

# STUDENT RIGHTS AND RESPONSIBILITIES

## Academic Records

Student academic records are treated in a confidential and responsible manner as required by the Family Educational Rights and Privacy Act of 1974 (FERPA). Students have:

**1. The right to inspect and review their education records within 45 days of the day the College receives a request for access.**

A student should submit to the Director of Admissions and Records, a written request that identifies the record(s) they wish to inspect. The Director will arrange for access and will notify the student of the time and place where the record(s) may be inspected. If the records are not maintained by the Admissions and Records Office, the Associate Dean will advise the student of the correct official to whom the request should be addressed.

**2. The right to request the amendment of the portions of their education records that they believe are inaccurate or misleading.**

Students should write to the Director clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and will advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

**3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception that permits release of student records without written consent is disclosure to school officials with legitimate educational interests. A "school official" is defined as a person employed by the college in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the college has contracted (such as an attorney, auditor, or collection agent); a member of the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill professional responsibility.

**4. Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by San Bernardino Valley College to comply with the requirements of FERPA.**

The name and address of the Office that administers FERPA:  
 Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-8520

## Academic Dishonesty

It is the belief at San Bernardino Valley College that students share a responsibility with their instructors for assuring that their education is honestly attained. In keeping with this belief, every instructor has the responsibility and authority to deal with any instances of plagiarism, cheating and/or fabrication that occur in the classroom. This policy on Academic Dishonesty applies to all students, including students taking

online and hybrid classes. Examples of academic dishonesty include (but are not limited to) the following:

### Plagiarism

Plagiarism is the act of presenting someone else's work as one's own.

Examples include:

- Copying and pasting text from websites or other electronic sources and presenting it in an assignment as your own original work;
- Copying and pasting text from printed sources (including books, magazines, encyclopedias or newspapers) and presenting it in an assignment as your own original work;
- Using another student's work and claiming it as your own original work (even if you have the permission of the other student).

### Cheating

Cheating is the act of pretending (or helping others to pretend) to have mastered course material through misrepresentation.

Examples include:

- Copying from another student's test or assignment.
- Allowing another student to copy from your test or assignment;
- Using the textbook, course handouts, or notes during a test without instructor permission;
- Stealing, buying or otherwise obtaining all or part of a test before it is administered;
- Selling or giving away all or part of a test before it is administered;
- Having someone else attend a course or take a test in your place;
- Attending a course or taking a test for someone else;
- Failing to follow test-taking procedures, including talking during the test, ignoring starting and stopping times, or other disruptive activity.

### Fabrication

Fabrication is the intentional use of invented information. Examples include:

- Signing a roll sheet for another student;
- Giving false information to college personnel;
- Answering verbal or written questions in an untruthful manner;
- Inventing data or sources of information for research papers or other assignments.

As members of the San Bernardino Valley College learning community, students are not to engage in any form of academic dishonesty. Any act of academic dishonesty will be considered a very serious offense that is subject to disciplinary action. The consequences of academic dishonesty may include receiving a grade of "F" for a class or possible expulsion from the college.

## Substance Abuse

The San Bernardino Community College District strives to maintain a workplace free from the illegal use, possession or distribution of controlled substances as defined in the Controlled Substances Act. Students, employees and visitors are subject to applicable legal sanctions under local, state or federal law for the unlawful possession or distribution of illicit drugs and alcohol. Disciplinary action will be imposed on a student for misconduct for the following infractions while attending college classes or college-sponsored events:

- The use, sale or possession of illegal drugs;
- The presence on campus of anyone under the influence of drugs or alcohol;
- The use or possession of alcoholic beverages on college property or at any college-sponsored event.

## Animals on Campus

The college does not permit staff or students to bring animals on campus, with the exception of “seeing eye” and “hearing ear” and “seizure” dogs and animals used for instructional purposes. At no time should dogs be left in vehicles.

## Children on Campus and in the Classroom

All children (with the exception of high school students who have been admitted to the Middle College program) must be accompanied by an adult while on campus. Children are not allowed in the classroom under any conditions and are not to be left unattended in any campus facility. Should this occur, the District Police will be notified immediately.

## Computer Use Policy

The San Bernardino Community College District has a Computer Use Policy (AP 3720) that all students and employees are expected to follow. These documents set the foundation for the following items: Ownership Rights, Privacy Interests, District Rights, System Abuse, Misrepresentation, Liability, Harassment, Commercial Use, Fair Use, Software Licensing, Exceptions, Network Access, Media, Social Networking, PDA, and Smartphone. These documents can be found on the District website at: [www.sbccd.org](http://www.sbccd.org) (<http://www.sbccd.org>) under Board Policies and Administrative Procedures.

## Financial Obligations

Students who have an outstanding financial obligation will not be allowed to register for classes, receive grades, transcripts, diplomas or certificates, obtain enrollment verification or receive any other services normally afforded students in good standing. Examples of obligations falling under this policy include (but are not limited to) returned checks, unpaid loans, equipment breakage, and unpaid library fines. An item or service withheld shall be released when the student satisfactorily meets the financial obligation.

## Speech: Time, Place, and Manner

Designated Public Forum (DPF) Areas have been identified throughout the campus. Individuals or organizations wishing to use a DPF must notify the Campus Business Office or the Office of Student Life at least one hour prior to use and fill out a *Free Speech Application*.

In accordance with Education Code Section 76120, the use of Free Speech Areas is subject to the following:

- Persons using the DPF area(s) and/or distributing material in the DPF area(s) shall not impede the progress of passersby, nor shall they force passersby to take material;
- No person using the DPF area(s) shall touch, strike or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby;
- Persons using a DPF area shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place at that time;

- No persons using the DPF area(s) shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the DPF area(s) on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved by Associated Student Government or club;
- All persons using the DPF area(s) of the college shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the DPF area(s). Material distributed in the DPF area(s) that is discarded or dropped in or around the DPF area(s) other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the DPF area(s) that day.

## Posting

Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. Materials displayed shall be removed after the passage of specified days.

## Standards of Conduct

**In the classroom:** Students are expected to take responsibility for helping to create a quality classroom environment. Students are expected to show:

1. **Respect for the instructor:** This would include arriving on time, staying for the entire class period, bringing assignments, textbooks and other appropriate materials to class, refraining from talking while the instructor or classmates are making a presentation, leaving cell phones and other electronic devices off during class periods, and using a moderate, mature and respectful tone when participating in group discussions.
2. **Respect for other students:** This would include using appropriate language in public areas and refraining from physically or verbally harassing others in any way.

An instructor has the right to remove a student from class any time he or she considers the student’s actions to be interfering with a proper collegiate environment. The instructor may also refer the incident to the administration for disciplinary action as warranted.

**On the campus:** Creating a proper campus environment is also very important for academic and individual success. The Board of Trustees of the San Bernardino Community College District has established district-wide standards of student conduct, which will be enforced at all times. These rules of conduct are particularly important in large common areas such as the cafeteria, bookstore, vending areas, campus quads, and other highly frequented areas.

## Grounds for Disciplinary Action

The Chancellor shall be responsible for procedures that impose discipline on students in accordance with due process outlined in federal and state law and regulations. The following behaviors are subject to disciplinary action ranging from verbal reprimand through removal, suspension or expulsion of a student:

- Causing, attempting to cause, or threatening to cause physical injury to another person;
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to

possess the item from a district employee, which is concurred in by the college president;

- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5;
- Committing or attempting to commit robbery or extortion;
- Causing or attempting to cause damage to district property or to private property on campus;
- Stealing or attempting to steal district property or private property on campus;
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District;
- Committing sexual harassment as defined by law or by District policies and procedures;
- Engaging in harassing or discriminatory behavior based on race, sex, (i.e., gender), religion, age, national origin, disability, or any other status protected by law;
- Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel;
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty;
- Dishonesty, forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District;
- Unauthorized entry upon or use of college facilities
- Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions;
- Engaging in expression which is obscene; libelous or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District;
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct;
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure;
- Hazing, defined as including any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm to any student or other person attending any school, college, university or other educational institution in this State;
- Persistent violation of smoking regulations.

**SBCCD Board Policy 5500**

## Types of Disciplinary Action

Students enrolled in the San Bernardino Community College District shall refrain from disruptive conduct which significantly interferes with the instructional program, college activities, or which endangers the health or safety of members of the college, including visitors to the campus. Disruptive conduct on the part of students shall be cause for disciplinary action in accordance with policies adopted by the San Bernardino Community College District Board of Trustees and pursuant to appropriate sections of the Education Code, the Business and Professions Code, the Health and Safety Code, and the Penal Code of California.

### Disciplinary Action

1. Disciplinary action for good cause may be imposed upon a student by an instructor, an administrator, or the Board of Trustees for misconduct of any of infractions while attending college classes or college-sponsored activities.
2. **Disciplinary action includes:**
  - a. **Reprimand:** a verbal or written reprimand regarding the misconduct.
  - b. **Probation:** Student conduct probation may include, but is not limited to, ineligibility to participate in extra-curricular activities and certain other student privileges.
  - c. **Suspension:** Exclusion from the colleges and college-sponsored activities for a specified time.
  - d. **Expulsion:** Exclusion by the District Board of Trustees from the college and all college-sponsored activities.

### Disciplinary Procedures

Suspension or expulsion of a student in the San Bernardino Community College District shall be accompanied by a formal hearing, unless the student involved waives the right to such a hearing, in accordance with the student due process procedures. The student shall make a decision regarding waiving the right to a hearing within five (5) working days.

**SBCCD Administrative Procedure 5500**

## Student Complaints

Students are encouraged to resolve complaints at the appropriate level of the dispute. Any student complaint about a grade, an instructor, or a course should be first made to the instructor involved. However, should this approach fail or be inappropriate, students may submit a written complaint through the Faculty Chair or the Academic Dean. Once received, the complaint will be forwarded to the appropriate college official for review, and the complaint will receive a response as soon as possible. For matters regarding grade appeals, student grievances, discrimination or sexual harassment, please refer to the college's policies relating to those matters. The Student Complaint process is currently being updated at the time of printing this catalog. For more information on the student complaint process, please refer to the San Bernardino Community college District Board Policies ([http://www.sbccd.org/Board\\_of\\_Trustees/Policies\\_-\\_a\\_-\\_Procedures/](http://www.sbccd.org/Board_of_Trustees/Policies_-_a_-_Procedures/)).

### Student Grievance and Due Process

It is the stated policy of the Board of Trustees of the San Bernardino Community College District that, "the relationship between students and college personnel is of vital importance to the learning process." With this principle comes the recognition that there may be many divergent viewpoints and that a process by which these viewpoints can be aired and resolved must be established.

## Cause and Filing

Student grievance proceedings may be initiated against a District employee or another student for any of the following reasons:

- Any act or threat of intimidation;
- Any act or threat of physical aggression;
- Any arbitrary action or imposition of sanctions without a proper regard to due process as specified in college procedures.

### Notice:

1. Grades are not grievable (see **notation** at end of policy);
2. Sexual Harassment complaints are filed in accordance with Board Regulation 3430 and are not covered under Student Grievances;
3. Discrimination complaints are filed in accordance with Board Regulation 3430 and are not covered under Student Grievances.

## Who to File a Grievance With?

A student may submit a grievance to any manager or employee in any area for delivery to the Vice President of Student Services who will assess which manager or vice president is to oversee the grievance process.

Student grievances should be filed with the appropriate college administrator for resolution. Examples are:

- Classroom or teacher-related issues should be submitted to the Vice President of Instruction, or designee;
- Student service or counseling-related issues should be submitted to the Vice President of Student Services, or designee;
- Building, grounds, cashiering, mailroom, switchboard, food services or police-related issues should be submitted to the Vice President of Administrative Services, or designee.

## Time for Filing a Grievance Notice

The appropriate vice president, district manager, or designee will accept a formal written student grievance when submitted within 180 calendar days of the event's occurrence and under the provisions specified. A grievance may be denied if the events occurred more than 180 calendar days prior to the date in which the grievance was filed in writing.

## Student Status for Filing a Grievance

Only registered students may file a student grievance. Non-student grievances may be considered by the designated vice president or manager if the grievance is a result of a dispute arising out of the registration or enrollment process and the grievance is filed within thirty calendar days of the alleged incident.

## Group Grievance

If more than one student files a grievance against an individual on the same issue or situation, members of the group shall select one person to serve as spokesperson/representative for the entire group.

## Informal Student Complaint Resolution Process (Non-Written)

**Step 1:** Every effort shall be made to resolve a student complaint at the lowest level possible. A student must first attempt to resolve the issue directly. If this is not practical or possible, or due to the nature of the problem, or failing a resolution the grievance progresses to Step 2.

**Step 2:** A student who is not satisfied with the Step 1 outcome may next attempt to resolve the alleged problem by conferring with the immediate

supervisor of the employee with whom the initial conference was held. If the grievance is alleged against another student, Step 2 would be taken to the Disciplinary Officer. Upon such a request, the administrator shall inform and confer with any employee or student named by the student. In turn, the administrator shall schedule a meeting with the grievant and if requested, all involved parties, not more than ten (10) school days from the date of the initial request.

## Formal Procedures

If the alleged problem is not resolved at the Informal Level, the student may request a formal hearing in writing with the appropriate vice president or designee. This written notice shall state the conditions, practice, alleged act, or injustice that is being grieved, the date(s) of the alleged occurrence and should, if possible, include a proposed remedy or resolution to the problem.

**Step 1:** Within three (3) working days of receipt of the written student grievance notice, the appropriate Vice President or designee shall determine if the allegations were filed in a timely manner and meet the criteria outlined. If the student grievance notice fails to meet the above criterion, the Vice President shall notify the student of this determination and the grievance shall be terminated. If the student grievance notice is not terminated, the Vice President shall appoint a Student Grievance Hearing Committee within five (5) working days.

**Step 2:** Any employee who has conferred with a student who requests a hearing shall prepare a written account of the discussion, which shall be forwarded, to the appropriate Vice President or designee.

**Step 3:** The student and any college personnel or student involved in the allegations shall be notified of a hearing and the time and place of the hearing in writing. The notice shall include the names of the Hearing Committee and all documentation relating to the allegation(s).

**Step 4:** The Hearing Committee shall consist of either a maximum of two faculty or two classified staff members, based on the nature of the classification of staff involved, two students, and one administrator to hear the grievance. The administrator where the issue relates shall serve as chairperson of the hearing committee.

## Hearing Procedures

1. The hearing shall convene within ten (10) working days of the receipt of the student grievance notice unless mutually agreed upon for a delay.
2. The hearing shall be closed unless the District employee or student against whom the grievance is brought requests that it be open.
3. The following persons should be present:
  - The Hearing Committee
  - The student grievant and non-legal representative/advocate if any
  - The college employee or student against whom the grievance is brought and a representative of the appropriate bargaining unit, if any
  - Witnesses, while presenting testimony.
4. Both parties shall notify the appropriate Vice President or designee, in writing within three (3) working days of the hearing if he/she will be accompanied by a representative/advocate. Such notification shall include the name and title of the representative. The Committee Chairperson shall be obligated to immediately notify the parties directly involved.
5. Although minutes will be taken at the hearing to provide a written record, if all parties agree the hearing may also be tape-recorded.



6. All participants in a hearing shall be advised by the Committee Chairperson that the proceedings are confidential.
7. Witnesses shall not be required to testify under oath; however, witnesses shall be advised that false testimony will constitute grounds for college disciplinary action.
8. The proceedings will not be bound by formal rules of evidence nor trial-like procedures. Rather, the procedures will be those upon which reasonable persons would rely in the conduct of serious affairs. The Committee Chairperson shall rule on all procedural issues. If substantive or procedural issues arise during the hearing that require external assistance for resolution, the Hearing Committee Chairperson should recess the hearing and submit the issue to the college president for resolution.
9. Evidence and/or testimony, which may be irrelevant or unduly repetitious, may be so noted by the Committee Chairperson.
10. The burden of proof to sustain a grievance rests with the student.
11. If the grievant fails to appear at the time and place scheduled for the hearing, and fails to notify the committee of the circumstances the grievance will be considered to have been withdrawn and procedures will be terminated. Depending on the nature of the circumstances, the committee shall determine if the hearing should be rescheduled within a reasonable time period. It is recommended that the defendant participate in the hearing.
12. Upon conclusion of the hearing, within five (5) working days, the Committee Chairperson shall submit to the Vice President a written report. The report shall include:
  - A brief summary of evidence submitted;
  - A finding of facts, supported by a preponderance of the evidence;
  - A recommendation that the grievance be sustained or denied; and
  - In the event the recommendation is to sustain the grievance, a recommendation of appropriate corrective action.
13. Upon review of the Hearing Committee's report, the Vice President or designee shall make a final determination.

## Notification

Within five (5) working days following receipt of the report of the Hearing Committee chairperson, the Vice President or designee shall provide a written notification to the student/s and to the employee/s directly involved in the issues as to the final determination.

## Appeal to President

If either the complainant or accused is not satisfied with the final college-level disposition of the grievance, the party may, within ten (10) working days, appeal the decision to the College President. The basis of appeals are:

- All parties shall be notified by the President of the appeal.
- The President shall provide written notification to the student and to other parties directly involved in the issues as to his/her recommendation within five (5) working days.

## Appeal to the Chancellor

If either party is not satisfied with the final college-level disposition of the grievance, he/she may, within ten (10) working days, appeal (state the basis of the appeal again) the decision to the Board of Trustees through the District Chancellor. All parties shall be notified by the Chancellor of the appeal. The Chancellor shall report the grievance in closed session to the Board of Trustees for final determination. The Chancellor shall provide written notification to the student and to other parties directly involved in

the issues as to his/her recommendation within five (5) working days. The determination of the Board of Trustees is final.

## General Provisions

1. The time limits specified in this procedure may be shortened or extended if there is mutual written concurrence between the parties.
2. At any step of the grievance procedure, the college President may designate a substitute for the designated college officials.
3. Failure of the student grievant to appeal a grievance determination at any step to another step within the specified time limits shall be deemed as acceptance of the last determination rendered.
4. It is the intent of this policy that the confidentiality of the discussions, including any documents or written records, be maintained by the participants.
5. It will not be mandatory for any staff member to attend the student grievance meetings nor will the student grievance procedure supersede staff member's contractual rights.

## Grade Appeal Process

Any student complaint about a grade should first be made to the instructor involved. All attempts should be made to resolve the grade dispute at the lowest level. (Please see Student Complaints section for additional information).

By law, the instructor is solely responsible for the grades assigned in courses; no instructor may be directed to change a grade except in cases of mistake, fraud, bad faith, or incompetence as authorized by the California Education Code, Section 76224 (a).

To appeal a grade, the student must provide evidence that the instructor issued a grade in:

1. Mistake – unintentional error on part of the instructor
2. Fraud – intentional misrepresentation of any or all facts, which lead to a negative outcome
3. Bad faith – any other intentional act of the instructor, which negatively impacts the grade of the student
4. Incompetency – there is evidence that the instructor does not have the knowledge, skills, and/or abilities to conduct and fairly grade the course. Incompetence is usually pervasive, and not restricted to one student or one incident.

Grade appeals with supporting documentation must be submitted with the Student Grade Appeal form to the Director of Admissions and Records. The student must provide evidence that one of the four conditions listed above (mistake, fraud, bad faith, or incompetency) resulted in the assignment of the grade in question. The burden of proof in this process lies with the student. The Director of Admissions and Records, in consultation with the Vice President of Instruction, will make a thorough review of the grade appeals documentation provided by the student within 30 working days. If warranted, the student's appeal will be forwarded to a hearing committee for review.