concerning grades, personal views, beliefs, political associations, health, counseling, or character which any faculty, administrative, or staff person acquires in the course of his/her professional relationship with the student. Character references and written and recorded statements of ability, including recommendations sought by~~

~~prospective employers, based upon information contained in cumulative record files, will be provided only with the knowledge and prior written consent of the student. Exceptions will be made only where law dictates.~~

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- ~~● To minimize the risk of improper disclosure of information contained in a student's cumulative record file, separate files shall be kept for each student. The conditions of access to each individual's file shall be contained in a policy statement available in the office of the Vice President of Student Affairs. Transcripts of academic records will contain only information about academic status and performance. Disciplinary status will be added to transcripts only when authorized by the President, with notification to the student. Information from cumulative record files will not be available to any person, on campus or off campus, without the express written consent of the student involved except where authorized by law. Provision shall be made, in accordance with state law, for routine destruction of non-current disciplinary records in accordance with the "Policy on Disciplinary Records" on file in the office of the Vice President of Student Affairs.~~

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- ~~● Students shall have the right to see all cumulative record files pertaining to them and the right to include a response to any information contained therein.~~

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- ~~● Members of the University community enjoy rights of privacy in their living quarters as do members of the general community. The rooms of University residency students shall not be searched and personal possessions of students shall not be seized unless authorized by University regulations as stated in the housing license or by laws of California. Routine sanitary inspection may be conducted by campus officials in on-campus housing when they are accompanied by resident assistants, but only upon prior notice of at least 24 hours. The student must be present during any search or inspection by University officials.~~

~~**Rights to Freedom of Association:**~~

~~Students are free to organize, join associations, and promote their common interests. Students shall be free to discuss openly all questions of interest to them, and to express their opinions publicly or privately. The membership policies and actions of Sacramento State student organizations will be determined by those students who hold bona fide membership in the University, as long as they are non-discriminatory and in accordance with law, Trustee, and University policy.~~

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- ~~● No student, shall, on the basis of sex, race, religion, national origin, creed, ethnic background, political affiliation, economic status, handicap, or age, be denied the benefits of participation in student organizations at Sacramento State.~~

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- ~~● Affiliation with a non-University organization does not qualify a student organization from University or ASCSUS recognition.~~

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- ~~• Any organization whose purposes are not prohibited by law or regulations of the Trustees shall be entitled to petition for recognition by the University.~~
- ~~• Student organizations and interest groups are required to submit a current list of officers, a statement of non-discrimination, and a faculty advisor where appropriate, to the Vice President of Student Affairs or designee. They are not required to submit a list of members as a condition of recognition.~~

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- ~~• The University exercises no control over the student's involvement in off-campus events which have no relationship with the University.~~

~~Right to Freedom of Inquiry, Expression, and Information~~

~~Students are permitted the fullest expression of beliefs through any means that are orderly and do not violate the rights of others.~~

- ~~• The University will not condone acts of violence, vandalism, coercion, or other illegal interference with its legitimate functions.~~

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- ~~• Students and student organizations are free to invite and to hear any person of their choosing. However, speakers or programs funded from mandatory student body fees are subject to prior review to assure conformance to Trustee and campus policy. If campus facilities are needed and available, the scheduling procedure will insure order and adequate preparation for the event, but in no instance will the University be used as a device for censorship or restraint beyond valid Trustee regulation, University policy, or law.~~

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- ~~• The students, through their official governing body, the Associated Students of California State University, Sacramento, have the right to an effective and representative role in expressing their wishes.~~

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- ~~• The student shall have the right to access all documents containing University, school and departmental policies, procedures, standards, and regulations.~~

~~Rights Regarding Publication~~

~~Student-controlled media are available to the campus community and are also essential in stimulating intellectual exploration and in keeping open the channels of free and responsible communication.~~

- ~~• The Associated Students of California State University, Sacramento, student organizations, and individual students may publish and otherwise communicate information and opinion. These groups and individuals are not liable or subject to~~

~~sanctions and restraints beyond those imposed by provisions set forth by the ASCSUS Media Board, Trustee regulations, University policy, or law.~~

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- ~~• Student publications and other communications media are guaranteed the editorial freedom necessary to engage in free inquiry and expression without advance approval of content. Appointment and removal of editors shall be in accordance with duly established procedures of the appropriate ASI agency.~~

~~Rights of Due Process and Appeal~~

~~• Student Discipline~~

~~The student shall have the right of due process and appeal in matters of student discipline, as prescribed by California State University Student Conduct Procedures, copies of which are available in the office of the Vice President of Student Affairs. The student shall be considered innocent unless proven guilty.~~

~~At their request, all students shall have the right to counsel during any questioning by any University official that may reasonably lead to initiation of any disciplinary action. The right to counsel may be exercised at any time during questioning in which the student feels that he/she is in need of counsel.~~

~~The student shall be informed of this right by the official before any questioning and shall be informed of the capacity in which the official questioning him/her is serving, i.e., discipline investigation or informal conversation.~~

~~"Counsel" shall be interpreted to mean any other person the student chooses, attorney or lay. The student should be aware that the use of an attorney will mean the possible forfeiture of an informal hearing.~~

~~• Student Grievances~~

~~Procedures have been established to hear grievances of students who believe their basic rights have been denied or violated. These procedures include methods of redress for students whose rights are found to have been abridged. It is hoped that most disputes will be resolved informally.~~

- ~~• Departments shall have clearly defined procedures for the receipt and consideration of student complaints concerning violation of student academic rights. At the departmental level, these complaints are to be handled on an informal basis. These procedures shall be on file in the department and division or college, as well as in the office of the Vice President of Student Affairs.~~
- ~~• Each school or division shall also have clearly defined procedures for the receipt and consideration of student complaints after the informal means of resolution at the departmental level have been exhausted. These procedures shall allow for a hearing. A student may appeal the ruling of a department to the college or division.~~
- ~~• If, after a hearing and decision following Section B above, the student feels there was not fairness in the procedure, the student shall have the right to appeal the decision to the office of the Provost/Vice President for Academic Affairs. If there are appeals to the office of the Provost/Vice President for Academic Affairs, that office shall provide for a committee consisting of a representative from that office, disinterested faculty member appointed by~~

~~the Academic Senate, and a disinterested student appointed by the Student Senate to consider the appeal of the student. The role of this committee within the Office of the Provost/Vice President for Academic Affairs is to determine whether or not there was a procedural fairness at the school or division level. If there was not procedural fairness, the Academic Vice President will instruct the committee, the college, or the divisional committee to conduct a new hearing.~~

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~~Right to Substantial Input into the Determination of University Policy and Instructional Programs~~

~~The functioning of the educational community requires an awareness of mutual responsibility, understanding, trust and respect in order that all its members may actively contribute to the development of policies and programs. The purpose shall be achieved through continuous cooperation within the educational community.~~

- ~~• The student has the right to an effective and representative role in recommending University policies. The Associated Students shall be contacted whenever the President of the University is considering the formulation of University policy that would have a direct and substantial impact upon students as students, so that they are afforded the opportunity to forward a recommendation.~~
- ~~• Students are also guaranteed the opportunity to participate in revision and improvements of curricula through service on curriculum committees.~~

~~Responsibilities~~

~~It is the student's right and responsibility to know the policies, procedures, standards, and regulations which affect student rights, and it shall be the student's responsibility to obtain and act appropriately on such information. Ignorance of the information made accessible to the student shall not be cause to waive policies, procedures, standards, and regulations.~~

~~Responsibilities in the Classroom~~

~~It is the responsibility of the student to meet appropriate standards of performance and conduct stated by the instructor.~~

~~Responsibilities Regarding Use of University Facilities~~

~~Arrangements for speakers and events shall be made through Student Activities. The use of University equipment and facilities involves the responsibility of adhering to established procedures for the use and safety of equipment and facilities.~~

~~Responsibilities Regarding Freedom of Inquiry, Expression, and Information~~

~~If an individual student or group denies the rights of others or seriously interferes with, obstructs, or disrupts the orderly operation of the University or of organizations accorded the use of University facilities, such actions are subject to disciplinary sanctions contained in Title IV as administered through the application of the California State University Student Conduct Procedures. Copies of both are available in the office of the Vice President of Student Affairs.~~

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**Approved by Alexander Gonzalez, President
October 2, 2008**