



SAN DIEGO COMMUNITY COLLEGE DISTRICT

DRAFT

Board of Trustees Policy

AS Deans 02/28/22
VPSS/SSC 03/03/22

Chapter 5 – Student Services

BP 3400-BP 5500 - STUDENT RIGHTS, RESPONSIBILITIES, CAMPUS SAFETY AND ADMINISTRATIVE DUE PROCESS

This policy enumerates the rights and responsibilities of all District students. It also outlines the District's commitment to a safe learning environment for all students.

1. STUDENT RIGHTS

All students shall have the right to a safe campus learning environment free from interference and disruption including verbal, physical, sexual or violent acts. The District shall ensure to the best of its ability to afford students the rights contained herein.

- a. Students shall have the right to impartial, objective evaluation of their academic performance. Students shall receive in writing, at the beginning of each course, information outlining the method of evaluating student progress including the method by which the final grade is determined.
- b. Students shall have the right to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and wearing of buttons, badges, or other insignia, so long as the expression is not obscene, libelous or slanderous according to current legal standards. The expression shall not incite students so as to create a clear and present danger of:
 - 1) The commission of unlawful acts on community college premises;
 - 2) The violation of local, state, or federal laws and regulations; or
 - 3) The substantial disruption of the orderly operation of the community college. The District reserves the right to regulate the time, place and manner of all student activities. (Education Code Section 76120).
- c. Students shall have the right to be free of sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence and other unlawful harassment as identified in Board of Trustees Policy, *BP 3430, Prohibition of Harassment*.
- d. No student with a qualified disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the District or be subjected to discrimination (see Board of Trustees Policy, *BP 3430, Prohibition of Harassment*, and Administrative Procedure, *AP 3435, Discrimination and Harassment Investigations*).
- e. Students shall have the right to be free from the imposition of disciplinary sanctions without proper regard for due process.
- f. Students shall have the right to take reasoned exception to the data or views offered in

any course of study without disrupting the instructional environment and to reserve judgment about matters of opinion. However, this does not preclude the expectation that a student must meet the course requirements.

- g. Students shall have the right to participate in the formation of policy affecting them in accordance with established procedures for Shared Governance.
- h. Students shall have the right to petition to organize interest groups and/or join student associations pursuant to Administrative Procedure, *AP 3200, Associated Students Organization, Guidelines for Student Clubs and Organizations*.
- i. Students shall have the right to develop student publications in accordance with standards established by current District and college policies, procedures and guidelines.
- j. Students with verified disabilities shall have the right to receive appropriate accommodations as specified in Title II of the Americans with Disabilities Act of 1990 as amended by the ADA Amendment Act of 2008, Section 504 of the Rehabilitation Act of 1973, and District and college policies, procedures and guidelines.
 - 1) Students who believe this right has been violated may file a complaint by visiting the [Complaint Process](#) website.

2. STUDENT RESPONSIBILITIES

Student behavior must remain in accordance with specific academic and behavior requirements as specified in District policy and which may be outlined by the course syllabus.

- a. Students shall be responsible for defining and making progress toward their educational goal.
- b. Students are responsible for reading and adhering to the policies and procedures as outlined in catalogs, schedules, course syllabi and other official printed and online materials.
- c. Students with verified disabilities who believe they need academic accommodations are encouraged to identify themselves to instructors to discuss the details and timelines necessary to provide appropriate accommodations. Students who request accommodations or auxiliary aids are responsible for contacting the Disability Support Programs and Services (DSPS) office. Students who make a request directly to the faculty should be referred to DSPS (see Administrative Procedure, *AP 3105.1, Academic Accommodations and Disability Discrimination for Students with Disabilities*).

Students are responsible for providing professional documentation of a qualified disability to DSPS. The DSPS faculty, in consultation with the student, shall recommend appropriate accommodations. The recommendations shall be documented by DSPS and a copy provided to the student.

Students are advised to consult directly with a Disability Support Programs and Services (DSPS) Counselor Specialist regarding any accommodation. These students will be required to meet timelines and procedural requirements established by the DSPS Office.

3. STUDENT CODE OF CONDUCT

Students are subject to adhering to the policies and procedures of the San Diego Community College District, as well as all federal, state, and local laws. Students are subject to charges of misconduct concerning, but not limited to, the following acts when committed on District-owned or controlled property or at District-sponsored activities. Conduct that constitutes sexual harassment under Title IX, shall be address under Administrative Procedure, AP 3433, Prohibition of Sexual Harassment under Title IX, and Administrative Procedure, AP 3434, Responding to Harassment Based on Sex under Title IX.

- a. Academic misconduct or dishonesty as specified in Administrative Procedure, AP 3100.3, *Honest Academic Conduct*.
- b. Forgery, alteration, falsification, or misuse of campus/District documents, records, electronic devices, or identification.
- c. Providing false information to a college official or in the course of an investigation.
- d. All forms of nonacademic dishonesty, including but not limited to, fabricating information, any form of bribery, knowingly furnishing false information, or reporting a false emergency to officials acting in an official capacity.
- e. Use of a recording device in a classroom without prior permission of the instructor or approval of an academic accommodation from Disability Support Programs and Services (DSPS).
- f. Act or threat of damage to, or theft of property belonging to, or located on District-controlled property or facilities.
- g. The physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities, the orderly operation of the campus, or prevention of authorized visitors from carrying out the purpose for which they are on campus.
- h. Physical, verbal, or written intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance or a District employee's work performance. Complaints based on a protected class (national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics) will be handled under the procedures of Board of Trustees Policy, BP 3410, *Nondiscrimination*; Board of Trustees Policy, BP 3430, *Prohibition of Harassment*; and Administrative Procedure, AP 3435, *Discrimination and Harassment investigations*.
- i. Any expression which is obscene, libelous or slanderous according to current legal standards, which so incites others as to create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the college/campus/District.

- j. Physical altercation or threats of violence including assault or battery upon a student or District personnel on District premises or at any time or place while under the authority of District personnel.
- k. Unlawful conduct of a sexual nature including but not limited to indecent exposure, prostitution, voyeurism, or loitering for the purpose of soliciting or engaging in any lewd act or conduct.
- l. Sexual assault or physical abuse including but not limited to rape, sexual assault, domestic violence, dating violence, or stalking as defined by California law below:

Consent – Affirmative consent to sexual activity by both parties. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other party. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent must be ongoing and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Sexual Assault – Includes but is not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Domestic Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse of the victim under California law; or by any other person against an adult or youth victim who is protected from that person’s acts under California law.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

- m. Any conduct that threatens the health or safety of any person, including oneself.
- n. Participation in hazing (California Education Code Sections 32050 through 32052).
- o. Possession of weapons, explosives, unlicensed dangerous chemicals or objects which may be used as weapons or to threaten bodily harm, as specified in the California Penal Code or other applicable laws.
- p. Conduct which is in violation of federal, state, or local laws or ordinances; while on District premises or at District-sponsored or supervised activities. (Reference 76020,

76120.)

- q. Failure to comply with directions of staff members of the District who are acting within the scope of their employment. Continued and willful disobedience or open and persistent defiance of the authority of District personnel providing such conduct is related to District policies, activities or college/campus attendance.
- r. Smoking on District premises, or in vehicles provided by the District used for transporting students; except as permitted by applicable ordinances, laws, college and District guidelines and procedures.
- s. Use, possession, distribution, or sale of alcoholic beverages on campus except as permitted by law.
- t. Use, possession, distribution, manufacture, cultivation, or sale of any controlled substance including marijuana, narcotics or other hallucinogenic drugs or substances, or inhaling or breathing the fumes of, or ingesting, any poison classified as such by the California Business and Professions Code Section 4160, Schedule "D," except as provided by law, is prohibited when on District premises.
- u. Violation of Policies & Procedures for Student Organizations as enumerated in Administrative Procedure, AP ~~3200~~5400, *Associated Students Organizations and Guidelines for Student Clubs and Organizations*.
- v. Violation of the Student Travel Contract.

Reference: Administrative Procedure 3100.3, Administrative Procedure 3105.1, Administrative Procedure 3200, Administrative Procedure 3435, Administrative Procedure 3540, Board of Trustees Policy 3105, Board of Trustees Policy 3430, Section 504 of the Federal Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, as amended by the ADA Amendment Act of 2008, Education Code Section 32050-32052, 76020, 76100 and 76120

Adopted: ~~January 31, 2019~~

Supersedes: BP 3100 – 05/10/79; 04/16/84; 08/11/94; 10/14/10; 12/11/14; 02/18/16; 09/08/16; 11/09/17; 01/31/19 (Renumbered 5500)