

# Rules and Regulations

## Student Rights

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### Academic Freedom

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In the classroom, students are free to take reasoned exception to the data or views offered and to reserve judgment about matters of opinion. While students are protected against prejudiced or capricious academic evaluation, they are also responsible for fulfilling standards of academic performance for each course in which they are enrolled.

### Freedom of Association

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Students are free to organize and to join associations that have goals that are consistent with the University's Mission. Such associations provide an opportunity for students to promote their common interests, to learn organizational skills, and to develop maturity through self-management of their own group activity. Student organizations are expected to observe the same standards of conduct as individuals.

### Freedom of Expression

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In a free society, the right to express oneself freely and the right to have access to divergent views are cornerstones of our social institutions. The time, place and manner of exercising these rights shall not interfere with University functions. This policy in no way constitutes prohibitions on the right to express political views by any individual in the University community. The University recognizes, supports, and shall not abridge the constitutional rights of faculty, students, or staff to participate, either as individuals or as members of groups, in the political process of supporting candidates for public offices or any other political activity.

### Privacy

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The Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. 1232g) and regulations adopted there under (34 C.F.R. 99) grant students significant rights to access their educational records. This act also protects the privacy of student records and requires the University to inform students of all their rights and safeguards. The following summarizes the various sections of the act. Students may gain access to any written records directly concerning them by asking the official holding the records. A list of record holders and the contents of student files can be obtained from the Office of the Registrar. Where a record contains

information on more than one student, the student requesting inspection must be informed only about the information pertaining to him or her. The student does not have the right to inspect such records personally since this would violate the privacy of another student. The student has no right of access to some records.

These are:

- Financial records of parents.
- Confidential letters and recommendations written prior to January 1, 1975.
- Confidential letters and recommendations, for which a waiver of right to access has been signed, provided the student is given the names of those writing letters.

Students have the right to the interpretation and explanation of all records. Furthermore, the subject matter of the files can be challenged directly with the official holding them. If students are not satisfied with the explanation or reach an impasse with the record holder, they have the right to appeal the case to the record holder's supervisor. Students have the right to copies of their records. They may be charged for this service, but the amount cannot exceed the actual cost of producing them. The act entitles students to the privacy of their records. Only material classified as "directory" information can be released without student consent. This information includes directory name, school of enrollment, credit hour load (full-time, part-time), periods of enrollment, degree awarded, honors, major and minor fields, President's Honors list, and date and place of birth. (If they give reasonable notice, students can have any or all of the information withheld). The act does, however, allow persons serving in official capacities to have access to student records. These include:

- University officials performing their official duties.
- Officials of other universities in which the student seeks enrollment, provided the student is given notice and the opportunity to review the records sought.
- Government officials acting in their legitimate functions.
- Those persons needing them in connection with a student's application for, or receipt of, financial aid.
- Organizations conducting surveys, provided that the information will not reveal the student's name and will be destroyed when it is no longer needed.
- Accrediting organizations.
- Those persons named in a judicial order.

Students may agree to have others review their files. To protect students, a record will be kept of those granted access, other than NHU officials. Such records will be maintained for each file reviewed.

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## **Tuition Recovery Fund**

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### **(SECTION 94342 OF THE EDUCATION CODE)**

All officially enrolled students of the University who prepaid tuition will be notified within 30 days of the institution's closure and receive instructions on how to apply for payment. The amount of the payment will include all student loan debt incurred by the student while attending the University.

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## **Non-Discrimination Policy**

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Complaints by students or employees on matters pertaining to NHU non-discrimination policy should be directed to NHU Executive Director of Student Outreach and Support Services. The National Hispanic University does not discriminate on the basis of age, marital status, religion, citizenship, medical condition, veteran status, sexual orientation, or any other characteristic protected by law in the administration of its educational policies, admissions policies, scholarships and other school administered programs.

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## **Disabled Student Rights**

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The National Hispanic University does not discriminate on the basis of disability in admission, access to, or treatment of employment in its programs and activities. This is in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, and the American with Disabilities Act (ADA), and the regulations adopted there under prohibit such discrimination.

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## **Race, Color or National Origin**

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The National Hispanic University complies with the requirements of Title VI of the Civil Rights Act of 1964 and the regulations adopted there under. No person shall, on the grounds of race, color, or national origin be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program at NHU.

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## **Gender**

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The National Hispanic University does not discriminate on the basis of gender in the educational programs or activities it conducts. Title IX of the Education

Amendments of 1972, as amended, and the administrative regulations adopted there under, prohibit discrimination on the basis of gender in education programs and activities operated by The National Hispanic University. Such programs and activities include admission of students and employment. Inquiries concerning the application of Title IX to program and activities of The National Hispanic University may be referred to NHU Executive Director of Student Outreach and Support services or to the Regional Director of the Office for Civil Rights, US Department of Education, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, California 94102- 4102, (415) 556-4275.

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## **Student Appeals**

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At times, situations or incidents may arise affecting students' academic success and progress toward their degree within the University. In these situations, students are advised to attempt to address any issues with their academic Advisor or Department Chair/Coordinator first. If the student feels these channels do not offer satisfactory solutions, students can appeal to the Appeals Committee. All appeals must be done in writing and include any and all material pertinent to the appeal. The Committee meets periodically to review and deliberate on academic and non-academic issues. The Committee is responsible for reviewing all materials presented by the student. Decisions rendered by this Committee are final.

# Complaints and Grievance Process

The National Hispanic University has established 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, including students. Procedures and forms are available at the Office of the Provost on the Second Floor, Sobrato Hall, (408) 273-2693 as well as with the Office of Human Resources, Third Floor, Sobrato Hall, (408) 273-2711.

## Policy on Sexual Harassment

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The University is committed to provide a work environment that is free of discrimination and harassment. This policy applies to employees, students, vendor and visitors. Such behavior is illegal as well as inappropriate. Actions, words, jokes, or comments based on an individual's sex will not be tolerated.

- Attempting to coerce an unwilling person into a sexual relationship (physical assault, or subtle pressure for sexual activity, whether or not accompanied by implied or overt threats concerning one's job, opportunities for advancement, grades, letter of recommendation, etc.);
- Subjecting a person to unwanted sexual attention (inappropriate touching of another's body, etc.);
- Penalizing a person who refuses sexual advances (denying opportunities for advancement; lowering grades, etc.);
- Creating a sexually intimidating, hostile, or offensive working or educational environment (use of language or gesture to harass sexually, e.g. sexual activities, sexist and sexual jokes, staring at another's body, any retaliatory conduct against an individual who has complained of sexual harassment, etc.);
- Particular allegations of sexual harassment will be evaluated in light of accepted standards of mature behavior.

Individuals who believe they have been sexually harassed should file a complaint in writing with your supervisor, the human resources office, or the president of the University as soon as possible after the incident. Include details of the incident or incidents, names of the individuals involved, and names of any witnesses. Supervisors will refer the complaints to the human resources office. Complaints involving students will be referred to the designated Complaint Officer

(Comment: The Provost will designate someone, also see Student discipline/grievance policy). The University will immediately undertake an effective, thorough, and objective investigation of the harassment allegations.

Any supervisor who becomes aware of possible sexual or other harassment should promptly advise human resources, who will make sure an investigation is conducted and will handle the matter in a timely and confidential manner.

Anyone engaging in sexual or other harassment will be subject to disciplinary action, up to and including termination of employment or dismissal from the University.

This policy expressly prohibits retaliation against any individual who in good faith asserts a complaint of sexual harassment.

## Drug Free Campus

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The National Hispanic University is a drug-free campus. The University does not allow the unlawful possession, use, or distribution of illegal drugs and alcohol by students on its property or as part of its activities. The University will sanction students according to local, state, and federal laws. University sanctions include student expulsion and referral for prosecution.

## Equal Opportunity and Affirmative Action

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It is the policy of The National Hispanic University to provide all persons with equal employment and educational opportunities regardless of race, color, ethnic group, national origin, religion, sex, sexual orientation, marital status, age, or disability in accordance with Titles VI and VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, Government Code Sections 1135-1139.5, and Section 504 of the Rehabilitation Act of 1973. University grievance procedures will be followed for compliance with this policy.

## Student Discipline Policy

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### Expulsion, Suspension and Probation of Students

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Students who are involved in conduct that falls within the categories listed below are subject to disciplinary

action which may consist of being expelled, suspended, placed on probation, or given a lesser sanction:

- A lack of honesty, such as cheating, fraud and plagiarism in any academic pursuit;
  - Improper use of University documents, records or identification: including forgery, alteration or destruction of such documents, and knowingly furnishing false information;
  - Theft of, or damage to, private or University property;
  - Possession or use of explosives, dangerous chemicals or deadly weapons on University property;
  - Use, possession or distribution of illegal drugs on University property;
  - Conduct, such as disorderly, indecent, lewd or obscene behavior that is contrary to University decorum;
  - Misrepresentation of oneself or of an organization to be an agent of the University;
  - Obstruction or disruption of the campus educational, administrative, or other University process or function;
  - Physical abuse of the person or property of any member of the campus community;
  - Unauthorized entry, unauthorized use or misuse of campus property.
- The physical safety or emotional well-being of the accused student is in jeopardy;
  - Teaching, research, administration, or disciplinary procedures or other University activities are obstructed or disrupted; or
  - The physical abuse of a person on University owned or controlled property or at a University sponsored or supervised function or other conduct that threatens or endangers the health or safety of any person has occurred.

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## **Disposition of Fees**

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A student may be placed on probation, suspended, or expelled for one or more of the activities enumerated above. No fees or tuition paid by or for such student for the semester in which he or she is suspended or expelled shall be refunded. If the student is re-admitted before the close of the semester or summer session in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

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## **Disciplinary Procedures and Due Process**

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The University provides due process for students against whom allegations have been made. When disciplinary charges have been filed against a student, the status of the student is not altered nor is his/her right to be on campus and attend classes altered. The only circumstances under which a student may be summarily suspended from the University are when the President or his designee determines that: