

STUDENT RIGHTS, FREEDOMS AND RESPONSIBILITIES

INTRODUCTION

This section, Student Rights, Freedoms and Responsibilities (SRFR), will familiarize you with the standard of conduct expected of NDNU students and their rights and freedoms at the University. Please review the Table of Contents for referrals to specific policies and procedures.

Notre Dame de Namur University's mission statement affirms the dignity and potential of all members of our community. Toward this end we work to ensure that your educational experience is an enriching one. However, should conflicts arise due process is ensured through this document.

The Student Ombudsperson for 2011-2012 is Dr. Kevin Maxwell, Religious Studies (508-3707). His role is to assist students in resolving conflicts between individuals or groups at the lowest level possible. He is also available to guide students through the procedures for handling grievances.

GENERAL STATEMENT

As an institution rooted in the principles of Christianity, Notre Dame de Namur University seeks to maintain a campus environment that is conducive to spiritual, academic and personal development. To this end, the University seeks to strike a good balance between freedom of the individual student and the student's responsibility to other University community members and to the University. In keeping with this commitment, Notre Dame de Namur University has established policies and regulations deemed necessary to achieve its goals as an institution of higher learning. The University will enforce these standards in order to protect its environment as well as the rights and property of its community members.

EQUAL EDUCATION OPPORTUNITY

The University is an equal opportunity institution of higher education and employer and is firmly committed to non-discrimination in its delivery of educational services and employment practices. The University's educational services and employment opportunities are provided without regard to race, gender, sexual orientation, national origin, ancestry, color, religion, religious creed, age, marital status, cancer-related or genetic-related medical condition, disability, citizenship status, military service status, or any other status protected by federal, state, or local law, ordinance or regulation except where there is a bona fide occupational or religious qualification. All such discrimination is prohibited by University policy.

Any otherwise qualified applicant, student or employee with a disability as defined by law may request reasonable accommodation regarding the application process and services as a prospective or enrolled student or student-employee; and requests for such accommodation for a student should be made in writing and in a timely fashion that is well before the accommodation is needed and should be directed to the PASS Coordinator at 508-3670. The University will reasonably accommodate individuals with disabilities if the individual is otherwise qualified to meet the fundamental requirements and aspects of the educational program and/or safely perform all essential functions, without undue hardship to the University and/or without altering fundamental aspects of its educational program.

For purposes of reasonable accommodation, a student with a disability or applicant is a person who: a) has a physical, mental health impairment or learning disability; b) has a record with the University of such impairment; c) is regarded by the University as having such an impairment, or who is otherwise defined by law as a qualified disabled student or applicant. The individual must meet the qualifications and requirements expected generally of NDNU students, and must be able to perform the essential requirements of the curriculum, either with or without reasonable accommodation.

This policy is in accordance with Title VI of the Civil Rights Act of 1964, as amended; Executive Order 11246, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act

of 1973; the Pregnancy Discrimination Act of 1978; and applicable state laws. Anyone who believes that Notre Dame de Namur University is not in compliance with these laws or their regulations in regards to a student should contact the Dean of Students at (650) 508-3513.

ACADEMIC FREEDOMS

It is fundamental to the health of an academic institution and ultimately to the health of a society at large that individual persons and groups of persons exercise their responsibility and freedom to search for the truth and to speak the truth as it is discovered. In a collegial community, the corporate person of the University institution, and the persons of the faculty, staff, administration, and student body bear mutual responsibility to exercise professional competence and to extend to one another the trust and respect that fosters an environment for the exercise of academic freedom.

Students and student organizations of Notre Dame de Namur University may exercise all appropriate freedom to examine and to discuss questions of interest to them, and to express opinions publicly and privately, subject to their concomitant responsibilities to the University community. However, the University also protects against individual or collective actions that might disrupt this institution, or be in conflict with its role, mission, and values, or obstruct or restrain members of the academic community.

Students at the University are free to take reasonable exceptions to the information or views offered in any course and to reserve judgment about matters of opinion. Nevertheless, students are responsible for learning the content of any course of study for which they are enrolled and to adhere to the rules and norms of the community regarding time, place and manner of expression.

1. In the Classroom: The instructional staff, in the classroom and in conference, etc., should encourage relevant discussion, inquiry and expression at appropriate times and places. Student performance in coursework should be evaluated on an academic basis, not on their opinions or conduct unrelated to the educational environment.
2. Evaluation of Academic Performance: Students shall have protection against prejudicial or capricious academic evaluation, if it is violative of the Equal Educational Opportunity policy. At the same time, they are responsible for maintaining standards of academic performance for each course in which they are enrolled. Students' rights shall include the following:
 - The peaceful advocacy of any personal academic opinion that is an expression compatible with the rights of an individual living in a free society; even if it may contradict stated University principles. Students may represent without penalty any academic opinion in or out of class, but may be required to demonstrate knowledge of views contrary to their own in order to fulfill course requirements and to adhere to rules and norms regarding time, place and manner of expression.
 - The student shall receive from his/ her instructor early in the period of the course an outline or the work and research expected for the course in which she/ he is enrolled and the dates on which such assignment(s) is due.
 - Students are expected to attend classes for which they are registered. Policies on absences are at the discretion of the individual instructor and ordinarily will be announced during the first week of class.
3. Appeal of a Grade:
 - Students may request a review and appeal of their grade to the instructor, including material marked by class assistants, within ten

(10) working days following posting of the grades. Review is taken to include, but is not limited to, inspections of the final examination and any written materials that influence the grade. It should be understood that a reviewed grade may be raised or lowered. The instructor shall ordinarily issue their decision regarding the student's grade within ten (10) working days of the start of the next semester (FA/SP).

- If the student believes that the results of the review are not satisfactory, s/he may appeal in writing to the Department Chair/ Program Director within ten (10) working days of receipt of the review. The Department Chair/ Program Director will review the case, including a written statement from the instructor within ten (10) working days of receipt of the student's appeal.
- If the case is not resolved to the student's satisfaction at this point in the process, s/he may request that the Department Chair/ Program Director refer the matter to the Dean for final resolution. For this matter to be considered, the request must be received within ten (10) working days following the communication of findings by the Department Chair/ Program Director to the student. The Dean may, in the case of graduate students, choose to form a committee of disinterested members to consider these statements together with such papers and examinations contributing to the questioned grade and provide a recommendation to the instructor. The decision of the Dean shall ordinarily be issued within (10) working days and is final. This procedure does not apply when a grade is being appealed because of alleged Academic Misconduct (Section V.A.).

4. Academic Policies and Petitions Forms

- In order to ensure adequate communication among all affected parties, the Registrar's Office has forms available to document the following situations: Registration, Change of Major, Course Challenge, Independent Study, Petition for Academic Overload, Petition to Undergraduate Academic Standards Committee, Petition to Graduate Academic Standards Committee, Add/ Drop, Incomplete Grade, Leave of Absence and Withdrawal. ALL THESE FORMS REQUIRE AN ADVISOR'S SIGNATURE.

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, grants students certain rights of access to their educational records, protects the privacy of these records and requires that all students be informed of all rights and safeguards.

The University is responsible for protecting the privacy of student records in accordance with FERPA. If the University fails to comply, the Department of Education may issue a notice to cease the practice in question and could ultimately withhold funds administered by the Secretary of Education.

Education records are defined as records that are:

- Directly related to a student and
- Maintained by an educational agency or institution or by a party acting for the agency or institution.

Accessible records are those educational records maintained by NDNU, which concern information directly related to a student. Those students who have actually attended NDNU may have access to

accessible records concerning them by appearing in person and submitting a request in writing to the Registrar's Office. Students have the right to copies of accessible records, except for transcripts from other colleges and universities and letters of recommendation if they have waived their rights.

Under FERPA students have the right to:

- Inspect and review information contained in their educational records;
- Challenge the contents of their educational records;
- Request a hearing if the outcome of the challenge is unsatisfactory;
- Submit an explanatory statement for inclusion in the educational records, if the outcome of the hearing is unsatisfactory;
- Secure a copy of the institutional policy regarding privacy rights;
- File complaints with the Department of Education concerning alleged failure to comply with FERPA.

What FERPA says about Parents:

- When a student reaches the age of 18 or begins attending a post secondary institution regardless of age, FERPA rights transfer to the student.
- Parents may obtain directory information at the discretion of the institution.
- Parents may obtain non-directory information (grades, GPA, etc.) only at the discretion of the institution and after it has been determined that their child is legally their dependent. Parents may also obtain non-directory information by obtaining a signed consent form from their child (Third Party Authorization).

Students have the right to consent to the review of their accessible records by others. A Third Party Authorization request for such review must be submitted in writing with the written signature of the student to the Registrar's Office. It is the policy of NDNU to release official information only upon the written and signed consent of the student and upon payment of a fee for each official transcript. To protect each student, a record is kept of transcripts issued and any persons or institutions (other than NDNU officials) that have, upon student consent, been granted access to the students records. Records of access will be available upon student request.

The Student's Right of Non-Disclosure Under FERPA:

A student may have any or all such information withheld by written request to the Registrar's Office only while in attendance. The non-disclosure remains in effect until the student directs the institution to remove it. This is true after the student has ceased attendance at the institution. Students who have left the institution do not have the right of non-disclosure, but the institution may honor that request if it wishes.

The following records may not be inspected:

- Financial records of parents;
- Confidential letters and recommendations written prior to January 1, 1975;
- Confidential letters and recommendations concerning admission, employment, and honors for which the student has signed a waiver of right to access.
- Records created or maintained by a physician, psychiatrist and psychologist acting in a professional capacity.
- Records of NDNU who are the sole possession of the maker.

The following information is defined as Directory Information and may be released without student consent:

- Student's name

- Address (campus, local and/or permanent)
- Telephone numbers
- Date and place of birth
- Major field of study and classification
- Dates of attendance, degrees and honors received
- Most recent previous educational institution attended
- Weight and height of intercollegiate athletic teams

Health or Safety Exception

An institution may disclose personally identifiable information “to appropriate parties, including parents of an eligible student, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.”

Access to Diverse Views

Recognized student organizations are free to invite and to hear speakers of their own choosing, and students or student organizations are free to present their views to the University community by means of graphic representation, and/or through peaceful demonstrations or public gatherings, subject only to their compliance of the policies of the University and adherence to applicable laws and norms regarding time, place and manner of expression.

In order to assure the right of free expression in the academic forum, to minimize conflicts between the exercise of that right and the rights of others in using University facilities, and to minimize possible interference with the responsibility of the University as an educational institution, the University restricts absolute freedom of expression by these policies:

- University Policy on Guest Speakers
- University Policy on Freedom of Expression
- University Policy on Freedom of Association

When an individual or group feels that their rights of free expression have been unfairly restricted or denied by administrative action, a complaint may be made by following the procedures outlined in the Student Grievance Policy.

University Policy on Guest Speakers

A significant implication of academic freedom is the appearance on certain occasions and under certain occasions stated below, of speakers whose opinions may support, challenge or contradict those positions to which some members of the University community or its Administration espouse and/or the stated policy of the University.

Notre Dame de Namur University welcomes such speakers for both educational and practical purposes. First, the beliefs expressed in its mission should be seen as reasoned convictions rather than prejudices. Secondly, the clash of debate is a most effective stimulus to inspire or clarify thought. Thirdly, a university in a democratic society cherishes its freedom of speech. Fourthly, public presentation of an opinion provides thinking men and women opportunity to measure its worth. Finally, “controversial” is often an epithet attached to an idea which is unpopular at a certain time and among certain people, but which, if allowed to mature in public debate, may contribute to the advancement of our understanding of the world. For these reasons, we believe that a university which cherishes its own clear principles need not fear controversy.

This statement has several purposes: to assure the right of free expression in the academic forum, to minimize conflicts between the exercise of that right and the rights of others in the use of University

facilities; and to minimize the possible interference with the responsibilities of the University as an educational institution.

Off-campus groups or individuals may enter the campus for the purposes of distributing material, performing or presenting ideas in a public forum only if they are sponsored by an authorized on-campus organization which agrees to monitor their compliance with University policies. In order to ensure that these visitors contribute to the educational process established on the campus, the following procedures for guest speakers are established:

- Sponsorship: Recognized student organizations may invite non-University speakers to address meetings on-campus only with prior notification to the Dean of Students or designee. In order to establish sponsorship of an off-campus individual or organization, the campus organization must establish the reasonable satisfaction of the Dean of Students or designee that there is an interest in bringing the individual or organization to campus which is consistent with the educational objectives of the University.
- Reservation Procedures: Facilities reservation by an off-campus group must be completed with the Conferences and Events office. The office will provide the necessary forms, procedures for use, guidelines for sound amplification equipment, etc. Student Life and Leadership must be consulted regarding date, time of day, etc. After this meeting, Student Life and Leadership will notify the Dean of Students. Except in unusual circumstances, this meeting must take place at least 14 calendar days before the event is to occur. A reasonable rental fee, determined by Conferences and Events, may be charged to off-campus groups using University facilities irrespective of sponsorship by an authorized campus organization.
- Fair and Orderly Presentation: Whenever the Dean of Students or designee considers it appropriate in furtherance of educational objectives, she/ he may require either or both of the following:
 - A. That the meeting be chaired by a person approved by the VPCL;
 - B. That the speaker be subject to questions from the audience;
 - C. Other measures conducive to fair and reasoned expression and communication.
- Grounds for Refusing a Speaker: After the notice required under Reservation Procedures has been given, the President or her designee may refuse to permit the speaker to appear on campus only if she determines, after appropriate inquiry and consultation with the Dean of Students, that the proposed speech will constitute a clear and present danger to the orderly operation or peaceful conduct of campus activities by the speaker's advocacy of action or likely violation of an important University policy, including but not limited to:

Willful damage, destruction or seizure of University buildings or other property; forcible disruption, impairment of, or interference with classes or other University activities; physical harm, coercion, intimidation, or other invasion of rights of the University students, faculty, staff, or guests; or other campus disorder of a violent or seriously disruptive nature.
- Other speakers: Student organizations and academic departments present activities throughout the year which respect the diversity of political, social and religious opinions of the student body.

All rules applicable to University organizations or individuals shall have equal effect on non-University organizations or individuals purporting to be properly on campus in accordance with this policy. In conclusion, NDNU does not officially endorse or identify itself with the opinions or statements of any speakers invited and permitted to appear on campus.
- Policy on Freedom of Expression: Notre Dame de Namur University recognizes that in a free society, and especially in an academic community, the right to express oneself freely and to have access to divergent views are cornerstones of our social institutions. The unrestrained

exercise of these rights by one individual can, however, result in their denial to another. Therefore, in order to ensure that insofar as possible these rights are available equally to all; regulations of time, place, and manner of exercising these rights are established. It is the overall responsibility of the Dean of Students to administer and interpret its provisions in a manner consistent with the purposes established in it and the mission of the University and other University policies.

- A. Procedure for Public Dissemination of Materials/ Publicity Regulations: The posting, distribution or dissemination of materials which advertise, publicize, or otherwise provide notice of activities, events and occurrences are subject to approval by the Dean of Students or his/her designee.
- B. Procedures for Vendors and Solicitations
1. In order to preserve the character of the University as an academic institution, to protect members of the community from being harassed and defrauded, and to fulfill existing contractual obligations with the University's suppliers, there shall be no solicitation by outside agencies, salespersons, peddlers or vendors of materials or services on any portion of the University except as provided herein.
 2. Members of the University community may display and sell items approved by the Dean of Students or his/her designee.
 3. Goods and services may be displayed and solicitations made by authorized representatives of the University for the University's purposes.
 4. Groups and individuals may appear by invitation and approval of authorized personnel to present sales and service proposals for consideration by Associated Students of NDNU, registered campus organizations and other authorized personnel.
- C. Procedures for the Sale of Materials and Collection of Funds: Except as otherwise provided in this policy, only an authorized campus organization, or a group sponsored by such an organization, may sell materials, collect dues, donations, admission charges, or handbills, posters, and personal requests as approved according to this policy.
- D. Sound Amplification Equipment: The use of sound amplification equipment in public areas by any member of the University community is regulated so as to assure that such activity will not interfere with the usual activities and functions of the University. All parties are reminded that the use of such equipment is subject to the laws of the City of Belmont and a city permit may be required. The party using such equipment shall be responsible for compliance with all laws and ordinances and liable for any violations thereof. Specific guidelines for use of sound amplification equipment can be acquired from the Student Life and Leadership Office or Public Safety.
- E. Responsibility of Host or Sponsor:
1. Any individuals or group who either directly host an event or sponsor any other group or individual shall be held jointly and severally liable for all foreseeable consequences of the activity. The University may request the group or individual to sign a release form before approval is given for the event.
 2. Any student whose conduct or activity is in violation of the above stipulations may be asked by a responsible University official to desist from such actions immediately and warned that failure to do so could result in serious disciplinary action. The failure of any student to comply with this request of an authorized University official acting in the performance of his/her duties will render the student subject to immediate interim suspension that may result in dismissal from the University. Any student(s) hosting an event where University policy is being violated will be held accountable for that violation (i.e. alcohol).
- F. Appeals from the Application of this Policy: Campus organizations or individuals who feel that a decision of the Dean of Students was made in a manner that violates their rights as members of the University community may file a grievance under the Student Grievance Policy.

Policy on Freedom of Association

The goals and ideals of student organizations should complement the goals and ideals set forth in the University's Mission Statement. Student organizations should provide an opportunity for students to learn organizational skills involving cooperation and leadership while providing an opportunity to develop maturity through self-management and self-regulation of their own activity. The students at NDNU are free to organize and to join associations to promote their interests.

- Voting membership in student organizations shall be limited to students enrolled at NDNU. Policies and actions of student organizations shall be limited to students at NDNU. Policies and actions of student organizations shall be determined by these members. Students wishing to form an organization shall: submit to the Student Life and Leadership a statement of purpose, criteria for membership, proposed bylaws, and shall observe the process established in the Student Organization Guidebook.
- Each student organization shall be free to choose an advisor from among the faculty, staff and administrators of the University.
- Student organizations are open to all matriculated students.
- Affiliation with a non-campus organization should not itself disqualify a student organization from institutional recognition.
- Student organizations are free to hear any speaker or engage in projects consistent with the stated purposes of the University as long as they are in compliance with University policies and procedures contained herein.
- Each student organization is responsible to the University for periodic evaluation of its current program in relation to its stated purpose.
- All student clubs and organizations must comply with all federal, state, local and University laws, rules and regulations.

Student Membership on University Committees/ Councils

As members of the academic community, students of Notre Dame de Namur University are free, both individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body shall have clearly defined means of expressing their views on the formulation and application of institutional policy affecting Academic and Student Affairs. To this end, student representation shall be provided on University committees/ councils whose principal concern is with academic and Student Affairs. Guidelines for selection of student representatives are stated in the Constitution of the Associated Students.

- The academic schools/ colleges shall each determine guidelines for student representation and participation in their respective meetings.
- The role of student government is made explicit in the Constitution of the Associated Students and Residence Hall Association.

Student Publications

The University recognizes that student publications can be a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and intellectual exploration on campus. They can be a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion. Therefore:

1. Student publications shall be free of institutional censorship and advance approval of copy. Their editors and managers shall be free to develop their editorial policies and news coverage. At the same time, this freedom entails the corollary responsibility to be governed by the canons of responsible journalism and University policies.
2. Editors and managers of student publications which are supported by recognized University bodies shall be protected from arbitrary suspension and removal because of student, faculty, administrative or public disapproval of editorial policy or content. Only for proper and stated causes will editors and managers be subject to removal, an action which may be

appealed using the Student Grievance Procedure, the result of which will be final and binding on the issue.