

# STUDENT LIFE

## STUDENT RIGHTS & RESPONSIBILITIES

### Student Grievance Policy

The Chabot-Las Positas Community College District encourages all students to pursue academic studies and other College-sponsored activities. In pursuit of these goals, the student should be free of unfair or improper action from any member of the academic community.

The Chabot-Las Positas Community College District accords every student the right of protection. Students, however, must also be aware that they are responsible for complying with all College regulations and for meeting the appropriate College requirements. Student Grievance procedures have been developed by Las Positas College to provide students with a prompt and equitable means of seeking an appropriate remedy for any alleged violation of rights and to insure that each student is fully accorded due process. Both the Student Grievance Procedures and the Student Conduct and Due Process Procedures outline the process for seeking resolution, and develop the procedure for filing and processing complaints, including timelines and decision-making authority. The general provisions and specific procedures related to this policy are available from the Office of the Vice President of Student Services, the Office of the Dean of Student Services, or the Student Life Office. You may also find this information online at: [www.laspositascollege.edu](http://www.laspositascollege.edu).

### Student Grievance Procedures

Student Grievance procedures were developed to provide students with a prompt and equitable means of seeking an appropriate remedy for alleged violation of rights and to ensure each student is accorded due process. The Student Grievance procedures outline the process for seeking resolution, and develop the procedure for filing and processing complaints, e.g., timelines and decision-making authority.

A student may file a grievance when they feel that there has been a violation of College or District policies and procedures. A grievance may be initiated against another student, an instructor, an administrator, or classified professional, pursuant to the procedures and grounds specified in Board Policy 5530 and Administrative Procedure 5530. Here is the Grievance Form: [https://cm.maxient.com/reportingform.php?ChabotLasPositasCCD&layout\\_id=4](https://cm.maxient.com/reportingform.php?ChabotLasPositasCCD&layout_id=4)

A student grievance may be submitted for the following:

Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include errors made by an instructor in calculating a student's grade and/or clerical errors.

Violation of policies and procedures by the college to the extent they have a direct and significant impact on the student, such as on the student's exercise of rights of free expression. Under this section, a grievance may be initiated by a student alleging the violation of college/district policies and procedures against an instructor, an administrator or a member of the classified staff.

### Student Grievances Do Not Apply To

1. Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures.
2. Sex discrimination, sexual harassment, or illegal discrimination which are covered under separate Board Policies and Administrative Procedures.
3. Financial aid actions, which are covered under separate Board Policies and Administrative Procedures.
4. Police citations (i.e., "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

### Informal Resolution

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing,

and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration. The Vice President of Academic Services or designee shall serve as Grievance Officer on grade disputes and grievances arising out of instructional services. The Vice President of Student Services or designee shall serve as Grievance Officer for grievances arising outside of instructional services. The Grievance Officer and the student may also seek the assistance of the LPC Student Government (LPCSG) in attempting to resolve a grievance informally. Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes they has a grievance shall file a Statement of Grievance with the appropriate Grievance Officer within 10 days of the incident on which the grievance is based, or 10 days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within 5 days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of their rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form. If at the end of 10 days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint that is satisfactory to the student, the student has the right to request a grievance hearing.

### Ombuds

The Ombuds (also known as an "ombudsman" or "ombudsperson") at Las Positas College will be an identified employee who is committed to serve as a neutral and an impartial conflict resolution practitioner. The Ombuds will have no formal decision-making authority or disciplinary responsibilities. The Ombuds will serve as the initial point of contact for students who encounter challenges or difficulties while navigating the college environment and will be responsible for identifying the proper resource at the college. Furthermore, the Ombuds will facilitate the first connection or contact with the appropriate college entity or employee. The goal of the Ombuds is to ensure the rights and interests of all parties to the dispute are considered with the goal of achieving a fair outcome in accordance with applicable policies, procedures, laws, and regulations. The inability to achieve a fair outcome may result in the student being referred to the grievance or complaint process. For more information, please visit the Office of the Vice President of Student Services.

### Academic Honesty Statement

Las Positas College promotes student success by providing high quality instruction and learning resources. The primary factor in student success, however, is the student's devotion of considerable time and energy to the learning process. A high grade in a Las Positas College course is, therefore, something of which both the college and the student can be proud. It indicates mastery of the material achieved through hard work.

Any form of academic dishonesty, whether cheating or plagiarism, undermines the value of grades for the entire student body and the College as a whole. It is an affront to every student who has labored to achieve success honestly and a threat to the College's reputation for academic excellence. For these reasons, the College does not tolerate any form of academic dishonesty. Any student attempting to gain an unfair advantage in a course will be severely penalized, up to and including suspension from classes. The actions taken against the student will also be permanently entered into the student's record in the case of repeated, flagrant, or serious incidents.

### Student Conduct

All complaints of alleged misconduct made against a student by any person should be submitted to the Vice President of Student Services or designee,

with a copy to the area administrator. These complaints must be made in writing, specifying the time, place, and nature of the alleged misconduct. Identifying information for the complainant is also required. If the Dean or Vice President of Student Services determines the complaint to be unfounded, it may be dismissed.

The Vice President of Student Services or designee (VPSS) shall conduct an investigation of the reported incident as is appropriate. The VPSS/Designee will confer with the accused student for the purposes of advising the student of the report and of the student's rights under college rules and regulations. The VPSS/Designee may also procure information relating to the report from the accused student and others, including an assessment of damage to property or injury to persons. Such investigations shall be treated as confidential and not placed in the student's file unless a charge is upheld and a decision is rendered by the VPSS/Designee against the student.

Following investigation, the VPSS/Designee will render a decision in writing to the student as well as the person filing the complaint against the student (if appropriate) within five (5) working days. The VPSS/Designee may find that the complaint lacks merit; or deliver a written statement to the accused student formally charging that student with misconduct.

### Standards of Student Conduct

The Chabot-Las Positas Community College District, Administrative Procedure 5500 – Standards of Student Conduct.

The following conduct shall constitute good cause for discipline, including, but not limited to, the removal, suspension, or expulsion of a student.

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee and the campus safety administrator/supervisor.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et. seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on-campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on-campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- 10 Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
- 11 Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- 12 Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- 13 Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by college faculty.
- 14 Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- 15 Unauthorized entry upon or use of District facilities.
- 16 Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
- 17 Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation

of lawful District regulations, the substantial disruption of the orderly operation of the District.

18 Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

19 Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

### Student Discipline Procedures

The Chabot-Las Positas Community College District, Administrative Procedure 5520 – Student Discipline Procedures.

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct. If the student wishes to proceed beyond the informal process described in Administrative Procedure 5500, then the following procedure applies. This procedure guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

### Americans with Disabilities Act

In accordance with the 1990 Americans with Disabilities Act (ADA), the Chabot-Las Positas Community College District prohibits discrimination against students and employees with physical or mental disabilities that substantially limit activities such as working, walking, talking, seeing, hearing, or caring for themselves. People who have a record of such impairment, and those regarded as having impairment, are also protected.

### Section 508 of the Rehabilitation Act

Las Positas College is committed to providing access to its programs and services to all qualified individuals as mandated by Section 508 of the Rehabilitation Act. Students who have disabilities will have access to and use of technology information and services that is comparable to the access and use available to non-disabled students according to Section 508.

### Harassment and Sexual Harassment

In accordance with Title VII and Title IX of the Education Amendments of 1972, the Chabot-Las Positas Community College District provides a school and working environment free from all forms of harassment, including sexual harassment. The District also maintains an environment in which all students and employees model this behavior and are treated with dignity and respect.

No person shall be subjected to sexual overtures or conduct either verbal, visual or physical, which are intimidating, hostile, offensive, or unwelcome. Such conduct by employees and students is deemed unacceptable behavior and will not be tolerated by the District.

For provisions, specific procedures, and inquiries about application of Sexual Harassment Policies, contact Wyman Fong, Vice Chancellor of Human Resources, at (925) 485-5261 or [wfong@clpccd.org](mailto:wfong@clpccd.org).

### Smoking Policy

In an effort to prevent the serious health risks associated with exposure to smoking and environmental tobacco smoke, employees, students, and visitors at LPC who choose to use tobacco/nicotine products (including vapors pens and e-cigarettes) may do so in parking lots only. Smoking is prohibited in any LPC-owned vehicle.

### Drug-Free Workplace

The Chabot-Las Positas Community College District is committed to maintaining a drug-free work/learning place in accordance with the requirements of the U.S. Drug-Free Workplace Act of 1988. The District

certifies that it will provide a drug-free work/learning place by taking the actions required by the Drug-Free Workplace Act. For more information, please inquire with the Office of the Vice President of Student Services.

## Visitors

Visitors to LPC must register with the Information Desk receptionist in the Student Services & Administration Building. Visits to the classrooms are by permit/permission only. Non-students, including children, must have a permit issued from the Office of the Vice President of Student Services or appropriate college administrator. Prior permission from the instructor is required. Permission to enter the property of the District, stated or implied in other policies or practices, is subject to the District policy of time, place, and manner.

## Non-Discrimination Policy (Age)

Las Positas College complies with the Age Discrimination in Employment Act of 1974 which prohibits discrimination in employment on the basis of age.

## Non-Discrimination Policy (Disability)

Las Positas College does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities. Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and the regulation adopted thereunder prohibit such discrimination.

## Non-Discrimination Policy (Race, Color, or National Origin)

Las Positas College complies with the requirements of Title VI of the Civil Rights Act of 1964 and the regulations adopted thereunder. No person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program of the College. Las Positas College complies with Title VII of the Act, which includes nondiscrimination on the basis of religion and sex. Limited language skills are not a barrier to occupational programs and services of LPC.

## Non-Discrimination Policy (Gender)

Las Positas College does not discriminate on the basis of gender in the educational programs or activities it conducts. Title IX of the Educational Amendments of 1972, as amended, and the administrative regulations adopted thereunder prohibit discrimination on the basis of gender in education programs and activities operated by the College. Such programs and activities include admission of students and employment.

## Declaración de no Discriminación

Las Positas College, de acuerdo con las leyes civiles, declara que no discrimina hacia ninguna persona a base de su raza, color, nacionalidad, ascendencia, religión, creencia, sexo, edad o incapacidad, en sus programas y políticas de empleo y educación. El conocimiento limitado del idioma no limita acceso a programas y servicios ocupacionales. Cualquier pregunta sobre la aplicación de esta declaración puede dirigirse al U.S. Department of Education, Office for Civil Rights, 50 United Nations Plaza, San Francisco CA 94102, teléfono (415) 486-5555.

## Posting of Flyers

The Vice President of Student Services or Division Deans must approve posting of flyers and posters. Only flyers and posters related to activities, events, or classes sponsored by LPC or Chabot College are approved for general display without removal. Other flyers will be considered for approval to post on campus (or face removal).

## Hazing

Hazing is prohibited at LPC. Section 32050 of CA Education Code makes participation in any kind of hazing a misdemeanor, possibly a felony. Hazing is defined as "any method of initiation or preinitiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in

physical or mental harm, to any pupil or other person attending any school, community college, college, university, or other educational institution in this state."

## Secret Organizations

Membership in secret fraternities, sororities, and organizations, as described by the California Education Code (Section 76035), is prohibited. Las Positas College students who participate in such groups shall be subject to student discipline in accordance with law.

## Speech: Time, Place, and Manner

Procedures regarding time, place, and manner shall govern the exercise of free speech and related activities on the campus. The responsibility for maintaining conduct within the bounds of the law and compliance with the policies of the Board of Trustees shall be assumed by individuals, organizations, and the sponsoring organization's officers and student organizations, advisors and all organizational members. Restrictions on speech content shall extend no further than to restrain speech that is obscene, libelous, or presents a clear and present danger.

## Privacy Rights of Students

Each student and alum of Las Positas College has a right to review the official educational records, files, documents, and other materials that contain information directly related to them; and challenge such records that are inaccurate, misleading, or otherwise inappropriate. It is also the policy of the College that, unless excluded by state or federal law, no record, files, documents, materials, or personally identifiable information contained therein shall be released to any individual, agency, or organization without the express written consent of the student or alum.

Any student desiring to review their official educational records should contact the Dean of Enrollment Services to determine procedures for such review. Any student desiring to challenge the content of their official educational records should contact the Office of the Vice President of Student Services.

While LPC does not provide general directory services, it may by law under special circumstances release the following information about a student: name, address, telephone number, date and place of birth, major field of study, class schedule, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degree and awards received, and the most recent school of attendance. Any student who does not wish such information to be released about their participation or status should notify the Admissions and Records Office in writing at the beginning of each semester or term of attendance.

## Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. This is the right to inspect and review the student's education records within 45 days of the College receiving a request for access. Students should submit to the Dean of Enrollment Services, a written request that identifies the record(s) they wish to inspect. The Dean will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Dean of Enrollment Services, they shall advise the student of the correct official to whom the request should be addressed.

The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the Dean of Enrollment Services or College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

They have a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception,

which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by Chabot-Las Positas Community College District in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the College or District has contracted (such as an attorney, auditor, or collection agency); a Board of Trustees member; or a person assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional duties and responsibilities.

Upon request, LPC discloses education records without consent to officials of another school in which a student seeks or intends to enroll. While LPC does not provide general student directory services, it may release the following information about a student without consent: name, address, telephone number, date of birth, major field of study, photos, degree and awards received and date of attendance. Any student, who does not wish such information to be released about themselves, shall notify Admissions and Records in writing, no later than 10 school days after the start of the term. LPC does not release student information for individual use, private business, or commercial firms for use in advertising and publicity.

If a student has a concern, they have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is the U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605. Website: [www.ed.gov/policy/gen/guid/fpco/ferpa](http://www.ed.gov/policy/gen/guid/fpco/ferpa).

For more information regarding FERPA, contact the Vice President of Student Services at (925) 424-1406 or the Dean of Enrollment Services at (925) 424-1542.