

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

S16-15, University Policy, Student Rights and Responsibilities

Legislative History: Rescinds S90-5 and S98-6

At its meeting of April 25, 2016, the Academic Senate approved the following policy recommendation presented by Senator Kaufman for the Instruction and Student Affairs Committee. There have been significant changes in student rights and responsibilities. Therefore, this policy replaces University policies S90-5 and S98-6.

**Approved and signed by Interim
President Susan W. Martin on
May 2, 2016.**

**University Policy
Student Rights and Responsibilities**

Whereas: There have been significant changes in student rights and responsibilities since 1990, and

Whereas: Referencing and maintaining all relevant information is impractical in a static policy; therefore, be it

Resolved: That University Policies S90-5 and S98-6 be rescinded and replaced with the attached policy.

Approved: March 21, 2016

Vote: 13 - 0 - 1

Present: Brooks, Bruck (non-voting), Rees, Sen, Campsey, Walters,
Medina, Branz (non-voting), Kaufman, Sofish, Medrano, Khan,
Wilson, Simpson, Nash, Abukhdeir

Absent: Amante, Gay, Sen, Sullivan-Green

Financial Impact: No significant impact

Workload impact: Slight increase for I&SA Committee in reviewing changes up to twice per year as well as slight increase for university webmaster in updating the page of links.

Student Rights and Responsibilities

PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the intellectual growth of students, and the general well-being of society. As members of the academic community, students should be encouraged to develop critical judgment and to engage in a sustained and independent search for truth. Freedom of inquiry, expression, and action are indispensable to the attainment of these goals. Therefore, the academic community must not only permit, but also encourage all forms of action that do not interfere with the rights of other individuals or groups or with the essential functions of the academic community.

Students, as members of the academic community, accept both the rights and responsibilities incumbent upon all members of the institution. To the extent that their rights as students are not denied, students acknowledge the authority of the faculty in matters of scholarship and the authority of faculty and administrators in operating the university. Concomitantly, the faculty and administration realize and respect the rights of students to help in formulating university policies. Students also have the right to challenge the ideas of others without fear of retaliation, to work for change believed necessary for the improvement of the institution and to challenge any attempt to deprive them of their rights.

Applicable policies and procedures attempt to define both the student's freedom and the limits of that freedom. They are based on the principles that membership in the academic community involves rights and responsibilities and that all rights, privileges, and responsibilities which accrue to the student as such are not abridged by membership in the academic community.

Corollary to any statement of student rights and responsibilities are procedures for hearing charges that students' rights have been denied either by other students, the faculty, administration, or staff of the university. This policy references the policies and procedures by which these rights and the freedom of all segments of the university community may be protected.

While considering students' rights and responsibilities, it must be recognized that the campus is not a sanctuary immune from civil authority and law, and that students may be prosecuted for violation of the law, whether an action occurs on the campus or off; however, university sanctions will be imposed only for those violations that directly and significantly interfere with the university's responsibilities for ensuring the opportunities of all members of the academic community to pursue learning. This statement

concerning Student Rights and Responsibilities is subject to and limited by all applicable provisions of the Constitution of the United States and of State law including the regulations and orders duly made by the Trustees and the Chancellor of the California State University.

Applicable Policies and Procedures:

The university shall maintain an electronic repository of relevant laws, policies, procedures, etc. that are applicable to the general area of Student Rights and Responsibilities. Twice per year, the members of the Instruction and Student Affairs Committee (I&SA) of the Academic Senate shall review the precise contents of this page. The review shall be completed in November for changes to take effect the following spring, and April for changes to take effect the following fall; this will allow faculty and students time to become familiar with upcoming changes to the required language. Authority for approving changes in the list of links rests only with I&SA. The list of links will be hosted under the “Current Students” tab on the university homepage, as well as in the catalog and on the web sites of appropriate offices, including, at a minimum, Academic Affairs, Accessible Education Center, Associated Students, Athletics, college and departmental web sites, Enrollment Services, Graduate and Undergraduate Programs, Housing, Human Resources, Registrar, Student Academic Success Services, Student Affairs, Student Conduct, Student Services, and University Ombudsperson web sites.