

# Student Rights

The Santa Barbara Community College District exists in order to foster knowledge, the pursuit of truth, the development of students and the general well-being of society.

This can only be achieved in an environment where there are appropriate educational opportunities and academic freedom, including the freedom to teach and the freedom to learn in an environment where students are encouraged to develop their critical judgment and engage in a free search for truth.

To achieve the environment and conditions essential to the pursuit of these goals, SBCC has developed a policy regarding student rights and responsibilities. This policy may be obtained from the Dean, Educational Programs—Student Support Programs, Room CC-222.

- A. Students shall have the right of protection against prejudiced or capricious academic evaluation. Students have the right to impartial, objective evaluation of their academic performance and to receive in writing, at the beginning of each course, information outlining the method of evaluating student progress toward, and achievement of, course goals and objectives, including the method by which the final grade is determined.
- B. Students shall be assured that all college programs and activities are available to all persons without regard to ethnic group identification, sexual orientation, religion, age, gender, color, or physical or mental disability. The Santa Barbara Community College District subscribes to the principles and implementation of Equal Opportunity and Affirmative Action and to the provisions of Assembly Bill 803. (Further information may be obtained from the District's Affirmative Action Officer/Vice President of Human Resources and Legal Affairs.)
- C. Students shall be free from acts or threats of intimidation, harassment, mockery, insult, or physical aggression. Santa Barbara City College expressly prohibits sexual harassment by all faculty, staff and students. The college is committed to creating and maintaining an educational environment which is free of objectionable and disrespectful conduct, and communication of a sexual nature that interferes with an individual's work or classroom performance or creates an intimidating, hostile or offensive working or learning environment.
- D. Students shall have the right to free assembly and to exercise free expression. This includes the right to hear and to present speakers on any subject. The right to free assembly is subject only to regulations that ensure the regular functioning of the college; these regulations shall include reasonable provisions for the time, place and manner of conducting these activities. The exercise of free expression includes, but is not limited to, the use of bulletin boards and the distribution of buttons, badges and other insignia. The right of free expression does not include discriminatory harassment, speech, or other expressions which insult or stigmatize individuals or groups on the basis of gender, race, color, disability, religion, sexual orientation, or national and ethnic origin.
- E. Students shall have the right to form an organization around any particular interest and to join student organizations, subject to published district policy.
- F. Students shall have the right to be informed on all campus matters that can be shown to be directly relevant to them and to have a voice in decision-making that affects their academic future. Students are to have an active role in campus governance by having student members on all faculty and administrative committees, as well as groups which deal with matters related to student concerns (with the exception of staff appointments, terminations and tenure or confidentiality where other students are concerned). In case of conflict, the determination of what campus matters are relevant to students will be determined by a campus-designated student/faculty/administrative committee.
- G. Students have the right to have student publications which are free from censorship and advance copy approval, except as provided by published district regulations which adhere to the guidelines for responsible journalism.

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## Academic Records

- A. Students shall have the right to have their academic records treated in a confidential and responsible manner as required by the *Family Educational Rights and Privacy Act of 1974* and outlined in SBCC district policy which stipulates that any release of student educational records be made with the student's written consent, except where specified.
- B. Students have a right to inspect and review the content of their educational records and to request copies of these records. Students wishing to gain access to his/her educational records will submit a written request to the Director, Admissions & Records requesting the right to inspect and review his/her educational records.

## Due Process

Procedures for due process are described in the District's *Standards of Student Conduct*. Copies are distributed to all new students during advisement and are available at [www.sbcc.edu/collegeprocedures](http://www.sbcc.edu/collegeprocedures). For more information, contact the Dean, Educational Programs—Student Support Programs, Room CC-222.

## Family Educational Rights & Privacy Act

All Santa Barbara City College student records are kept in accordance with the provisions of the *Family Educational Rights and Privacy Act of 1974* and California *Code of Regulations*, Title 5, adopted in 1976.

Students may request to inspect and review those campus records which personally identify the student; the student may challenge the accuracy of the record or the appropriateness of its retention in the campus records. Student consent is not needed for the release of records covered by the Act to outside parties (e.g., campus officials, other schools, federal educational and auditing officers, and requests in connection with the application or receipt of financial aid). The college may forward pertinent information and transcripts to other educational institutions in which the student seeks or intends to enroll. These provisions apply to records received and used after Nov. 19, 1974.

Educational records are maintained in the college's Admissions & Records Office (SS-110), which is supervised by the Director, Admissions and Records. Students also have the right to review their personal information at the Health/Wellness Office (Nurse,

SS-170); Financial Aid Office (Financial Aid Specialist, SS-210); Veterans Office (Clerk, ECOC-1, Rm. 7); Foundation for SBCC (Executive Director, A-210); Extended Opportunity Program/Services (Director, SS-240); and Disabled Student Program/Services (Director, SS-160).

SBCC may provide directory information in accordance with the provisions of FERPA. Designated directory information at SBCC includes the following: confirmation of current registration at SBCC, dates of attendance, the degrees/awards received, students on the President's Honor Roll, names of student officers and those who are members of athletic teams.

A student may file a complaint with the Department of Education regarding alleged violations of the rights accorded them by the Act.

A student may request a copy of a record which the student has requested or consented to be released. If a student desires a copy of file material subject to his/her review, it will be provided at a cost of \$1.00 for the first copy and 50 cents for each additional copy.

Particular questions with respect to a student's rights under the *Family Educational Rights and Privacy Act of 1974* should be directed to the Director, Admissions & Records (SS-110).

## Financial Aid Rights

- A. Students have the right as applicants for/or recipients of financial aid to information about procedures, deadlines, refund policies, eligibility requirements and the appeal process. The EOPS/Financial Aid Advisory Committee is available to those students who feel the need to appeal ANY decision, policy, or procedure regarding the distribution of financial aid at Santa Barbara City College. Any committee decision will be final and binding on the Financial Aid Office and the student who registers an appeal—as long as it does not violate any district, state, or federal policy/regulation.

Names of Financial Aid Advisory Committee members will be furnished on request. Direct your request to the Financial Aid Office, Room SS-210.

- B. Students have the right to file a grievance, in the event of an alleged breach of their rights, as outlined in the student grievance policy which is available from the office of the Dean, Educational Programs, Room CC-222.

## Grievance Rights

- A. Students have a right to be informed in writing of the issues and charges, and be given the opportunity to refute the charges, in any conflict relating to student discipline.
- B. Students have the right to be free from the imposition of disciplinary sanctions without proper regard for due process.
- C. Students have a right to file a grievance, in the event of an alleged breach of their rights, as outlined in the student grievance policy.

For information on grievance procedures refer to [www.sbcc.edu/collegeprocedures](http://www.sbcc.edu/collegeprocedures) or contact the Dean, Educational Programs—Student Support Services, Room CC-222.

## Matriculation Rights

- A. Each student has the right to develop an individual written student education plan with a counselor within 90 days after a specific individual educational goal has been declared.
- B. Students have the right to have their educational plan reviewed as needed by a counselor/academic adviser to ensure that it continues to accurately reflect the needs and goals of the student.
- C. Students may challenge any prerequisite, using the *Prerequisite Challenge Form*, on one or more of the following grounds:
  1. Student has the knowledge or ability to succeed in the course despite not meeting the prerequisite (e.g., student has prior coursework, assessment levels, certification, license or work experience that satisfies the prerequisite, or by other criteria presented by the student).
  2. The prerequisite course has not been made reasonably available (“reasonably available” is defined by the college).
  3. The prerequisite is discriminatory or applied in a discriminatory manner.
  4. The prerequisite is not necessary for success in the course.
  5. The prerequisite approval did not follow SBCC District policy.

- D. Students may obtain a waiver of any prerequisite or corequisite course for a particular term because the course is not available to students during two consecutive terms.
- E. Students may review the matriculation regulations of the California Community Colleges and file a complaint when they believe the college has engaged in any practice prohibited by these regulations. The regulations are available and complaints may be filed in the office of the Dean, Educational Programs—Student Development, in Room SS-260.
- F. Students may challenge matriculation regulations through the student grievance process available from the Dean, Educational Programs: Student Support Services, Room CC-222.
- G. A list of exemptions to matriculation components is available in Admissions, Counseling, or from the Dean, Educational Programs—Student Development, Room SS-260.
- H. The college’s policy on “priority registration” is available from the Director, Admissions & Records in Room SS-111.

## Non-Discrimination/ Sexual Harassment Policy

The policy of the Santa Barbara Community College District is to provide an educational and employment environment in which no person shall be denied full and equal access to, the benefits of, or be subjected to discrimination, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges.

The policy of the Santa Barbara Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment.

The following definition will aid in identifying the kinds of behavior which constitute sexual harassment:

*Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:*

- (1) *Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other college activity;*
- (2) *Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or*
- (3) *Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive college environment.*

The policy of the Santa Barbara Community College District is to comply with the accessibility requirements of Section 508 of the *Rehabilitation Act of 1973* in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability. This non-discrimination policy covers admission, access and treatment in college programs and activities—including, but not limited to, academic admissions, financial aid, educational services and athletics—and applications for, and treatment in, college employment.

In conformance with the requirements of Title II of the Educational Amendments of 1976, amending the *Vocational Education Act of 1963*, the college is committed to overcoming sex discrimination and sex stereotyping in vocational education programs.

Furthermore, in compliance with the *Vocational Education Guidelines for Eliminating Discrimination on the Basis of Race, Color, National Origin, Sex and Handicap*, lack of English language skills alone

will not be a barrier to admission to and participation in vocational education programs. Any screening procedures for vocational programs will evaluate skill levels and proficiencies pertinent to the program as criteria for admission.

Employees, students, or other persons acting on behalf of the District who engage in discrimination as defined in this policy or by state or federal law may be subject to discipline, up to and including suspension, discharge, expulsion, or termination of contract.

### Filing of Discrimination Complaint

Students intending to file a complaint regarding any action which they believe discriminates against them, or who require additional information on the policy and procedures may contact Allison Curtis, Director of SBCC Admissions & Records, 721 Cliff Drive, Room CC-222, Santa Barbara, CA 93109-2394. Phone at (805) 965-0581, ext. 2278.

Employees intending to file a complaint regarding any action which they believe discriminates against them or who require additional information on the policy and procedures may contact Vice President Susan Ehrlich, Human Resources and Legal Affairs, 721 Cliff Drive, Room SS-230, Santa Barbara, CA 93109-2394, (805) 965-0581, ext. 2261.

If you are a student and you require additional information regarding the *Americans with Disabilities Act (ADA)*, or Section 504 of the *Rehabilitation Act*, please contact Diane Rodriguez-Kiino, Director of Campus Diversity, 721 Cliff Drive, Room A-124, Santa Barbara, CA 93109-2394, (805) 965-0581, ext. 3640.

If you are an employee and you require additional information regarding the *Americans with Disabilities Act (ADA)*, or Section 504 of the *Rehabilitation Act*, contact Pat English, Human Resources Manager, 721 Cliff Drive, SS-230, Santa Barbara, CA 93109-2394, (805) 965-0581, ext. 2434 [voice].

The ADA/504 Coordinator for employees is Diane Rodriguez-Kiino, Director of Campus Diversity, 721 Cliff Drive, A-124, Santa Barbara, CA 93109-2394, (805) 965-0581, ext. 3640.

The Title IX Coordinator is Vice President Susan Ehrlich, Human Resources and Legal Affairs; see above.

In so providing, the Santa Barbara Community College District hereby implements the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, §§ 66250 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX

of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

Authority: Cal. Code Regs., tit. 5, § 59300; Ed. Code §§ 66250 et seq., 66271.1, 66700, and 70901; Gov. Code § 11138. Reference: Ed. Code §§ 66250 et seq. and 72011; Gov. Code, §§ 11135-11139.5; Penal Code §§ 422.6 and 422.55; 20 U.S.C. § 1681; 29 U.S.C. §§ 794; 42 U.S.C. §§ 6101, 12100 et seq. and 2000d; 36 C.F.R. § 1194.

### **“Política contra la discriminación/Política contra el acoso u hostigamiento sexual”**

La política del Distrito de Santa Barbara Community College es la de ofrecer un ambiente educativo y de empleo, en el cual a ninguna persona se le niega el pleno y paritario acceso ni sus beneficios, o ser sujeto de discriminación, totalmente o en parte, en base a su identificación con un grupo étnico, nacionalidad, religión, edad, sexo, raza, color, ascendencia, orientación sexual, discapacidad física o mental, o en base a la percepción de estas características, o en base a la asociación con una persona o grupo con una o más de estas características, ya sea percibidas o reales, en cualquier programa o actividad administrada, patrocinada directamente, o para la que recibe cualquier asistencia financiera del Canciller del Estado o de la Junta de Gobernadores de las Instituciones Postsecundarias de dos años (California Community Colleges Board of Governors).

La siguiente definición ayuda a identificar los tipos de comportamientos que constituyen el acoso u hostigamiento sexual:

La política del Distrito de Santa Barbara Community College es proporcionar un ambiente educativo y de empleo libre de solicitudes sexuales forzadas, solicitudes de favores sexuales, favoritismos basados en el sexo u otra conducta física o verbal o comunicación que constituye acoso u hostigamiento sexual.

Las solicitudes sexuales forzadas, solicitudes de favores sexuales y otra conducta verbal o física de naturaleza sexual constituyen acoso u hostigamiento sexual cuando:

6. La sumisión o el rechazo a tal conducta se expresa explícitamente como una condición para la instrucción, el empleo o la participación en una actividad de la universidad;

7. La sumisión o el rechazo a tal conducta por un individuo se usa como base para evaluar y tomar decisiones académicas o de personal que afectan al individuo; o
8. Tal conducta tiene el propósito o efecto de interferir desproporcionadamente con el rendimiento de una persona o de crear un ambiente universitario hostil, intimidador u ofensivo.

La política del Distrito de Santa Barbara Community College es la de cumplir con los requisitos de accesibilidad de la Sección 508 de la Ley de Rehabilitación de 1973 en el desarrollo, consecución, mantenimiento, o uso de información electrónica, o información tecnológica, y responder y resolver las quejas de discriminación relacionadas con la accesibilidad. Tales quejas se tratarán como quejas de discriminación basada en la discapacidad en cuestión.

La política de no-discriminación cubre la admisión, el acceso y el tratamiento recibido en los programas y actividades universitarios –incluyendo, pero no limitados a, la admisión académica, ayuda financiera, servicios educativos y deportes– y la solicitud a y el trato en el empleo en la universidad.

En conformidad con los requisitos del Title II de las Enmiendas Educativas de 1976, enmendando el Vocational Education Act de 1963, la universidad se compromete a superar la discriminación sexual y los estereotipos en los programas de educación profesional.

Es más, en cumplimiento de las Guías para la eliminación de la discriminación en base a la raza, el color, la nacionalidad, el sexo y la discapacidad en programas de Educación Profesional, la falta de lengua inglesa en sí misma no será barrera para la admisión y participación en programas de educación profesional. Cualquier procedimiento de selección para programas profesionales evaluará los niveles de habilidad y destreza pertinentes al programa como criterio de admisión.

Los empleados, estudiantes u otras personas que actúen en nombre del Distrito y que actúen discriminatoriamente tal y como se define en este reglamento o en las leyes del estado o federales, están sujetos a medidas disciplinarias que pueden incluir la suspensión, el despido, la expulsión o la rescisión de contrato.

Presentación de una queja por discriminación/  
Información adicional:

Los estudiantes que quieren presentar una queja en relación con cualquier acción que ellos consideran discriminatoria contra ellos, o que requieren información adicional sobre el reglamento y los procedimientos, pueden contactar al Dr. Ben Partee, Decano de Programas Educativos, en 721 Cliff Drive Oficina CC-222, Santa Barbara, CA 93109-2394, o llamando al teléfono (805) 965-0581, extensión 2278.

Los empleados que quieren presentar una queja en relación con cualquier acción que ellos consideran discriminatoria contra ellos, o que requieren información adicional sobre el reglamento y los procedimientos, pueden contactar a la Vicerrectora Susan Ehrlich, En oficina de Recursos Humanos y Asuntos Legales (Human Resources and Legal Affairs), en 721 Cliff Drive, Oficina SS-230, Santa Barbara, CA 93109-2394, o llamando al teléfono (805) 965-0581, ext. 2261.

Si usted es empleado o empleada y requiere información adicional sobre la Ley de Americanos con Discapacidades (Americans with Disabilities Act -ADA), o la Sección 504 de la ley de Rehabilitación (Rehabilitation Act) póngase en contacto con la Diane Rodriguez-Kiino de ADA/504/DSPS, en 721 Cliff Drive, Oficina A-124, Santa Barbara, CA 93109-2394, (805) 965-0581, extensión 3640.

Si usted es empleado o empleada y requiere información adicional sobre la Ley de Americanos con Discapacidades (Americans with Disabilities Act -ADA), o la Sección 504 de la ley de Rehabilitación (Rehabilitation Act) póngase en contacto con Pat English, encargada de la oficina de Recursos Humanos, en 721 Cliff Drive, oficina SS-230, Santa Barbara, CA 93109-2394, o llamando al teléfono (805) 965-0581 extensión 2434.

El coordinador de ADA/504 para los empleados es, Diane Rodriguez-Kiino, 721 Cliff Drive, Oficina A-124, Santa Barbara, CA 93109-2394, (805) 965-0581, extensión 3640.

La coordinadora de Title IX es Susan Ehrlich, de la oficina de Recursos Humanos y Asuntos Legales. Vea la información presentada mencionada arriba.

Al proporcionar esta información y recursos, el Distrito de Santa Barbara Community College pone en práctica las disposiciones del Código de Gobierno de California secciones 11135 a 11139.5, la Ley de la Paridad de Género en la Educación (Ed. Code, §§ 66250 et seq.), Title VI de la Ley de Derechos Civiles de 1964 (42 U.S.C. § 2000d), Title IX de las Enmiendas de Educación de 1972 (20 U.S.C. § 1681), la Sección 504 de la Ley de Rehabilitación de 1973 (29 U.S.C. § 794), la Sección 508 de la Ley de Rehabilitación de 1973 (29 U.S.C. § 794d), la ley de

Americanos con Discapacidades de 1990 (42 U.S.C. §§ 12100 et seq.) y la Ley de Discriminación por la Edad (42 U.S.C. § 6101).

Autoridad: Código de Regulaciones de California, tit. 5, § 59300; Código de Educación §§ 66250 et seq., 66271.1, 66700, y 70901; Código de Gobierno § 11138. Referencia: Código de Educación §§ 66250 et seq. y 72011; Código de Gobierno, §§ 11135-11139.5; Código Penal §§ 422.6 y 422.55; 20 U.S.C. § 1681; 29 U.S.C. §§ 794; 42 U.S.C. §§ 6101, 12100 et seq. and 2000d; 36 C.F.R. § 1194.