RULES AND REGULATIONS

STUDENT RIGHTS AND RESPONSIBILITIES

All students are urged to carefully read the discussion of NHU student’s rights, freedoms, and responsibilities. Failure to be familiar with them does not excuse a student from the obligation to comply with all the described regulations.

STATEMENT OF STUDENT RIGHTS AND FREEDOM

Among the freedoms guaranteed to the student are:

Academic Freedom

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

Students are free to organize and to join associations that have goals that are consonant with the University’s Mission Statement. 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

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

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. Doctor’s and psychiatrist’s records may be reviewed by the student’s own physicians.

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; and
- 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.

**Disabled Student Rights**

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.

**Race, Color or National Origin**

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.

**Gender**

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.

**Grievance Procedures**

The following procedures reflect the institution’s commitment to resolve grievances fairly and expeditiously. These procedures are intended to promote the voluntary resolution of the difficulties among employees (faculty and staff), students and the institution. The procedures may also be used to resolve any dispute among faculty, staff and students, except for matters expressly covered under other procedures. Finally, no person, in any way, shall be penalized for pursuing the remedies established by the procedures. Questions regarding the grievance procedures should be directed to the Executive Director of Student Outreach and Support Services. Information can also be obtained by writing to:
Informal Grievance Process

Any employee of the University, whether faculty member, administrative, clerical, service and custodial staff, or student should first pursue a grievance through each appropriate administrative or organizational level up to and including the President of the University.

The aggrieved individual should make known his/her grievance to the individual causing the grievance within fourteen (14) calendar days of the action/incident, or the last in a series of actions/incidents being grieved. The aggrieved should keep a written record of the date on which he/she initiated discussion of the grievance with the individual causing the grievance. Written records should also be kept of all subsequent conferences regarding the grievance with the individual causing the grievance, and of all subsequent conferences regarding the grievance with individuals in the administrative hierarchy.

Grievances involving sexual or racial harassment may be initiated up to forty-five (45) calendar days after the incident or last incident in a series of incidents.

Formal Grievance Process

If students feel that they have been subjected to an unjust action or denied their rights by a member of the academic community, they have the right to file a formal grievance.

Grievance action may be initiated by a student against another student, against an instructor, against an administrator, or a member of the classified staff. The following actions are grounds for student grievance:

- Prejudiced or capricious decision in the academic evaluation of a student’s performance;
- Act or threat of intimidation or harassment;
- Act or threat of physical aggression;
- Arbitrary action or imposition of sanctions without proper regard to due process as specified in University procedures;
- Violation of student rights.

Who may initiate a formal grievance?

Any employee or student of the University who has pursued a grievance through the administrative levels up to the President concerning academic or non-academic matters.

What kinds of matters can be brought to a formal grievance?

- A perceived lack of fair process according to the decision-making procedures of the University regarding promotion, salary, hiring, firing, etc.;
- Any behavioral problems regarding religious, racial or sexual harassment;
- Any alleged violation of public or private property rights;
- Any alleged violation of civil law.

How is a formal grievance initiated?

The Grievant shall complete the form “Petition To Initiate a Formal Grievance” and file it with the Office of Student Services within seven (7) calendar days after the date the employee or student is notified of the last administrative action in the case. Similarly, if the Provost/Vice President of the University is requesting a Grievance Hearing, he or she must make the request within seven (7) calendar days after the date on which the employee or student is notified of the last administrative action in the case.

In cases of sexual or racial harassment, the grievant may file the petition directly with one of the Grievance Officers and may initiate the formal grievance up to forty-five (45) calendar days after the last action/incident.

How is the grievance officer to hear the grievance determined?

The Grievant shall select the Grievance Officer from the panel of Grievance Officers available, indicated by the Executive Director of Student Outreach and Support Services. A Grievance Officer may abstain from taking a particular grievance because of conflict of interest. If the Grievant does not wish to select the Grievance Officer, the Provost will appoint one to hear the case.
What is the Process?

Gathering of Documentation

Within fifteen (15) calendar days after the request is received by the Executive of Director of Student Outreach and Support Services and not less than ten (10) calendar days prior to any hearing, the Grievance Officer furnishes the Grievant a statement of the reason for the disputed action. Copies of all materials considered by the President and all other persons who have acted in the case will also be supplied to the Grievant.

When the Executive of Director of Student Outreach and Support Services requests the Grievance Hearing, all materials on which he/she bases the request for the hearing shall be furnished to the employee or student within fifteen (15) calendar days. This is after the Provost’s request is received by the Office of Academic Affairs and at least ten (10) calendar days prior to any hearing.

Interviews

The Grievance Officer will review all available documentation as set out in above, and then interview the Grievant. In a separate interview, the Grievance Officer will interview the opposing side. At this point and later, the Grievance Officer may consult with the other Grievance Officers on the subject case.

The Hearing

The Grievance Officer will then conduct a hearing at which both parties will be present and the Grievance Officer may decide whether to act as a mediator or arbitrator. More than one hearing may be necessary.

Mediation

The Grievance Officer should try mediation first in settling the relatively less serious issues. Through mediation the concerned parties reach a mutually acceptable solution to the case. The Grievance Officer then writes a report of the outcome and submits it to the Executive of Director of Student Outreach and Support Services.

In more difficult situations, mediation can be used in narrowing the issues and defining clearly the substance of the complaint. The Grievance Officer acting as the mediator will then write a report of the outcome and make recommendations where necessary to be given to the Executive of Director of Student Outreach and Support Services and Grievant.

Arbitration

The Grievance Officer should act as an arbitrator on substantial issues such as promotion, firing, etc. The arbitrator’s decision will be presented in the form of Findings and Recommendations to the Executive of Director of Student Outreach and Support Services and Grievant, and although not binding, can be persuasive since it expresses the findings of an experienced neutral officer.

All evidence, which the Grievant wishes to present, should be brought forth during the formal hearing. The evidence presented may be in the form of oral testimony, written statements, or dated and signed documents. Hearsay evidence will generally not be acceptable. The Grievant and the person whose action is grieved have an opportunity to review the evidence presented by both sides as summarized in the Grievance Officer’s Report to the Executive Director of Student Outreach and Support Services and the President.

The hearing is administrative in nature and because of this, an attorney is not allowed to be present for either side. If the Grievant has obtained counsel, that person may wait outside the hearing room if necessary. If the Grievant demands legal counsel, then the matter will have to be settled outside the University in a Court of Law.

There should be complete minutes of the hearing. A cassette tape will be acceptable. If requested by the employee, student or University, and at the expense of the requesting party, a full stenographic record of such proceeding can be arranged. Such minutes/tape shall be treated as confidential unless the employee or student institutes litigation against the University or unless the employee, student, or President makes any public statement concerning the proceedings or the subject matter thereof. If the employee or student initiates litigation, a copy of the minutes or tape will be made available to both lawyers as requested. If either party makes public statements concerning the proceedings or the subject matter thereof, the other party is free to respond using data from the minutes as deemed necessary.

Report of the Grievance Officer: Findings and Recommendations

The Grievance Officer shall make to the Executive of Director of Student Outreach and Support Services and President a written report including his/her recommendation for disposition of the case, with a copy to the Grievant, within seven (7) calendar days after the hearing.
Grievant’s Response

The Grievant may respond in writing to the report of the Grievance Officer. Such response shall be submitted to the Executive of Director of Student Outreach and Support Services and President with a copy to the Grievance Officer within ten (10) calendar days after the date of the Grievance Officer’s report to the President and employee or student.

Final Decision

The Provost’s decision in the matter shall be final in all respects except when there is a dismissal of a faculty member involved. In this instance, the Provost shall submit the entire file to the Board of Trustees for final decision, but there shall be no hearing before the Board.

Selection of Grievance Officers

The President or the Provost of the University will appoint potential Grievance Officers. The candidates should be acquainted with the University and its procedures yet without a vested interest in the outcome of any specific case. Candidates should have mediation skills or be willing to receive training.

This slate of officers will be sent to the President’s Cabinet for their recommendations and then presented to faculty and students. If there is strong opposition to any of the candidates, that person’s name will be removed from the slate. The President’s Cabinet will make the final selection of Grievance Officers.

The University should have at least three Grievance Officers available. These Officers will be neutrals trained in arbitration, mediation and fair process, and have an understanding of higher education and the University. These people may be chosen from retired or semi-retired faculty and/or administrators and will be appointed for a term of two (2) years.

Only one of the Officers chosen by the Grievant will handle any grievance; however, they may consult with one another whenever they wish.

Review

The Grievance Officers will conduct an annual review of the nature of the Petitions brought before them and suggest changes or improvements in University procedures where needed to help in dispute prevention.

Policy on Sexual Harassment

The University adheres to the principle that its students, faculty and staff have a right to be free of sexual harassment by any member of the academic community.

Sexual harassment includes such behaviors as:

- 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 first seek to make clear to the offender in writing their displeasure regarding the behavior and their desire that it cease. They may seek assistance, if they wish, from one of the following: if the harassed one is a faculty member, from the Provost; if the harassed one is a staff member, from the Director of Human Resources; and if the harassed one is a student, from the Executive Director of Student Outreach and Support Services. If the unacceptable behavior continues, the persons who feel they have been harassed may seek remedy through the institution’s formal grievance procedures, initiating the process by going directly to one of the three Grievance Officers.

If the individual chooses, he/she may omit the steps indicated in the previous paragraph and go directly to a Grievance Officer.

A student found guilty of sexual harassment is subject to dismissal from the University. A member of the faculty or staff found guilty of harassment is subject to termination of employment.
Complaints regarding sexual harassment will be responded to promptly and equitably. Confidentiality will be maintained insofar as possible to protect the right to privacy of both persons and so that the integrity of the respondent is not compromised in the event of an unfounded complaint.

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

Drug Free Campus

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

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

Expulsion, Suspension and Probation of Students

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 process, administrative process, or other University function;
- Physical abuse of the person or property of any member of the campus community;
- Unauthorized entry, unauthorized use or misuse of campus property.

Disposition of Fees

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.

Disciplinary Procedures and Due Process

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:

- 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.
Students Services

Students with Special Needs

Students with special needs (e.g. disabled, international, honor, and re-entry students) are provided academic support and tutoring at the Student Academic Assistance Center (SAAC).

Student Housing

While The National Hispanic University does not provide residences for students, the University does assist students by providing them, available rental listings in the area. For more information, contact Student Services.

Student Government Association

Any student currently enrolled in a class at NHU is a member of the Student Government Association. The Student Government Association by-laws set up an Executive Board as a representative body for NHU to facilitate student communication, leadership, and advocacy. Annually, the members of the Student Government Association elect officers (President, Vice President, Treasurer, Secretary and a Public Relations Representative). To be eligible for student government a student needs to have a 2.5 minimum GPA and to be enrolled as a full-time student at NHU. The Student Government Association (SGA) meets on a regular basis to plan student activities. The officers represent the student body in University activities and committees.

Student Activity Space

NHU students have University space where they can plan and organize activities. This facility is used by students for meetings.

Services

Corporate Supporters

Many corporations have given support to The National Hispanic University through financial contributions, gifts in kind, loaned executives, volunteer board members, mentors and speakers, internships, cooperative education and other programs. The relationship that NHU enjoys with these companies provides many opportunities for students to explore careers and meet people in their chosen fields. We are grateful to these corporate supporters.

LEARNING RESOURCES AND STUDENT SERVICES

Library

The University Library provides students and faculty both printed and electronic information in an academic environment. Current periodicals and newspaper publications are available to support major areas of study at The National Hispanic University.

In addition, numerous subscription databases are available for academic information retrieval. Aside from the numerous academic resources of The National Hispanic University Library, students and faculty use libraries within the Bay Area, such as the University of California at Berkeley, California State University at Hayward, San Jose State University, Lincoln University and other institutions of public and higher education.

The National Hispanic University Library is linked with other major academic and research libraries via OCLC, SCELC, the Library of California, and the Internet for information retrieval and document delivery.

Computing Facilities in the Library

The Library at the University has computers for student use. The computers are networked to form a library local area network integrated with the university network. Printers are available for student, staff and faculty use with the computers. Additionally, there are computer facilities in the Student Academic Assistance Center (SAAC) and the Computer Information Systems Lab as described below.

Computer Classroom Lab Facility

The Computer Information Systems Lab has Multi-media PC computers with printers. These computers are accessible to students for classroom instruction in Computer Science/Information Systems classes. The Library/SAAC Staff can arrange special orientation and/or computer tutor sessions.

Student Academic Assistance Center

Prior to founding NHU, much background research focused on what factors optimize success. The Student Academic Assistance Center (SAAC) coordinates an important range of academic support services for students before they begin NHU classes, during classes, while job hunting, and even after graduation.