

# STUDENT BILL OF RIGHTS

## Preamble

Truckee Meadows Community College exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general wellbeing of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon opportunities and conditions in the classroom, on the campus, and in the larger community.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is jointly shared by all members of the academic community. Students exercising the rights and freedoms defined in this document shall do so with concomitant responsibilities as prerequisites for achievement of the educational objectives involved. Freedom to teach and freedom to learn are alike dependent upon modes of individual and collective conduct as permit the orderly exchange and pursuit of knowledge and opinion. A regard for the College as a physical as well as a social entity is a condition of its satisfactory functioning. Truckee Meadows Community College has a duty to develop policies and procedures that provide and safeguard these conditions. Policies and procedures should be developed at the College within a framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of the following is to enumerate essential student freedoms.

## Freedom of Access to Higher Education

See also: Admission to the College

Truckee Meadows Community College shall admit students without regard to age, disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race, or religion.

All facilities of the College shall be open to all students who meet the entrance qualifications and who maintain current such academic qualifications as may be required by the College.

## In the Classroom

See also: Rules and Disciplinary Procedures for Students

The professor in the classroom and in conferences shall encourage free discussion, inquiry, and expression. Student performance shall be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

1. Protection of Freedom of Expression — Students shall be free to take reasoned exception by legal means to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they shall be responsible for learning the context of any course of study for which they are enrolled.
2. Protection Against Improper Academic Evaluation — Students shall have protection through orderly procedures as established by the President of the College against prejudiced or capricious

academic evaluation. At the same time, they shall be responsible for maintaining standards of academic performance established for each course in which they are enrolled.

3. Protection Against Improper Disclosure — The teacher-student relationship is a unique one to society. Information about student views, beliefs, and political associations which professors acquire through private consultations and private classroom work intended to be seen only by the professors shall be considered confidential. Protection against unreasonable and improper disclosures about student views, beliefs, and political associations which professors acquire in the classroom is a serious professional obligation. The judgment of ability (academic evaluation) and character (related to the discipline of study) may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

## Student Records

See also: Statement of Policy in Accordance with the Family Educational Rights and Privacy Act

1. The privacy and confidentiality of all student records shall be preserved. Official student academic records, supporting documents, and other student files shall be maintained only by full-time members of the institution staff employed for that purpose. Separate files shall be maintained of the following: academic records, supporting documents, general educational records, records of discipline proceedings, medical and psychiatric records, and financial aid records.
2. Access to his records and files is guaranteed every student subject only to reasonable regulation as to time, place, and supervision. The student may waive this right of access in respect to confidential evaluations and references in the graduate and other placement offices, which may be required for the purpose of securing placement in business, industry, government, or education. Exceptions to this right of access are:
  - a. Financial records of parents.
  - b. Confidential letters and statements of recommendation placed in the file before January 1, 1975.
  - c. Records which the student has waived the right to inspect.
  - d. Records of instructional, supervisory, and administrative personnel which are in the sole possession of the maker and which are not accessible or revealed to any other person except a regular replacement for that record holder. An example would be a professor's grade book.
  - e. Record of law enforcement agencies which are kept separate from educational records, maintained only for law enforcement purposes, and available only to law enforcement officials of the same jurisdiction.
  - f. Privileged records of physicians, psychiatrists, and other professionals or para-professionals concerned with the treatment of a student and available only to other professionals and para-professionals providing treatment. (Students may designate a physician or other appropriate professional to view the records.)
3. No record may be made in relation to any of the following matters except upon the express written request of the student:
  - a. race,
  - b. religion,
  - c. political or social view, and

- d. membership in any organization other than honorary and professional organizations directly related to the educational process.

## Student Affairs

### Freedom of Association

See also: Regulations Concerning Student Sponsored Events and Regulations Concerning Off-Campus Organizations (<http://catalog.tmcc.edu/rules-regulations/off-campus-organizations>)

1. For any legal purpose students shall be free to organize and join associations to promote their common interests and shall be free to determine their own membership, policies, and actions.
2. Affiliation with an extramural organization shall not in itself affect recognition of a student organization.
3. Campus organizations which include students, including those affiliated with an extramural organization, shall be open to all students without respect to race, creed, or national origin. They shall not be required to submit a membership list as a condition of institutional recognition.

### Freedom of Inquiry and Expression

See also: Regulations Concerning Student Sponsored Events and Regulations Concerning Off-Campus Organizations (<http://catalog.tmcc.edu/rules-regulations/off-campus-organizations>)

1. Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by legal and orderly means which do not interfere with the operation of the College or of its educational objectives.
2. Freedom to speak and to hear will be maintained for students, faculty, and staff and college policies and procedures will be used to provide a full and frank exchange of ideas. An effort should be made to allow a balanced program of speakers and ideas.
3. An invitation to speak at Truckee Meadows Community College does not imply that the College endorses the philosophy or ideas presented by the speaker.

**Student Participation in College Government** – As constituents of the academic community, students shall be free, individually and collectively, to express their views on issues of college policy and on matters of general interest to the student body. The student body shall have clearly defined means to participate in the formulation and application of college policy affecting academic and student affairs. The roles of the student government and both its general and specific responsibilities shall be made explicit, and the actions of the student government within the areas of its jurisdiction shall be reviewed only through orderly and prescribed procedures.

**Student Publications** – Student publications and the student press are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration of the campus. They are a means of bringing student concerns to the attention of the faculty and the administration and of formulating student opinion on various issues on the campus and in the world at large. In the delegation of editorial responsibility to students, the College shall provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity or purpose as vehicles for free inquiry and free

expression in the academic community. As safeguards for the editorial freedom of student publications the following provisions are necessary:

1. The student press shall be free of censorship and advance approval of copy, and its editors and managers shall be free to develop their own editorial policies and news coverage.
2. Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administrator, or public disapproval of editorial policy or content (Board of Regents, 7/76).
3. All student publications shall explicitly state that the opinions expressed therein are not necessarily those of the College or student body. The editorial freedom of student editors and managers shall entail corollary responsibilities to be governed by the canons of responsible journalism, as prescribed by the Student Publications Board and approved by the Board of Regents, and offer reasonable opportunities for rejoinder to the same audience.

### Right to Assemble

TMCC supports constitutionally protected freedom of speech and peaceful assembly rights and has established a public forum area at the Dandini Campus for use by TMCC students, employees and outside entities for this purpose.

### Off-Campus Freedom of Students

See also: Regulations Concerning Off-Campus Organizations (<http://catalog.tmcc.edu/rules-regulations/off-campus-organizations>)

**Exercise of Rights of Citizenship** – Truckee Meadows Community College students are both citizens and members of the academic community. As citizens, students have the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations that accrue to them by virtue of this membership.

**Institutional Authority and Civil Penalties** – The College has no legal authority over a student when he is outside college property unless engaged in official college activities, except as provided elsewhere. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority shall not be used merely to duplicate the function of general laws. Only where institutional interests as an academic community are distinct from those of the general community may disciplinary proceedings be invoked by the institution. Institutional action shall be independent of community pressure.

## Procedural Standards in Disciplinary Proceedings

See also: Rules and Disciplinary Procedures for Students

The authorities of educational institutions have the inherent power and responsibility to protect the educational purpose through the regulation of the use of their facilities and through the establishing of standards of conduct and scholarship for the students who attend. Disciplinary action plays a role substantially secondary to example, counseling, guidance, and admonition. When warranted, disciplinary proceedings shall be enforced, and when they are, proper procedural safeguards shall be observed to protect the student from the unfair imposition of penalties.

The administration of discipline shall guarantee procedural fairness to an accused student. The jurisdictions of faculty and/or student judicial bodies or other regularly established judicial bodies, the disciplinary

responsibilities of college officials, and the regular disciplinary procedures, including the student's right to appeal a decision, shall be clearly formulated and communicated in advance. In all situations, procedural fair play shall require that the student be informed of the nature of the charges against him/her, and that he/she shall be given a fair opportunity to refute them, that the College shall not be arbitrary in its actions, and that there shall be provision for appeal of a decision.

**Standards of Conduct Expected of Students** – The College has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. Offenses shall be clearly defined and interpreted in a manner consistent with the aforementioned principles. Disciplinary proceedings shall be instituted only for violations of existing standards of conduct and those which will be formulated with student participation and published in advance.

It shall be the student's obligation to become aware of college rules and regulations and to conduct himself/herself as a responsible citizen, to abide by the College's stated rules and regulations, and to express either assenting or dissenting opinions in an orderly manner.

### Investigation of Student Conduct

1. Premises occupied by students, whether college controlled or not, and the personal possessions of students shall not be searched without permission or without legal authority. Such legal authority includes that which arises from the College-student relationship.
2. Students accused of serious violations of college regulations shall be informed of their rights by the College official in charge of student discipline, the student conduct officer. Institutional representatives shall not coerce admissions of guilt.

**Status of Students Pending Final Action** – Pending action on criminal charges off campus or disciplinary proceedings on campus, the status of a student shall not be altered or his/her right to be present on the campus and to attend classes suspended, except for reasons relating to the safety and well-being of students, faculty, administration, or to college property. In circumstances of the magnitude described above, the President of the College may suspend a student pending decision on the charges.

**Hearing Procedures** – In accordance with Title 2, Chapter 10 of the Nevada System of Higher Education Code, a student is entitled to a hearing on a disciplinary charge. The following suggested procedure shall satisfy the requirements of "procedural due process":

1. Hearings shall be instituted with dispatch after a student is charged with an offense. Students shall be notified in time to prepare an adequate defense against those charges.
2. The student shall be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity and in sufficient time to ensure opportunity to prepare for the hearing.
3. The student appearing before a hearing shall have the right to be assisted in his/her defense by an advisor of his/her choice.
4. The burden of proof rests upon the officials bringing the charge.
5. The student shall be given an opportunity to testify and to present evidence and witnesses. The student shall have an opportunity to hear and question adverse witnesses. In no case shall a hearing committee consider written or recorded statements against him/her unless he/she has been advised of their content and the names of those who made them, and unless he/she has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based shall be introduced into evidence at the hearing. The decision shall be based solely upon such matters. The admissibility of evidence shall be determined by the hearing board or officer and subject to review through appeal.
7. The hearing shall be private unless the student requests an open hearing.

### Student Appeals Board

See also: Appeals (<http://catalog.tmcc.edu/appeal>) section in course catalog

### Purpose of the Appeals Board

1. The Student Appeals Board is only a recommending board to the Vice President of Student Services and Diversity. The Vice President makes the final decision.
2. The Student Appeals Board does not handle affirmative action issues, grade change issues, or policies within the classroom, disciplinary issues or student financial aid appeals.
3. Affirmative action issues must follow Board of Regents Handbook policies for discrimination/sexual harassment. Affirmative action issues are referred to the Director of Human Resources.
4. Grade change issues or policies within classroom are referred through the instructor, then to the chair or program coordinator, and finally to the appropriate instructional dean. The dean has final authority for grade change issues or policies within the classroom.
5. Disciplinary issues must follow the Board of Regents Handbook and are referred to the appropriate individuals depending upon the type of infringement that has occurred.
6. Financial Aid has its own Student Financial Aids Appeal Board.