

## COLLEGE POLICIES, RULES AND REGULATIONS



Students are held individually responsible for the information contained in the Cuesta College Catalog and in the Student Code of Conduct. Failure to read and comply with college Policies, Rules, and Regulations will not exempt students from whatever penalties they may incur.

The college reserves the right to make changes, additions and/or deletions to the Policies, Rules, and Regulations during the school year when deemed necessary by action of the administration and/or Board of Trustees.

### **Academic Probation and Dismissal**

Students who earn unsatisfactory grades may jeopardize their enrollment and registration priority at Cuesta College. Academic achievement is monitored during the fall/spring semesters. A student is placed on academic probation at the end of a semester if the student's grade point average is less than 2.0, or "C average," on a four-point scale.

A student who earns less than a 2.0 GPA for two consecutive semesters is subject to dismissal from the college. For the purpose of this section, semesters are considered consecutive on the basis of the student's pattern of enrollment. For example, a student earning less than a 2.0 in fall 2016 and fall 2017 would be subject to dismissal if the student did not attend Cuesta during spring 2016. Dismissed students are not allowed to attend the subsequent semester.

Students are notified of their academic probation/dismissal status through their myCuesta e-mail account at the end of grade processing each semester.

Students on academic probation are required to participate in academic follow-up services designed to help students persist and succeed in their courses. Students on academic probation will be notified of required academic follow-up activities. Students on academic dismissal must attend a Reinstatement Workshop and agree to their Reinstatement Contract to enroll or remain enrolled in their courses for the subsequent term.

Students, who do not attend a reinstatement workshop will be blocked from enrolling and must "sit out" the following term. Dismissed students who are enrolled in the subsequent term, will be administratively dropped from their courses. Reinstatement, or "sitting out" a semester, does not change the student's academic standing. Once a student's semester GPA is 2.0 (C) or higher the student will be removed from Academic Dismissal.

### **Progress Probation and Dismissal**

Students who fail to complete courses in which they enroll may jeopardize their ability to enroll and their registration priority at Cuesta College. Academic progress is monitored during the fall/spring semesters. A student who has enrolled in a total of 12 or more credits at Cuesta College is placed on progress probation at the end of a semester if the percentage of all Cuesta College credits in which a student has enrolled, for which entries of "W," "I," and "NP" are recorded, reaches or exceeds 50 percent.

A student placed on progress probation for the third consecutive semester or session is subject to dismissal from the college.

Students are notified of their progress probation/dismissal status through their myCuesta e-mail account at the end of grade processing each semester.

Students on progress probation are required to participate in academic follow-up services designed to help students persist and succeed in their courses. Students on progress probation will be notified of required academic follow-up activities.

Students on progress dismissal must attend a Reinstatement Workshop and agree to their Reinstatement Contract to enroll or remain enrolled in their courses for the subsequent term.

Students who do not attend a reinstatement workshop will be blocked from enrolling and must "sit out" the following term. Dismissed students who are enrolled in the subsequent term, will be administratively dropped from their courses.

Reinstatement, or "sitting out" a semester, does not change the student's academic standing. A student on progress dismissal shall be removed from probation/dismissal when the percentage of entries of "W", "I", and "NP" recorded drops below 50 percent.

Contact the Office of the Director of Admissions and Records or Counseling Services for additional information.

### **Academic Renewal without Course Repetition**

Previously recorded substandard academic work may be disregarded in the calculation of a student's grade point average if the work is not reflective of the student's present scholastic level of performance.

1. Academic renewal may be applied to two distinct semesters/sessions of work and is a one-time irreversible option.
2. Academic renewal cannot be used to disregard prior academic credit or course work which has been applied toward an associate degree or certificate earned at Cuesta College.
3. For any semester/session in which course work is to be disregarded, substandard academic work in that semester/session will be disregarded, excluding satisfactory academic work.
4. If grade alleviation has already been applied two times for a course included in the requested semester/session to be disregarded, the course will not be eligible for academic renewal without repetition and will remain on the academic record. No more than two substandard grades may be alleviated from the calculation of the student's grade point average for a course.
5. A period of at least one year must have elapsed since the completion of the work to be alleviated.
6. To alleviate course work, the student must have:
  - a. Completed a minimum of 12 semester credits since the semester(s) to be alleviated with at least a 3.0 grade point average; or
  - b. Completed 18 semester credits since the semester(s) to be alleviated with at least a 2.5 grade point average; or

- c. Completed 24 semester credits since the semester(s) to be alleviated with at least a 2.0 grade point average.
- 7. Recalculation of the grade point average will be used toward qualification for graduation with honors.
- 8. Academic standing for the semester/session(s) will be adjusted.
- 9. Permanent academic records will be annotated in such a manner that the record of all work remains legible, ensuring a true and complete academic history.

The student initiates the request by filing a Petition for Academic Renewal without Course Repetition in Counseling Services. The petition must be signed by the student and counselor.

- The student must submit official (sealed) transcripts from all accredited colleges or universities where course work was completed.
- The Director of Admissions and Records will make the final determination for academic renewal without course repetition.
- If academic renewal requirements are met, eligible courses will be alleviated from the student's permanent record.
- Calculation of the student's grade point average begins following the end of the first term being alleviated under academic renewal.

Alleviated course work will be annotated on the student's transcript with an "E" for exclusion with a notation of "Academic Renewal" and the standard grade will be excluded from the student's grade point average calculation.

### Attendance

Normal progress and successful completion of scholastic work depends upon regular attendance. Students are expected to attend all classes and laboratories for which they are registered. Instructors set an attendance policy for each class, and it is the student's responsibility to know and comply with each one. Instructors may drop a student from a class for infractions of the attendance policy. (To assure a seat in the class, students are advised to attend the first class session.)

**It is the student's responsibility to officially withdraw** from a course which the student is no longer attending. Failure to officially withdraw from a class may result in an "F" (failing) grade.

### Open Enrollment

All courses of the District shall be open to enrollment in accordance with Board Policy 5052 and a priority system consistent with AP 5055 titled Enrollment Priorities. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the college matriculation process or appropriate college division.

No student is required to confer or consult with or required to receive permission to enroll in any class offered by the District, except as provided for in AP 5055 titled Enrollment

Priorities except courses under Nursing and Allied Health programs, Dual Enrollment - CCAP Program courses offered at a high school site and for classes offered to inmates in city and county jail, or state or federal correctional facility that restrict enrollment.

Students are not required to participate in any pre-registration activities not uniformly required, and no registration procedures are used that result in restricting enrollment to a specialized clientele, except as provided for in AP 5055 titled Enrollment Priorities and where enrollment is restricted for Nursing and Allied Health programs, Dual Enrollment - CCAP Program courses offered at a high school site during regular school day, and for classes offered to inmates in city and county jail, or state or federal correctional facility.

A student may challenge an enrollment limitation on any of the following grounds:

- The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
- The District is not following its enrollment procedures;
- The basis for the limitation does not in fact exist.

A student may challenge an enrollment limitation by following Administrative Procedure 5055.

### Course Load

A full-time student is a student who is enrolled in a minimum of 12 credits per semester/session. Students enrolled in fewer than 12 credits are considered to be less than full-time. Students are limited to a maximum of 19 credits during the fall and spring semesters (nine credits during the summer session), including both day and evening classes. To take more than the maximum number of credits, a student must have an outstanding academic record and must obtain approval from a counselor before registering.

### Course Repetition Policy

#### *Repeatable Course*

A repeatable course is identified in the college catalog and online Class Finder as repeatable more than one time.

- The student may petition to enroll in two sections of the same repeatable course if the length of the course is such that a student may enroll in two or more sections of the same course during the same period without being enrolled in more than one section at any given time.
- A student may repeat a course designated as a repeatable course including variable credit open-entry/open-exit courses up to the maximum number of allowed repetitions for that course.
- No more than two substandard grades may be alleviated within the allowable repeat limits for a repeatable course. If a course is repeated two or more times, the first two substandard grades will be excluded in calculating the student's GPA.
- Course repetition will not be allowed in a repeatable activity course beyond the maximum number of allowed repetitions for the course, which may be no more than three (3) semester/sessions.

### ***Non-Repeatable Course***

A non-repeatable course is a course in the college catalog that is not identified as repeatable.

- Substandard Grade - a grade of "D+," "D," "D-," "F," "NF," or "NC."
- A student will be permitted to retake a non-repeatable course in which a substandard grade or "W" was earned one time without a petition.
- If a student has earned a second substandard grade or "W" in a course, the student must agree and sign a Third Enrollment Agreement to be released to register for the third repetition of a course.
- Each non-repeatable course in which a substandard grade has been earned may be repeated two times only for grade alleviation unless such repetition is provided by District policy. The repeated course must contain the equivalent credit value or higher. The previous grade and credit will be disregarded in calculation of the student's grade point average even if the previous grade was higher.
- Satisfactory Grade – a grade of "A," "A-," "B+," "B," "B-," "C+," "C," "P," or "CR."
- A course in which a satisfactory grade was received may not be repeated unless such repetition is provided for in the official course description or by District policy.

### **Limitations on Withdrawal ("W" symbol)**

Each non-repeatable course in which a "W" has been earned may be repeated for a maximum of two times. The student may earn no more than three (3) withdrawals in the same course.

- Military withdrawals ("MW") do not count against the "W" withdrawal limit.
- A student who has previously earned a maximum of three (3) withdrawals for a course that has a petition approved to repeat may only earn a satisfactory or substandard grade for the course. The student may not earn an additional "W" symbol unless the student demonstrates extenuating circumstances to justify an additional withdrawal for the course.

### **Petition to Repeat**

Students may submit a "Petition to Repeat a Course" under certain circumstances as provided by Title V, California Code of Regulations and Cuesta College Board Policy. Petition approvals are reviewed by the Director of Admissions & Records, the North County Campus Dean, or designee.

**Significant Lapse in Time:** A student may petition to repeat a course, one time, and if no less than 36 months have elapsed, where a satisfactory grade of "C" or better was earned if:

- The District has established a recency prerequisite for a course or program;
- Another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course. Repetition may be allowed where less than 36 months have elapsed if the student documents that repetition is necessary for the student's

transfer to the institute of higher education.

- When a course is repeated pursuant to this section, the previous grade and credit will be disregarded in computing the student's grade point average.

### **Disabled Student Accommodation**

A student may repeat a special class for students with disabilities any number of times as required as a disability-related accommodation under the following circumstances:

- When the student's continuing success in other general and/or special classes is dependent on additional repetitions of a specific special class; or
- When additional repetitions of a specific special class are essential to completing a student's preparation for enrollment into other regular or special classes; or
- When the student has a student educational plan which involves a goal other than completion of the special class in question and repetition of the course will further achieve that goal.
- The previous grade and credit will not be disregarded in computing the student's grade point average each time the course is taken.

### **Legally Mandated Training**

A student may repeat a course any number of times as required to meet a legally mandated training requirement as a condition of continued paid or volunteer employment.

- The previous grade and credit will not be disregarded in computing the student's grade point average each time the course is taken.

### **Significant Changes of Industry or Licensure Standards**

A student may repeat a course any number of times as a result of a significant change in industry or licensure standards such that repetition of the course is necessary for employment or licensure.

- The previous grade and credit will not be disregarded in computing the student's grade point average each time the course is taken.

### **Extenuating Circumstance – Prior Substandard Grades**

A student may petition to repeat a course, one time, based on extenuating circumstances in a prior enrollment in which three (3) substandard grades have been earned. Extenuating circumstances are cases of documented, verifiable circumstances beyond the student's control.

- The previous grade and credit will be disregarded in computing the student's grade point average if either a substandard or satisfactory grade is earned.

### **Extenuating Circumstance – Prior Satisfactory Grade**

A student may petition to repeat a course, one time, based on extenuating circumstances in a prior enrollment in which a satisfactory grade has been earned. Extenuating circumstances are cases of documented, verifiable circumstances beyond the student's control.

- The previous grade and credit will not be included in computing the student's grade point average each time the course is taken.

## Education Tax Credit Information

An Education Tax Credit benefit is available to Cuesta students who enrolled in credit courses and were charged eligible fees. In compliance with the Taxpayer Relief Act (TRA) of 1997, Cuesta College will provide a 1098T form to eligible students enrolled in a given calendar year (spring, summer, and fall). The 1098T form reports eligible fees charged within the given calendar year.

Eligible fees include: Enrollment Fee, Student Center Fee, Non-Resident Fee, and Material Fee. A 1098T will not be produced for students whose eligible fees were waived or who received financial aid in an amount greater than eligible charges. Each January, 1098T forms are mailed to the students' permanent addresses on file with Cuesta at that time.

Students are encouraged to keep payment receipts to confirm the amount of fees paid during each calendar year, regardless of the term of enrollment.

If you have questions about the TRA's Hope Tax Credit and Lifelong Learning Credit:

- Consult your tax preparer
- Access the IRS website at [www.irs.gov](http://www.irs.gov).

## Enrollment Priorities

All courses of the District shall be open to enrollment to all eligible students, subject to an established enrollment priority. Enrollment also may be limited to students meeting properly validated prerequisites and co-requisites, or due to other, practical considerations.

To comply with legislative mandates, regulate the availability of limited class space, provide for fairness, and facilitate the registration process, procedures to provide enrollment priority for students on the basis of need are established.

Annually, each program or group granting enrollment priority will establish and publish a process to review and evaluate their program participant's "level of need" that grants program eligibility for enrollment priority.

The California Community Colleges Board of Governors approved changes that will establish system-wide enrollment priorities designed to ensure classes are available for students seeking job training, degree attainment or transfer and to reward students who make progress toward their educational goals.

New students who have completed college orientation, assessment and developed education plans as well as continuing students in good academic standing who have not exceeded 100 credits (not including credits in non-degree applicable courses, basic skills and English as a Second Language) will now have priority over students who do not meet these criteria. Active military and veterans, current and former foster youth, CalWORKS or Tribal TANF recipients, followed by students in Extended Opportunity Programs and Services (EOPS) and Disabled Students Programs and Services (DSPS) will continue to have first priority for registration if they meet the same criteria listed above.

The regulations, unanimously approved by the board

of governors, was implemented in the fall of 2014. We encourage students on probation to seek help to improve their academic standing. Students nearing 100 credits should carefully plan their remaining courses with an academic counselor.

Enrollment Priority Groups are defined below. Students will continue to have access to register after their priority date.

- **PRIORITY 1 (State Mandated CCCCC Programs):** Continuing students, with the exception of eligible Foster Youth, in this group must be in good academic standing as defined with less than 100 Cuesta College degree applicable credits. New first-time and returning students in this group must meet the requirements of a new matriculated student as defined and with less than 100 Cuesta College degree applicable credits. Dual Enrollment Students are not eligible, except noted.
  - o Any member or former member of the Armed Forces of the United States, who is a resident of California, who has received an honorable discharge, a general discharge, or an other than honorable discharge, and to any member or former member of the State Military Reserve, for any academic term attended at one of the California State University, California Community Colleges or University of California for four academic years after he/she has left state or federal active duty, which he/she shall use within 15 years of leaving state or federal active duty, as established by Education Code 66025.8.
  - o Foster youth and former foster youth, whose dependency was established or continued by the court on or after the youth's 16th birthday and who is no older than 25 years of age at the commencement of the academic year. This includes foster youth who are enrolled as Dual Enrollment (Enrichment) students, as established by Education Code 66025.9. This category retains eligibility for priority enrollment regardless of their academic standing. Priority administration expires on January 1, 2020.
  - o Homeless youth includes a student under 25 years of age, who has been verified (defined in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act) at any time during the 24 months immediately preceding the receipt of application for admission for a period of up to six years or until the age of 25, whichever comes first. Priority administration expires on January 1, 2020.
  - o California Work Opportunity and Responsibility to Kids (CalWORKS) or Tribal TANF recipients, as established by Education Code 66025.92.
  - o Disabled Student Programs & Services (DSPS) students as established in Education Code 66025.91.
  - o Extended Opportunity Programs and Services (EOPS) recipients as established in Education Code section 66025.91.
- **PRIORITY 2 (Special Programs):** Continuing students in this group must be in good academic standing as defined, with less than 100 Cuesta College degree applica-

ble credits. New first-time and returning students in this group must meet the requirements of a new matriculated student as defined and with less than 100 Cuesta College degree applicable credits. Dual Enrollment Students are not eligible.

Students must meet specific program eligibility criteria as determined by each program.

- o Degree/Transfer applicants must be a Continuing Student with 12 credits completed in residency; who will be completing their remaining AA, AS, Transfer (AA-T and AS-T) degree or transfer certification requirements within one semester at Cuesta,
- o Intercollegiate Athletes, new first-time/transfer incoming athletes who will be participating in sports will be eligible for priority regardless of their sport term not to exceed 3 years,
- o Disabled Student Programs & Services (DSPS) Note-takers,
- o Re-entry Program participants,
- o iZoom Program participants,
- o Facilitated Assisted Learning (FAL) facilitators,
- o Associated Students of Cuesta College Leaders,
- o Student employees, staff and faculty pursuing Professional Growth, and dependent children up to the age of 25 (with the exception of Dual Enrollment Students), spouses, and domestic partners of faculty or staff.

- **PRIORITY 3 (Continuing Students):** Continuing Cuesta College students in good academic standing as defined, with priority based on the total number of course credits completed at Cuesta College **AND** have completed a comprehensive Student Educational Plan (SEP), except for 3.4 priority group. Dual Enrollment Students are not eligible.

Credit increments:

- o 3.1. Equal to or greater than 48.0 credits and less than 100.0 credits
- o 3.2. Equal to or greater than 24.0 credits and less than 48.0 credits
- o 3.3. Equal to or greater than 15.0 credits and less than 24.0 credits
- o 3.4. Less than 15.0 credits
- **PRIORITY 4 (New Students):** New students who meets the definition of a New Matriculated Student **AND** have attended designated orientation program (Cougar Welcome Day). Fall Registration ONLY. Dual Enrollment Students are not eligible.
- **PRIORITY 5 (New Students):** New students who apply and meet the requirements of a new matriculated student as defined and did **not** attend designated orientation program (Cougar Welcome Day). Dual Enrollment Students are not eligible.

- **PRIORITY 6 (All Students):** All first-time, returning, transfer students who apply for admissions. Continuing students who have not completed a comprehensive Student Educational Plan OR have earned 100 or more credits OR were on academic standing probation for two consecutive terms are eligible to enroll. Dual Enrollment Students are not eligible.

- **PRIORITY 7 (Dual Enrollment):** Dual Enrollment Students (Enrichment and CCAP) concurrently enrolled in grades 6-12 (Enrichment) and 9-12 (CCAP), who have completed the admission application, permit to enroll, and have met all course prerequisites, are eligible to enroll.

#### Enrollment Limitations

A student's ability to enroll in a course may be limited or restricted. Refer to Administrative Procedures 5075 - <https://www.boarddocs.com/ca/cuesta/Board.nsf/Public#>

- **CONTINUING/RETURNING STUDENTS:** A continuing or returning student will lose enrollment priority if he/she earns 100 or more credits at Cuesta College or if he/she are on academic or progress probation for two consecutive terms.

For purposes of this section a unit is earned when a student receives a grade of A, B, C, D or P as defined in BP and AP 4230 titled Grading and Academic Record Symbols. This 100-unit limit does not include units for non-degree applicable English as a Second Language or basic skills courses as defined by Academic Affairs, or students enrolled in high unit majors or programs as designated by the Curriculum Committee and Academic Affairs.

The District shall notify students who are placed on academic or progress probation, of the potential for loss of enrollment priority. The District shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration as long as the student remains on probation. The District shall notify students or who have earned 75 percent or more of the unit limit, that enrollment priority will be lost when the student reaches the unit limit.

Students who lose their priority due to enrollment limitations will be able to register after Priority 5.

#### Appeal of Loss of Enrollment Priority Procedures

- Students may petition to have their enrollment priority reinstated based on the following reasons:
  - o Extenuating Circumstances (verified cases of accidents, illnesses, or other circumstances beyond the control of the student)
  - o Students with disabilities who applied for but did not receive reasonable accommodations in a timely manner.
  - o Students who demonstrate significant satisfactory academic improvement by earning at least 2.50 GPA in at least 6 academic credits in a subsequent term, but whose term GPA is not high enough to move the student into good standing.
  - o Students who are in high credit programs and are

following a current education plan.

- o Students in good standing (over 100 credits) and with-  
in 12 credits of completing their degree.

Enrollment Priority Appeal forms are available online, and at all Cuesta College sites. Appeals are to be submitted to the Director of Admissions & Records. Extenuating circumstances must be documented. Enrollment Priority students whose appeal is approved will be reinstated to their previous priority status for one semester.

Any student who is a member of an active or reserve military service and who receives orders compelling a withdrawal from courses may request to be reinstated to their previous priority status upon their return.

#### Definition of student enrollment statuses:

- A **New Matriculated Student** is one who has completed orientation, assessment and developed a student education plan (*abbreviated or comprehensive*).
- A **Student in Good Academic Standing** is one who is not on academic or progress probation for two current consecutive primary terms.
- A **Student in High Credit Program** is a program that has more than 38 credits in the major coursework and following a current education plan.
- A **Continuing Student** *excludes Dual Enrollment (Enrichment - Non-CCAP and College and Career Access Pathways - CCAP)*, is one who was enrolled during the immediately preceding semester and received at least one letter grade or "W." A student registered during the semester, who did not complete a course with a letter grade or "W" forfeits continuing student status.
- A **First-Time Student** is one who never attended a post-secondary education prior to the application term.
- A **Returning Student** is one who attended Cuesta in the past, but was not enrolled in the term prior to the application term.
- A **Re-Entry Student** is one who is at least 25 years of age and has not attended a college or university within the past 5 years.
- A **First-Time Transfer Student** is one who is enrolling at Cuesta for the first time after attending another post-secondary institution.
- A **Dual Enrollment Student (Enrichment and CCAP)** is one who currently enrolled in grades 6-12 (Enrichment) and 9-12 (CCAP), and is eligible to attend Cuesta College by recommendation of their Principal. (BP 5055, BP 5010, AP 5011).

## FEES

### Schedule of Fees Payable at Registration (per fall/spring semesters/summer session)

Credit (enrollment) fees are subject to change by the California State Legislature. If fees are increased for this term, additional charges will be added to each student's account that must be paid before grades will be released. For tax purposes, students are responsible for retaining receipts as a record of fees paid.

**Enrollment Fee** \$46.00

Note: Per credit, subject to change.

**Non-Resident Tuition** \$263.00

Note: Per credit, in addition to the \$46.00 enrollment fee.

**Health Fee** \$19.00 (Fall/Spring)  
\$16.00 (Summer)

Note: North County Campus and San Luis Obispo Campus only.

**Student Center Fee** \$10.00

Note: \$1.00 per credit Fall/Spring San Luis Obispo campus only - \$10.00 maximum per academic year.

**Student Representation Fee** \$1.00

Note: Fall/Spring semester only.

**ASCC Student ID Card Fee**

\$10.00 (Fall/Spring)  
\$ 5.00 (Summer)

Note: Renewal fee each semester/session.

**Parking Permit Fee**

North County and San Luis Obispo Campuses only – each semester/session, per vehicle.

Automobiles/vans/trucks \$30.00 (Fall/Spring)  
\$15.00 (Summer)

Each additional automobile/van/truck \$30.00 (Fall/Spring)  
\$15.00 (Summer)

Motorcycles/mopeds (per vehicle) \$15.00 (Fall/Spring)  
\$ 8.00 (Summer)

Each additional motorcycle/moped \$15.00 (Fall / Spring)  
\$ 8.00 (Summer)

**Materials Fee.** See course descriptions for specific amounts.

## Fee Descriptions

**Enrollment Fee**

Enrollment fees are charged per unit of enrollment credit and are set by the State of California. These fees are subject to change. If you need help paying this fee, you may qualify for a Board of Governor's Fee Waiver (BOGW). An application is available in the Financial Aid Office or you may complete the free application for Federal Student Aid (FAFSA) application online. Completed BOGW applications and documents of income sources must be submitted to the Financial Aid Office before you register for fall/spring semesters or summer session. Refer to the Financial Aid section for BOGW eligibility requirements. You must reapply each year for consideration.

**Non-Resident Tuition**

The cost of tuition for international and out-of-state students is in addition to the enrollment fee. If you have questions about residency status, please contact the Admissions Office for assistance.

**Health Fee**

In accordance with the California Education Code and District policy, Cuesta College has a mandatory health fee.

Students, excluding those with the exceptions listed, are required to pay the Health fee each term regardless of the number of credits they are taking. This fee is nonrefundable once the semester or session begins and is subject to change per local Board action. The health fee is not an eligible tax credit fee.

Health Fee Exemptions: (Education Code Section 76355)

- Students enrolled in non-credit courses.
- Students who are taking classes only at the South County Center (Arroyo Grande High School) and off-campus sites.
- Any student who depends exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization, provided that the student presents documentary evidence of an affiliation with such a bona fide religious sect, denomination, or organization to the Student Accounts/Cashier's Office.
- Any student who is attending Cuesta under an approved Apprenticeship Program.

**Student Center Fee**

The Student Center fee is designated for the sole purpose of supporting the Student Center and is charged to all students taking classes at the San Luis Obispo Campus. The fee, which is not to exceed \$10.00 per academic year, is based upon the number of credits taken during this period at the rate of \$1.00 per credit. An academic year consists of fall and spring semesters.

The following are examples of Student Center fee calculation for a student taking classes on the San Luis Obispo Campus and at another Cuesta College site for one academic year:

**FALL SEMESTER**

7 credits at San Luis Obispo Campus	\$7.00*
3 credits at North County Campus	\$0.00
Total	\$7.00

**SPRING SEMESTER**

3 credits at San Luis Obispo Campus	\$3.00**
4 credits at North County Campus	\$0.00
Total	\$3.00

\*\$7.00 paid in Fall + \$3.00 paid in Spring = \$10.00 fee paid in full for academic year.

\*\*Fee partially paid for year

This fee is nonrefundable unless the student drops the associated San Luis Obispo campus class on or before the Sunday prior to the start of the semester/session for a full-term course or before the first class meeting for a short-term course.

**Student Center Fee Exemptions**

The Student Center fee shall not apply to:

- A student enrolled in non-credit courses.
- A student who is a recipient of the benefits under the TANF (Temporary Aid to Needy Families) program, the Supplemental Security Income/State Supplementary Program, or the General Assistance program. To have

the fee waived, a student must provide documentation of participation in these programs through the Financial Aid Office prior to registration.

- Students enrolled in courses at North County or South County only.

**Student Representation Fee**

A vote of the students during the spring 2002 semester authorized the collection of a mandatory \$1.00 student representation fee from every credit student each semester. Cuesta College waives the Student Representation Fee for Enrichment students and non-credit courses. Monies collected are used by the student government to advocate and lobby for student legislative issues such as eliminating fee hikes, and increasing state funding for community colleges. Other uses include leadership training, meeting with other student leaders and elected officials, and necessary supplies to support students in their advocacy and lobbying efforts.

The fee is charged during the registration process. A student may refuse to pay the fee for religious, political, financial, or moral reasons. Students must sign a waiver prior to registration. The fee is nonrefundable once the semester begins. The student representation fee is not an eligible tax credit fee. Forms are available in the Admissions and Records Office, Cashier's Office and at the Student Life and Leadership Office at all campus locations. The form is also available on the Web at [www.cuesta.edu/student/documents/admissions\\_records/repfeewaiver.pdf](http://www.cuesta.edu/student/documents/admissions_records/repfeewaiver.pdf) for students to print and complete. The form may be submitted to the Student Accounts/Cashier Office.

Cuesta College waives the Student Representation fee for Enrichment students and Non-Credit courses.

Associated Student Governments are allowed to implement the student representation fee according to Education Code 76060.5. This per-semester fee can be utilized by the ASCC to fund only those purposes listed above.

NOTE: The student representation fee may not be used to support individual candidates or campaigns.

For further information, please contact your ASCC Representative at the San Luis Obispo Campus Student Center, Building 5300.

**ASCC Student ID Card Fee**

The Student ID Card provides a college picture ID for use in campus labs, the library, the bookstore, and other locations on campus. The fee helps fund student jobs, student activities, critical campus programs and services, as well as providing discounts within the community. For more information on ASCC Student ID Card benefits, please visit our website <http://cuesta.edu/student/campuslife/studentlife/studentid.html>. This optional fee is nonrefundable/nonreversible once the semester or session begins. The ASCC Student ID card is to be purchased/renewed each semester, even if a student has already had her or his picture taken. The ASCC card fee is not an eligible tax credit fee.

If the ASCC Student ID card is lost, stolen, or mutilated, the student will be provided, free of charge, one replacement during the student's Cuesta career. For any additional cards



Office by the end of the second week of Summer Session and by the end of the fourth week for Fall/Spring semesters.

#### **Partial Refund**

The student will receive a partial refund for a course dropped on or after the first class meeting and within the last day to drop for a refund deadline. The last day to drop with a refund deadline is posted in the online Class Finder by clicking on the CRN and appears on an enrolled student's myCuesta Class Schedule/Receipt. A written request for a refund must be submitted to the Cashier's Office by the end of the second week of Summer Session and by the end of the fourth week for the Fall/Spring semesters.

#### **Military Withdrawal**

Military withdrawal occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. The student must verify such orders with Director of Admissions and Records at the time of the withdrawal. Students withdrawing under this college policy will receive a grade of "MW" for each course from which they withdraw and shall be entitled to a full refund of all enrollment fees paid to the college unless academic credit has been awarded.

#### **Administrative Withdrawal/Cancelled Courses**

Full refunds will be authorized for students who are withdrawn from courses by action of the College. If the course is cancelled, the associated course fees will be credited to the student's account. The credit will be applied to any other fees owed by the student. If there is credit balance on the student's account, the credit will remain on the student's account unless a written request for a refund is submitted by the student to the Cashier's Office. Automatic refunds will not be generated.

#### **Overpayments (excess fee payments)**

If a student overpays registration fees, the amount of the overpayment will be credited to the student's account. The credit may be applied to any additional registration fees incurred.

NOTE: Dropped courses will not generate an overpayment refund. Please refer to "Refunds for Dropped Courses."

#### **FERPA**

The Family Education Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. An "eligible student" under FERPA is a student who enters a postsecondary institution at any age.

#### **Right to Inspect and Review Records**

Section 99.10 of FERPA grants students the right to inspect and review their education records within 45 days after the day a request for access is submitted. A student should submit a written request to the Director of Admissions and Records that identifies the record(s) the student wishes to inspect. The Director of Admissions and Records will make arrangements for access and notify the student of the time and place where the records may be inspected. If the education records are not maintained by the Admissions and Records Office, the Director shall advise the student of the correct official to whom the request should be addressed.

#### **Directory Information**

FERPA provides students the right to provide written consent before the San Luis Obispo Community College District discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

In completing the admission application, students are provided the opportunity to request their directory information be maintained as confidential. Students may also submit a written request to the Admissions and Records Office at any time to become effective within 5 to 10 working days.

The District has designated the following information as directory information:

- Student's name
- myCuesta student email address
- Photograph
- Major of study/program
- Degrees/Certificates and awards received by students (including honors, scholarship awards, athletics awards)
- Dates of attendance
- Level of enrollment (number of credits)
- Student participation in officially-recognized activities and sports including weight, height, and high school of graduation of athletic team members
- The most recent educational agency or institution attended
- Student ID number used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

#### **Disclosure of Education Records**

FERPA permits the disclosure of Personally Identifiable Information from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student for the following conditions:

- To school officials with legitimate educational interests; A school official is a person employed by the San Luis Obispo Community College District in an administra-

tive, supervisory, academic, research, or support staff position, including law enforcement unit personnel and health staff. A school official also may include a volunteer or contractor outside of the District who performs an institutional service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another District official in performing his or her tasks. A District official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the District. (§99.31(a)(1))

- To a person serving on the board of trustees;
- To a student serving on an official committee, such as a disciplinary or grievance committee. (99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer. (99.31(a)(2))
- To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the District's State-supported education programs. Disclosures under this provision may be made in connection with an audit or evaluation of Federal or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the District, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency. (§99.31(a)(10))
- Information to the District has designated as "directory information." (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary

proceeding, if the District determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the District's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the District, governing the use or possession of alcohol or a controlled substance if the District determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

#### **Right to Request Amendment of Student Records**

Students have the right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the District to amend a record should write the District official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the District decides not to amend the record as requested, the District will notify the student in writing of the decision and the student's rights 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 as provided by Education Code Section 73232.

#### **Right to File a Complaint with the Department of Education**

Cuesta College students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
Phone (800) 872-5327

#### **Final Examinations**

Final examinations will be given in all courses at the end of each semester, short course, or summer session. Dates and times is displayed on the website at <https://cuesta.edu/academics/finalexam/index.html>.

#### **Grading Policies**

Grades from a grading scale shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols. The following evaluative and non-evaluative symbols shall be used to denote a student's academic progress. Grade point averages will be determined on the basis of the evaluative grade point equivalencies (based on a 4.0-point scale) using the following evaluative symbols. Effective fall 2008, plus/minus grading was implemented. Per Title 5, C minus is not a valid Community College grade and cannot be used.

**Evaluative Symbols:****Grade Points:**

A	Excellent	4.0
A-		3.7
B+		3.3
B	Good	3.0
B-		2.7
C+		2.3
C	Satisfactory	2.0
D+		1.3
D	Passing (Less than satisfactory)	1.0
D-		0.7
F	Failing	0.0
P	Pass (At least satisfactory C/2.0) - units awarded not counted in GPA. Equivalent to "CR" symbol defined prior to Fall 2008.	
NP	No Pass (Less than satisfactory C/2.0) - units not counted in GPA. Equivalent to "NC" symbol defined prior to Fall 2008.	

NOTE: A "D" grade is considered passing; however, some courses require grades of "C" or better to be a passing grade.

**Non-Evaluative Symbols:**

- I Incomplete** – Incomplete academic work for unforeseeable emergency and justifiable reasons at the end of the term may result in an "I" symbol being entered in the student's record. The "I" symbol shall not neither be used in calculating units attempted nor for grade points. The condition for removal of the "I" shall be stated by the instructor in a written incomplete contract. The incomplete contract shall contain the conditions for removal of the "I" and the grade assigned in lieu of its removal. A copy of the incomplete contract must be given to the student with a copy submitted to the Admissions & Records Office. The contract remains on file until the assigned work has been completed and evaluated, or until the time limit for the completing the work has passed. The student must meet the conditions of the incomplete contract before the end of the following regular semester or it the "I" will be changed to an F (Failing) and posted as the final grade for the term. The student does not re-enroll in the course for the next semester/session and earns the grade for the term originally enrolled. Students may appeal for an extension of time due to extenuating circumstances to the instructor and the office of Admissions and Records.
- IP In Progress** – The "IP" symbol shall be used to denote that the class extends beyond the normal end of an academic term. "IP" shall not be used in calculating grade point average. The "IP" symbol shall remain on the student's permanent record in order to satisfy enrollment documentation. Upon completion of the course, the appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the

student's record for the term in which the course is completed. If a student enrolled in an open-entry open-exit course is assigned an "IP" at the end of the semester/session and does not re-enroll in that course during the subsequent term, the appropriate faculty will assign an evaluative symbol (grade).

- W Withdrawal** – The "W" symbol is assigned when a student officially withdraws after the census date and between the beginning of the third and end of the twelfth week of instruction for full-semester courses. For courses less than 18-weeks in length, withdrawal must be made during the first 60 percent of the course. Students who withdraw prior to the third week of instruction (census date) for full-semester courses or within 20 percent of a short course, shall have no notation ("W" or any other) on their record. The record of a student who remains in class beyond the twelfth week or 60 percent of a short-term course must reflect a symbol other than a "W".
- RD Report Delayed** – This symbol is assigned by the Director of Admissions and Records only. It is assigned when there is a delay in reporting grades due to circumstances beyond the control of the student. This is a temporary notation and is not used in calculating GPA.

- MW Military Withdrawal** – The "MW" symbol is assigned when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, an "MW" may be assigned at any time for dropping classes. Military withdrawals shall not be counted in progress probation and dismissal calculations.

**Noncredit Grading Indicators:**

- P Pass.** Student has successfully mastered this course's competencies and is ready to move onto the next level.
- SP Satisfactory Progress.** Student made some progress, but has not mastered the course competencies and is recommended to repeat the same level class again.
- NP No Pass.** Student has been enrolled long enough to be evaluated but has not been passing course objectives and is recommended to repeat the same level class again.
- UG Ungradable.** Student is a late enrollee or has not attended enough hours to be evaluated at this time.

**Grade Changes**

The instructor of the course shall determine the grade to be awarded to each student.

The determination of the student's grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetence on the part of the instructor.

Mistake - may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.

Fraud - may include, but is not limited to, inaccurate recording or change of a grade by any person who gains

access to grade records without authorization.

Bad Faith - may include, but is not limited, to a lack of honesty and trust; intent to deceive.

Incompetence - may include, but is not limited to, the instructor not possessing and demonstrating the necessary ability and skill to fulfill the instructor's duties and responsibilities set forth in job descriptions, course outlines, District policies, procedures, and regulations, and applicable laws.

The removal or change of an incorrect grade from a student's record shall be done pursuant to Education Code Section 76224, 76232 and Board Policy 5530 Student Grievance Procedure.

In the case of fraud, bad faith, or incompetence, the final determination concerning removal or change of grade will be made by the Vice President of Student Services and College Centers or his/her designee.

In all cases, the instructor who first awarded the grade will be given written notice of the change.

In the case of a change of grade decision, the Division Chair will consult with faculty within the discipline of the instructor who first awarded the grade to review student material and determine the final grade the student will earn.

#### Course Grades

Grades are available for viewing within Cuesta College's student portal, myCuesta, two weeks after the last day of the fall/spring semesters and one week after the last day of summer session. Grades are not sent to students.

#### Pass/No Pass

A student may select "pass/no pass" (formerly credit/no credit) through the fourth week of instruction for 18-week courses or, if the course is less than 18 weeks in duration, within the first 20 percent of the course. Students may change back to a letter grade prior to the fourth week or 20 percent deadline. After the fourth week or 20 percent deadline, students may not reverse their pass/no pass grading decision.

- Some general education, degree and certificate course work must be taken for a grade. Consult a counselor or program description. No more than 12 credits of "pass/no pass" may be applied toward the Associate in Arts or Associate in Science degree or a Certificate unless indicated by Curriculum. For Associate in Transfer (ADT) degrees, P/NP is allowed.
- Courses listed in the schedule as "pass/no pass" grading option may be taken only once for "pass/no pass." The student may, however, repeat the course for a letter grade.
- Students shall receive a "P" (pass) if, at the end of the semester, a grade of "C" (2.0) or better is earned. The "P" shall, when recorded, add credits completed but shall have no effect on the grade point average.
- Students performing unsatisfactorily (at less than C/2.0) shall receive a "NP" (no pass) which, when recorded, will not increase credits completed and will not be used to calculate the grade point average. However, credits attempted for which an "NP" is recorded shall be con-

sidered in academic progress calculations to determine probation and dismissal status.

- Students may only select one course per semester on the "pass/no pass" option. Some courses are graded only on a "pass/no pass" basis. Enrollment in these courses will not affect the student's right to select one additional class within the guidelines listed above.
- Students repeating a course in which a substandard grade was earned may not request a repeat discount if the pass/no pass grading option was selected for the second attempt.

#### Academic Honesty

Academic Honesty is essential to the academic community. Students expect that Cuesta College faculty be fair, truthful, and trustworthy. Faculty expect that Cuesta College students share these same values. Students who violate these principles by cheating, plagiarizing, or acting in other academically dishonest ways are subject to disciplinary procedures. Below are some examples of academically dishonest behavior. If you are unclear about a specific situation, ask your instructor.

#### Examples of Academic Dishonesty:

- Copying from another student's exam
- Giving answers during a test to another student
- Using notes or electronic devices during an exam when prohibited
- Taking a test for someone else
- Submitting another student's work as your own, e.g. copying a computer file that contains another student's own work
- Knowingly allowing another student to copy/use your computer file(s) as his or her own work
- Completing an assignment for another student
- Plagiarizing or "kidnapping" other people's thoughts, words, speeches or artistic works by not acknowledging them through proper documentation

At the discretion of the instructor, students caught being academically dishonest may receive a failing grade on the assignments in question, be dropped from the class, or be failed in the course. If the student wishes to contest the instructor's consequential actions for Academic Dishonesty, it is recommended that the student follow the Academic Student Complaint Process: (<https://www.cuesta.edu/about/leadership/vpss/StudentComplaintProcess.html>). Beyond this, the student may be subject to disciplinary action as determined by the Vice President of Student Services and College Centers, the Dean of the North County Campus and South County Center on the North County Campus, or designee. It is recommended that the faculty member report any acts of academic dishonesty to the Vice President of Student Services and College Centers, the Dean of the North County Campus and South County Center on the North County Campus, or designee.

#### Student Responsibility:

All students attending San Luis Obispo County Community College District at any campus site and when representing

Cuesta College in any off-campus activity, assume an obligation to conduct themselves in a manner compatible with the Student Code of Conduct and Academic Honesty Regulations, and the Student Computer Technology Access Agreement. Specific rules, regulations, and applicable penalties for violation of the Student Code of Conduct (California Education Code Title V, Sections 66300, 66301, 76030 - 76038), are located in the Cuesta College catalog and as posted on the Cuesta College website. Each student has the responsibility to be aware of college regulations.

## **STUDENT COMPUTER TECHNOLOGY ACCESS AGREEMENT**

This is to communicate what other users, instructors, and the District expects of students when using college computer technology and facilities. Failure to conform to these stipulations can result in disciplinary action. Violations of regulations in the use of computer technology will be addressed in accordance with the college Academic Honesty and Student Code of Conduct Policies, available for reference in the college catalog or by requesting copies from Student Services.

Computer technology and facilities are provided for the purpose of completing academic requirements.

A. Students may use the technology and facilities to:

1. Complete course assignments;
2. Conduct academic research;
3. Communicate with faculty and students.

B. User Responsibilities include, but are not limited to:

1. Using only their own designated ID, passwords/PIN, and accounts, and keeping IDs, passwords/PIN, and account information confidential. It is recommended that users change their passwords/ PIN periodically;
2. Using software and electronic materials, including shareware, in accordance with copyright, trademark, and licensing agreements and restrictions;
3. Accurately identifying and representing themselves in electronic messages, files, and transactions;
4. Saving all work on removable storage media and not on the hard drive unless instructed to do so by the instructor;
5. Asking appropriate Cuesta College personnel for assistance if unfamiliar with the operating system.

C. Prohibitions include, but are not limited to:

1. Damaging equipment, data, software, software protection, encryption or restriction on applications and files; including, introducing invasive or destructive programs (such as viruses, worms, and Trojan horses);
2. Disrupting or unauthorized use of accounts, access codes, passwords, or identification numbers;
3. Impeding or disrupting the use of computer technology and communications resources by game playing, sending an excessive or unreasonable number of messages, sending messages of unreasonable size (with large attachments); making or printing excessive copies of documents, files, data, or programs;

4. Violating copyrights, trademarks, and/or license agreements;
5. Accessing, using or copying another user's account, ID number, password, electronic files, data, or e-mail without prior authorization; or allowing such use by others;
6. Using District computer technology and communications resources in any unlawful manner including fraudulent, threatening, libelous, obscene, or harassing communications; procuring, or distributing obscene or pornographic material;
7. Circumventing or attempting to circumvent local, network, or remote security measures;
8. Altering or attempting to alter system software;
9. Altering or attempting to alter system hardware;
10. Modifying or attempting to crash or hack into computer technology or communications resources;
11. Accessing or attempting to access restricted portions of any operating system or security software unless authorized to do so;
12. Installing or removing software;
13. Using computer technology and/or communications resources for private commercial or other personal purposes;
14. Copying software that has not been placed in the public domain and distributed as freeware; inspecting, changing, altering, copying, or distributing proprietary data programs, files, disks, or software without authorization;
15. Falsely identifying and/or representing one's self in the use of computer technology and communications resources.

The District may access, review, copy and disclose information entered or retained in computer technology and communications resources.

### **Library Fines**

Cuesta College may withhold grades, transcripts, and diplomas from any student who fails to return books or materials to the library when due, has lost or damaged any books or materials or has not paid charges for late, lost or damaged materials.

Students shall have their records released when they:

- Return books or materials
- Pay charges for books or library materials.

### **Maintenance Allowance for Students**

Students attending Cuesta College from Modoc and specific areas of Mono counties are eligible for a maintenance allowance if they maintain a permanent address in either county and all requirements are met. For information about eligibility requirements, contact the Cuesta College Registration Office at (805) 546-3100, Ext. 2325.

## **Nondiscrimination In-District**

### **Unlawful Discrimination Procedures**

The policy of the San Luis Obispo County Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to the benefits of or be unlawfully subjected to discrimination on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability 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 San Luis Obispo County Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment.

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

In so providing, the San Luis Obispo County 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), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

### **Retaliation**

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

### **Academic Freedom**

The San Luis Obispo County Community College District Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause discomfort to some students. It is further recognized that academic freedom insures the faculty's right to teach and the student's right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

When investigating unlawful discrimination complaints containing issues of academic freedom, the San Luis Obispo County Community College District will consult with

a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

### **How to File a Formal Discrimination Complaint**

1. A FORMAL COMPLAINT MUST BE INITIATED BY FILLING OUT THE ATTACHED FORM APPROVED BY THE STATE CHANCELLOR'S OFFICE. That form is attached as the last page of Board Policy/Regulation 1565, and has the title heading of "Unlawful Discrimination Complaint Form." YOU MUST SEND THAT COMPLETED FORM TO EITHER:
  - San Luis Obispo County Community College District, Attn: Vice President Of Human Resources and Labor Relations, Administration Building, Room 8003, San Luis Obispo, CA 93403-8106; Or
  - Chancellor's Office, California Community Colleges, 1102 Q Street, Sacramento, California 95814-6511, Attention: Legal Affairs Division
2. The complaint must allege unlawful discrimination prohibited under Title 5, section 59300.
3. The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.
4. In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination.
5. In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

### **What Happens When a Formal Discrimination Complaint is Filed?**

The District will then complete an "Administrative Determination." Within 90 days of receiving an unlawful discrimination complaint filed under Title 5, sections 59300 et seq., the District will complete the investigation and forward a copy of the investigative report (containing the administrative determination) to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:

1. The determination as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
2. A description of actions taken, if any, to prevent similar problems from occurring in the future;
3. The proposed resolution of the complaint; and
4. The complainant's right to appeal to the District Board of Trustees and the State Chancellor.

## REGISTRATION POLICY

To comply with legislative mandates, regulate the availability of limited class space, provide for fairness, and facilitate the registration process, procedures to provide priority registration for students on the basis of need are set forth in Administrative Procedures 5055 and listed under Enrollment Priority under the College Policies, Rules, and Regulations section of this catalog. Visit the Cuesta web site for priority registration dates.

Students add and drop classes online through myCuesta web portal at <https://my.cuesta.edu>. All students are assigned a myCuesta username and temporary password that is emailed to your personal email account from the Admissions Office once an admission application is processed. Login information can also be accessed at the "Student Username and Temporary Password" link on the myCuesta login page.

### Course Add and Drop Policy

It is the student's responsibility to add and drop courses by the deadlines posted on the Cuesta web site, in the online Class Finder, and the student's myCuesta Class Schedule/Receipt. Summer session classes are considered short term courses for add and drop deadlines.

### Adding Courses

Students may add classes online by the add deadline, which is the day prior to the census date. The census date is the date course enrollment is reported to the State for apportionment funding. Once a course begins, only the instructor may authorize enrollment by issuing the student an add code if there are seats available in the course at the first class meeting. Add codes must be entered by the student online in myCuesta within the add deadline to officially enroll in a course.

To add a course online, students login to myCuesta at [my.cuesta.edu](https://my.cuesta.edu) and go to the Student tab and My Web Services channel. In the Registration folder, go to "Register Add/Drop Classes" and enter the 5-digit course reference number (CRN) for the course by clicking "Submit Changes." The student may enter the 4-digit add code in the box provided and click "Validate" to register after the course begins within the add deadline. Students may also add classes in-person at a registration center and must provide photo identification.

- Full-term course add deadline: The day prior to the posted census date, which is the end of the 2nd week of the fall/spring semesters.
- Short-term or Summer Session course add deadline: Within 20% of the course or the day prior to the posted census date.

### Readmit

A student who was inadvertently dropped by an instructor may be allowed to be readmitted/re-added beyond the normal add deadline with instructor approval. The deadline to be readmitted is by the end of the 12th week of the term or within 60% of a short-term or Summer course. Readmit Cards are available at any registration center.

### Transfer

Instructor or department-arranged transfers will be allowed beyond the normal add deadline for students transferring from one course reference number (CRN) to another of the exact same course or to a lower or higher level class in established prerequisite levels of the same discipline. The deadline to be transferred is by the end of the 12th week of the term or within 60% of a short-term or Summer course. Transfer Cards are available at any registration center and require both instructors' signatures of approval.

Registration fees for the original CRN to be dropped will be credited while fees associated for the course to be added will be assessed to the student's account.

### Dropping Courses

To drop a course online, students login to myCuesta at [my.cuesta.edu](https://my.cuesta.edu) and go to the Student tab and My Web Services channel. In the Registration folder, go to "Register Add/Drop Classes" and use the drop-down menu beside the course to select the drop option then click "Submit Changes." Students may also drop classes in-person at a registration center and must provide photo identification.

#### Dropping Course for a Full Refund

Students must drop a course by the Sunday before the start of the semester or prior to the first class meeting of a short term or Summer course to receive a full refund of fees, less a \$10.00 processing fee. A written request for a refund must be submitted to the Cashier's Office by the end of the 4th week of the semester or by the end of the following week after a short-term or Summer course ends. No notation (grade or symbol) will be posted on the student's academic record when a course is dropped within refund deadlines.

**Students will be held financially responsible for fees related to classes not dropped within the refund deadlines.**

#### Dropping Course for a Partial Refund

The student will receive a partial refund for a course dropped on or after the first class meeting and within the last day to drop for a refund deadline. The last day to drop with a refund deadline is posted in the online Class Finder by clicking on the CRN and appears on the student's myCuesta Class Schedule/Receipt. The deadline is calculated as within 10% of a short-term course or the end of the 2nd week (Sunday) for a full-term course.

A partial refund is the enrollment fee, less a \$10.00 processing fee. The student is responsible for paying all other registration fees associated with a course. See the Fees section of the schedule for more information. A written request for a refund must be submitted to the Cashier's Office by the end of the 4th week of the semester or by the end of the following week after a short-term course ends (includes summer course.) No notation (grade or symbol) will be posted on the student's academic record when a course is dropped within refund deadlines.

#### Dropping a Course without a W for Withdrawal

No notation (grade or symbol) will be posted on a student's academic record if a course is dropped by the last day to drop without a "W" which is the end of the second week of the semester for a full-term course or within 20% of a short-term or Summer course. The last day to drop without a "W"

deadline is posted in the online Class Finder by clicking on the CRN and appears on the student's myCuesta Class Schedule/Receipt.

- Students who drop all courses and receive no academic grade or symbol ("W") in a semester/session will not be eligible for priority registration as a continuing student in the next semester/session.

#### **Dropping Courses with a W for Withdrawal**

Students may drop or withdrawal from a course through the end of the 12th week (Sunday) for a full-term course or within 60% or a short term or Summer course and receive a "W" for withdrawal symbol on their academic record. The last day to drop with a "W" deadline is posted in the online Class Finder by clicking on the CRN and appears on the student's myCuesta Class Schedule/Receipt.

- A student may earn a no more than a maximum of three (3) withdrawals ("W" symbol) in a non-repeatable course.

#### **Administrative Withdrawal/Cancelled Classes**

Students will be notified by phone, myCuesta email and/or mail if administratively dropped or if a class has been cancelled by action of the college. It is the student's responsibility to submit a refund request form to the Cashier's Office.

#### **Petitions**

Forms and petitions are available online or at any registration center. All registration forms require the student's signature, identification, and may require additional approval from a college official before the student is allowed to enroll.

#### **Pass/No Pass (P/NP) Grading Option**

For courses identified as a grading option of GP in the online Class Finder or Cuesta College Catalog, the student may change the grading option from a letter grade to Pass/No Pass grading (P/NP) within the first 20 percent of the course. Refer to the course listing for the Pass/No Pass grading policy. Students are encouraged to consult Counseling staff if they have questions regarding graded courses for degree and transfer requirements.

#### **Credit Overload**

A Credit Overload petition is to receive permission to enroll in more than 19 credits in the fall or spring semester or in more than 9 credits in the summer. Approval from a Cuesta counselor is required.

#### **Schedule Conflict**

A student may not enroll in two or more sections of the same credit course during the same semester/session unless the length of the course provides that the student is not enrolled in more than one section at any given time.

A student may not enroll in two or more courses where the meeting times for the courses overlap, unless:

- The student petitions to enroll in two overlapping sections upon approval by both instructors.
- The student provides a sound justification, other than

scheduling convenience, of the need for an overlapping schedule.

- An appropriate district official, Academic Affairs Dean and Director of Admissions & Records, approves the schedule.
- The student makes up the overlapping hours at some other time during the same week under the supervision of the instructor of the course. Appropriate supervision by the instructor of the course is documented describing how the student will make up missed hours at some other time during the same week.
- Students needing additional instruction in the subject matter while enrolled in a course may be referred for individualized tutoring pursuant to section 58170 or supplemental learning assistance pursuant to sections 58172 and 58164.

#### **Registration Centers**

Adds and drops by registered students will be processed at the locations below. South County Center at Arroyo Grande High School is closed during the summer and semester breaks.

##### **North County Campus Student Services**

Building N3000, (805) 591-6225

##### **San Luis Obispo Campus Student Services**

Building 3100, Student Service Center, (805) 546-3955

##### **South County Center**

Arroyo Grande High School, (805) 474-3913

#### **Waitlist**

When priority registration begins for a semester/session, students will have the opportunity to enroll, via the myCuesta web portal, in an available waitlist seat for a closed class. Students must meet all registration requirements for the course, including prerequisites and corequisites, prior to registering for a waitlist seat. If a student drops and a seat opens, the first waitlisted student will be notified via their myCuesta Student email account and will have 24 hours to register for the class. If you do not register before the notification period expires, you will be removed from the waitlist. Students should monitor their myCuesta student email twice daily, morning and evening. It is the student's responsibility to register once notified and pay applicable fees owed.

#### **Waitlist Restrictions**

Students will be blocked from enrolling in a waitlist seat under the following conditions:

- The student is enrolled in another section of the same course or enrolled in another waitlist seat for the same course.
- The class conflicts in time with other classes already on the student's schedule, which includes other waitlisted classes.
- The student has a hold.
- The student has not met prerequisite or co-requisite requirements. Courses with "Department Approval"

such as PSYT, LVN, EMS that have special admission requirements.

- Cross-listed (CL) courses, such as mediated Math courses.
- The student has exceeded the repeat limits for the course. This includes work-in-progress which occurs if the student is already enrolled in the course in the prior term (spring for summer registration; summer for fall registration) and has not received a final grade.
- The class is not approved on a Permit to Enroll form for an Enrichment student.
- All waitlist seats are filled.

## Auditing

- The Admissions and Records Office will not under any circumstances certify completion of any course attended by audit, nor will the District provide any transcripts, letters, records or any other documentation of attendance in a course undertaken on an audit basis. Students who audits does not earn units, credits or grades.
- The District will provide students who are otherwise qualified to enroll in credit courses an opportunity to audit specific credit courses.
- Auditing enrollment is permitted on a space available basis, refer to the division office for the auditable list, and at the discretion of the instructor in accordance with departmental procedure.
- Admission application is not required. Enrichment students may not audit courses.
- Auditing may be requested after the late application period is over by obtaining an Audit Enrollment Form from the Cashier's Office, acquiring the instructor's, Dean of Academic Affairs and Vice President of Academic Affairs approval to audit the course, and paying the audit enrollment fee at the Cashier's Office.
- Priority in class enrollment shall be given to students enrolled in the course for academic credit.
- Auditors who are not currently enrolled must register by the normal procedure and pay a non-refundable fee of \$15.00 per credit semester/session.
- Auditors enrolled in less than 10 credits must pay a non-refundable fee of \$15.00 per credits.
- Auditors who are currently enrolled in 10 or more semester credits may audit up to three semester credits at no cost. An audit fee of \$15.00 will be charged for each additional semester/session credit audited above three.
- Once audit enrollment is completed, no student will be permitted to change his/her enrollment to receive academic credit. A student is not permitted to change his/her enrollment from academic credit to audit.
- There is currently no limit set on the number of courses a student may audit.

## Remedial Course Work Limitation

A student who has completed 30 credits of remedial course work, but who has not attained full eligibility for college-level work, shall be referred for further remedial work to appropriate adult noncredit education services provided by

a college, adult school, community-based organization, or other appropriate local provider.

Remedial course work refers to non-degree applicable basic skills courses, the purpose of which is to prepare students for successful completion of associate degrees, transfer, or certificate courses. These courses are specifically designed to meet the needs of underprepared students so that the quality and rigor of the associate degree curriculum is protected.

A waiver of the limitation on remedial course work may be provided to any student who shows significant measurable progress toward the development of skills appropriate to the student's enrollment in college-level courses. Measurable progress is defined by transcripts, pre- and post-test measures, demonstrated progress toward an educational goal sustaining progress of education or social goals and objectives as documented in a Student Educational Plan (SEP). If a waiver is granted, its duration should not exceed one academic year and would normally be of one semester's duration.

Students enrolled in one or more courses of English as a Second Language (ESL) or students identified by the district as having a learning disability are exempt from the 30-semester-credit limitation (Title 5 California Code of Regulations, Section 55035).

## Academic Honors & Service Recognition

### Academic Honor List

Students who enroll and complete 12 or more credits and earn a 3.25 grade point average with no grade lower than a "C" will be placed on the Academic Honor List. The student's academic record at Cuesta College will be annotated to reflect this achievement. The achievement is posted under the qualifying semester on the student's academic transcript.

Students in the Registered Nursing Program may make the Academic Honor List using the criteria listed above; however, due to the number of contact hours in this program, an R.N. student will be considered when enrolled in 11 or more credits.

### Graduating With Honors

Students who meet the requirements for graduation with a cumulative grade point average of 3.5 to 3.74 qualify for honors recognition.

The graduation grade point average is based on all degree applicable coursework completed at all postsecondary institutions through the term degree requirements are completed. This acknowledgment is posted on the student's diploma and on the academic transcript.

The GPA calculation for honors designation *for commencement purposes only* is based on all coursework taken at Cuesta College through fall. The Cuesta College Residency requirement must be satisfied in order to be considered for honors recognition (12.0 credits completed in residence at Cuesta College). Students receiving honors are recognized at commencement with a green cord.

### Graduating With High Honors

Students who meet the requirements for graduation with

a cumulative grade point average of 3.75 to 4.0 qualify for high honors recognition. The graduation grade point average is based on all degree applicable coursework completed at all postsecondary institutions through the term degree requirements are completed. This acknowledgment is posted on the student's diploma and on the academic transcript.

The GPA calculation for honors designation *for commencement purpose only* is based on all coursework taken at Cuesta College through fall. The Cuesta College Residency requirement must be satisfied in order to be considered for honors recognition (12.0 credits completed in residence at Cuesta College). Students receiving honors are recognized at commencement with a white cord.

#### **Alpha Gamma Sigma (AGS) Honor Society**

Alpha Gamma Sigma (AGS) is a state-wide community college student honor society with the purpose of fostering, promoting, maintaining, and recognizing scholarship. In addition, AGS members develop character and civic responsibility through service to AGS, the college, and the community. The Gamma chapter at Cuesta College provides its membership scholarship opportunities, social activities, and leadership- building skills. Membership is based on grade point average. More information may be obtained from the Student Life and Leadership Office. Recognition of AGS membership is posted on Cuesta transcripts. Students with AGS membership are recognized at commencement with a gold cord.

#### **ASCC Student Leaders Recognition**

The ASCC Student Leaders are recognized for the service they perform in fulfilling their duties, including regional and state student senate participation. The requirement for student leadership official recognition is that students must hold office a "full semester" (excluding summer session), which is monitored by the Faculty Advisor of ASCC. More information may be obtained from the Student Life and Leadership Office. Recognition of ASCC Student Leaders is posted on the academic transcripts.

#### **Service Animals**

San Luis Obispo County Community College District Board Policy BP 3440 and Administrative Procedure AP 3440 states the District's regulations regarding the use of service animals on District property. The purpose of this policy and administrative procedure is to prevent discrimination on the basis of disability, and to allow an individual with a disability to use a service animal or miniature horse in District facilities and on District campuses in compliance with state and federal law.

For the complete Board Policy, see <https://www.boarddocs.com/ca/cuesta/Board.nsf/goto?open&id=ADKL9D552B62>.

For the complete Administrative Procedure, see <https://www.boarddocs.com/ca/cuesta/Board.nsf/goto?open&id=ADKL9D552B62>.

#### **Sexual Assault**

Cuesta College is committed to maintaining a safe campus, a campus free of violence and the threat of violence. All persons who come onto the campus or onto any facility maintained by the college are expected to treat others with respect and consideration.

Cuesta College will not tolerate any physical or sexual assault or threat of assault, including acquaintance rape, on its campus or at facilities maintained by the college. Where there is probable cause to believe that the college's regulations prohibiting sexual assault have been violated, the college will pursue vigorous investigative action through its own channels. Disciplinary actions include the possibility of suspension or dismissal from the college.

A student or employee charged with sexual assault can be prosecuted under California penal code statutes and disciplined under the college's Code of Student Conduct and board policy. Even if the criminal justice authorities choose not to prosecute, the college can pursue student disciplinary action.

Cuesta College is committed to doing everything within its power to prevent sexual assaults from occurring and disciplining assailants when rape or other assault occurs on campus property or at college-sponsored events, and to provide prompt and compassionate services to students, faculty and staff who are raped or otherwise sexually assaulted. The college is further committed to ensuring that students, faculty, and staff are not adversely affected for bringing forward a charge of rape or sexual assault.

In order to provide a safe environment for students, faculty, staff, and guests, the college has established a multifaceted program composed of response procedures, prevention and education guidelines, services for victims, and sanctions.

The Clery Act, passed in 1990, is basically a "student's rights" document that contains more thorough information regarding sexual assaults, including how to report a crime, steps that can be taken to prevent sexual and physical assaults, what to do if you are sexually assaulted, available services, and other information relating to crime statistics for the college. The Campus Sexual Violence Elimination Act is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education. It seeks to address the violence men and women face on campuses. This legislation updated the Jeanne Clery Act and requires colleges and universities, both public and private to create: transparency, accountability, collaboration, guarantees victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming. For more information on the SaVE Act, contact us at (805) 546-3205 or pick-up a booklet at the Campus Police (6600 Bldg).

To reach the Clery Act information, use the Cuesta College Police Department website at <https://www.cuesta.edu/about/depts/publicsafety/clerysave.html> and use the "Clery Act" link.

#### **Sexual Harassment**

The policy of the San Luis Obispo County Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or communications constituting sexual harassment, all forms of sexual intimidation and

exploitation, including acts of sexual violence. Employees, students, or other persons acting on behalf of the District who engage in sexual harassment as defined in this policy or by state or federal law shall be subject to discipline, up to and including discharge, expulsion, or termination of contract.

#### **Definition**

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:

1. Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of sexual harassment which appear in a written form include, but are not limited to: suggestive or obscene letters, notes, and invitations. Examples of verbal sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
2. Continuing to express sexual interest after being informed that the interest is unwelcomed.
3. Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of this type of sexual harassment within the work place: implying or actually withholding grades earned or deserved; suggesting that a poor performance evaluation will be written; or suggesting that a scholarship recommendation or college application will be denied.
4. Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee’s career, salary, and/or work environment.
5. Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
6. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications in exchange for sexual favors.

#### **Retaliation**

It is unlawful for anyone to retaliate against someone who files a sexual harassment or other unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

#### **Procedures**

Procedures for investigating complaints shall be the same as those outlined in Administrative Policy 3435 - Discrimination and Harassment Investigations

#### **Summary of Your Rights to Seek an Information Resolution**

(This is only a summary; please see Board Policy 3410, 3430

and Administrative Policy 3410, 3430 and 3435).

1. You have the right to request that the charges be resolved informally, at which time the District will undertake efforts to informally resolve the charges. To start the informal resolution process, please contact the Executive Director of Human Resources and Labor Relations in the administration building, room 8003, or by phone at (805) 546-3129.
2. You do not need to participate in informal resolution;
3. You have the right to file a formal complaint (see below for the procedure in doing so);
4. You will not be required to confront or work out problems with the person accused of unlawful discrimination;
5. Students may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency’s jurisdiction.

If your complaint is employment-related, you may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency’s jurisdiction.

#### **Purpose of the Information Resolution Process**

The purpose of the informal resolution process is to allow an individual who believes she/he has been unlawfully discriminated against to resolve the issue through a mediation process rather than the formal complaint process. Typically, the informal resolution process will be invoked when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. An informal resolution may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease. You will be notified of the proposed informal resolution proposed by the District.

If you pursue the informal resolution process, you should note the following important points:

1. You will need to sign a document which indicates that you have selected the informal resolution process.
2. The District will complete its investigation within the time required by the District’s Regulation 1565 unless you voluntarily rescind your complaint prior to completion.
3. Selecting the informal resolution process does not prevent you from later deciding to file a formal complaint (subject to all of the rules for filing a formal complaint). For example, if you are not satisfied with the outcome of the informal resolution process (including the District’s proposed resolution), you may elect to file a formal complaint.

#### **SMOKING / NON-SMOKING BP 2773**

The Board of Trustees of the San Luis Obispo County Community College District is committed to promoting a tobacco-free environment. Effective January 1, 2004, the following regulations are applicable to employees, students, and the public; and shall be implemented on District sites.

1. Smoking any form of tobacco or non-tobacco products is

permitted only in designated areas of District property. This includes the use of any form of electronic cigarette. Smoking marijuana is prohibited on any District Property.

2. Designated areas shall be identified by prominent signage.
3. Smoking is prohibited in District vehicles.
4. The District shall make available to employees and students through the Human Resources Office and Student Health Services a referral list of treatment centers for smokers, and other information on smoking that may assist individuals who wish to stop using tobacco products.
5. Communication of this policy/regulation shall be by means of prominently displayed "No Smoking" signs, notices in the College catalog, web site, and distribution of the policy/ regulation to students and employees.
6. Enforcement of this policy/regulation shall be in accordance with established procedures for enforcement of other regulations.

## **SPEECH, TIME, PLACE, AND MANNER**

Board Policy 3900 (References: Education Code Sections 66301 and 76120).

The District is committed to providing a healthy, safe, and productive environment in which academic success and the pursuit of knowledge are priorities. The District recognizes that freedom of expression and public assembly are fundamental rights of all persons as stated in the Constitutions of the United States and the State of California and are essential components of this educational process.

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy, Administrative Procedures, Education Code Sections 66301 and 76120, and governing law.

The District shall not restrict free expression in "areas generally available to students and the community, defined as grassy areas, walkways or other similar common areas". This definition governs the phrase "areas generally available to students and the community" as it is used in Board Policy/Administrative Procedure 3900.

The District reserves the right to designate areas as non- public forums as necessary to prevent the substantial disruption of the orderly operation of the college. Areas of the district that are non-public forums specifically include campus offices, classrooms, labs, gym, theatres, auditoriums, warehouses, maintenance yards, and any other area not specified above. Areas not generally available to the public may be designated as a temporary public forum at the discretion of the President/ Superintendent.

Speech that is obscene, libelous or slanderous according to current legal standards, or which so incites others as to create a clear and present danger of the commission of unlawful acts on District property or the violation of District policies or procedures, or the substantial disruption of the orderly operation of the District shall be prohibited.

Nothing in this policy shall prohibit the regulation of hate violence directed at members of the District community in a manner that denies their full participation in the educational process (Education Code Section 66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution.

## **STUDENT CODE OF CONDUCT**

Board Policy 5500

All students attending San Luis Obispo County Community College District at any campus site and when representing Cuesta College in any off-campus activity, assume an obligation to conduct themselves in an acceptable manner compatible with the Student Code of Conduct and Academic Standards, and the Student Computer Technology Access Agreement. Specific rules and regulations, and applicable penalties for violation of the Student Code of Conduct (California Education Code Title V, sections 66300, 66301, 76030-76038), are provided in this section. Each student has the responsibility to be aware of college regulations.

### **Scope of Application**

The rules apply to all actions of students of the District on District property and at all activities sponsored by the District or registered student organizations, whether occurring on or off the campuses or other instructional sites. Pursuant to Education Code Section 76034, no student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance. Student conduct occurring off campus and not part of a District activity will subject the student to the District's jurisdiction, standards of student conduct and student discipline process if the student's off-campus conduct is sufficiently related to college attendance, i.e., disruption of the work and discipline of the college has actually occurred from the student's off-campus conduct, or facts exist that reasonably lead to a conclusion by District officials that disruption on campus will soon follow the student's off-campus conduct. In addition, a student's conduct off campus may in certain circumstances be outside the jurisdiction of the District for purposes of the District's discipline process, yet results in adverse action within the student's pre-professional academic program if such program has requirements imposed by law as condition to admission to the profession for which the academic program is preparing the student, e.g. nursing.

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

1. Violation of District policies, procedures, or regulations.
2. Failure to comply with directions of District officials acting in the performance of their duties; disrupting, obstructing, or interfering with instructional, administrative, disciplinary, or other functions or activities of the District.
3. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
4. Unauthorized use of a personal electronic device in an instructional or testing environment (such as smart watch, cell phone or tablet).

5. Dishonesty, forgery, alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
6. Causing, attempting to cause, or threatening to cause physical injury to another person.
7. 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, which is concurred in by the college president.
8. Unlawful possession, use, sale, offer to sell or purchase, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, 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.
9. Committing or attempting to commit robbery or extortion.
10. Causing or attempting to cause damage to District property or to private property on campus.
11. Unauthorized possession or use of any personal property or equipment of the District.
12. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
13. Willful or persistent smoking (including electronic cigarette devices) in any area where smoking has been prohibited by law or by regulation of the college or the District.
14. Committing sexual harassment as defined by law or by District policies and procedures.
15. 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.
16. 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; "bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
  - a. Placing a reasonable student or students in fear of harm to that student's or students' person or property;
  - b. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health;
  - c. Causing a reasonable student to experience substantial interference with his or her academic performance;
- d. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the District.
17. Engaging in intimidating or bullying against District personnel through words or actions. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, District personnel.
18. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
19. Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
20. Engaging in expression which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
21. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
22. 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.
23. Unauthorized entry upon or use of District facilities.
24. Sexual Assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to the following:
  - a. Intentional touching of another person's intimate parts without that person's consent or other intentional sexual contact with another person without that person's consent.
  - b. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.
  - c. Rape, which includes penetration, no matter how slight, without the person's consent of either of the following:
    1. The vagina or anus of a person by any body part of another person or by an object.
    2. The mouth of a person by the sex organ of another person.
25. Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the community

college, including, but not limited to, any of the following:

- a. Prostituting another person.
- b. Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.
- c. Distributing images including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.
- d. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

26. Any act which is defined as a felony, misdemeanor or infraction under the laws of the State of California.

Non-students or persons not affiliated with the college who interfere, obstruct, interrupt, or detract from the operation of the college or the promotion of its educational or community objectives are subject to criminal action under the State of California Penal Code, Section 602.10.

Cuesta College Campus Police Administrator or designee have the authority to withdraw of consent for all individuals to remain on any of the San Luis Obispo County Community College District campuses or District property under the State of California Penal Code, Section 626.4(a).

### **AUTHORITY OF INSTRUCTOR**

The Board of Trustees shall establish rules and regulations for student conduct while on campus and/or engaged in any college-sponsored activity.

The Vice President of Student Services and College Centers or designee shall be responsible for enforcing rules and regulations and administering the disciplinary functions for all activities of students at times and places when students are under the District's jurisdiction; however, an individual instructor is given the power to remove a student from his or her class for good cause for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Vice President of Student Services and College Centers for appropriate action.

During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.

### **STUDENTS IN THE ASSOCIATE DEGREE NURSING PROGRAM CODE OF CONDUCT**

The Board of Trustees determines that the following policies govern the participation of alcohol- or drug-impaired students in the Associate Degree Nursing Program.

1. The nursing program, in addition to offering an academic program, includes clinical course work. The safety of patients under the care of student nurses must be assured. The instructor and the Director of Nursing Programs may take immediate corrective action to remove a student impaired by alcoholism or drug abuse from the clinical program if the student demonstrates by his/her conduct and performance in the clinical setting that he/she is a danger to the health and safety of patients under his/her care.
2. After evaluation and due process, students considered by the Director of Nursing Programs to be impaired by drugs or alcohol will be allowed to continue their studies, including clinical course work, as long as they are adhering to the provisions of a contract between the college and the student for the student's retention.
3. Information on the student's condition is confidential and will not be disclosed except when necessary to protect the safety of patients under the care of student nurses.
4. An individual contract of retention will be developed by the student, rehabilitation therapist, and the Director of Nursing and shall specify:
  - a. That the student must participate in an approved drug or alcohol treatment and rehabilitation program for the duration of his/her nursing program studies.
  - b. That evidence of satisfactory attendance and progress will be provided to the college on a regularly scheduled basis.
  - c. That the student will consent to periodic random drug screening as part of the treatment and rehabilitation program.
  - d. That the impaired student will give all medications under direct supervision and that the student will not have access to keys to medications.
  - e. That if the student fails to adhere to the conditions of the contract for retention, the same procedure will be followed as with any other student on probation; the circumstances of the violation will be reviewed by the nursing faculty as a whole; and recommendations for the retention or dismissal will be made to the Director of Nursing Programs, who will then make the decision after advising the Vice President of Student Services and College Centers.
5. Information on the student's dismissal from the nursing program will be reported to the Board of Registered Nursing when such information is requested by the Board of Registered Nursing.

### **STUDENT DISCIPLINE**

Administrative Procedure 5520

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights required by state law. 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 the District or 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.

**Definitions:** District – The San Luis Obispo County Community College District.

**Student** – Any person actively enrolled as a student at any site or in any program offered by the District.

**Instructor** – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student’s educational program or has provided services to the student.

**Short-term Suspension** – Exclusion of the student by the Superintendent/President or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

**Long-term Suspension** – Exclusion of the student by the Superintendent/President or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms which duration shall be specified in the suspension order.

**Expulsion** – Permanent exclusion of the student from the District for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. An order of expulsion may also provide a date for when the student may apply for reenrollment. The Board of Trustees may also impose a suspended expulsion, on such terms as the Board of Trustees may determine appropriate.

**Removal from class** – Exclusion of the student by an instructor from his or her class for the day of the removal and the next class meeting.

**Written or Verbal Reprimand** – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands shall become part of a student’s record at the District for disciplinary reporting purposes and may be removed one year from the date of the incident, if there are no further reported incidents during that one year time period. A verbal reprimand will not become a part of a student’s record; however it may be retained by the Assistant Superintendent/Vice President Student Services and College Centers or designee’s office for purposes of disciplinary tracking.

**Withdrawal of Consent to Remain on Campus** – Withdrawal of consent by the Director of Police and College Safety Services, also serving as the Chief of Police for the District, or designee, for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Director of Police and College Safety Services or designee, has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

**Day** – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

**Process: Short-term Suspensions, Long-term Suspensions, and Expulsions:** Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- **Notice** – The Assistant Superintendent/Vice President Student Services and College Centers or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
    - the specific section of the Standards of Student Conduct that the student is accused of violating
    - a statement of the facts supporting the accusation
    - the right of the student to meet with the Assistant Superintendent/Vice President Student Services and College Centers or designee to discuss the accusation, to provide additional information not previously considered, and to state why the proposed disciplinary action should not be imposed. The student may respond in writing
    - the disciplinary action that is being considered.
  - **Time Limits** – The notice must be provided to the student within 20 days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, or where an investigation of allegations is to be conducted, the notice must be provided within 15 days of the date on which either the conduct occurred which led to the decision to take disciplinary action, or within 10 days of completion of an administrative determination based on an investigation.
  - **Meeting** – If the student chooses to meet with the Assistant Superintendent/Vice President Student Services and College Centers or designee, the meeting may occur no sooner than one day after the notice is provided, but no later than 15 days after the notice is provided. At the meeting, the student must again be given, orally or in writing, the facts on which the notice are based. The student must be given an opportunity to respond verbally or in writing to the accusation, and to state why the proposed disciplinary action should not be imposed. The Assistant Superintendent/Vice President Student Services and College Centers or designee will discuss the disciplinary action being considered. If the proposed disciplinary action is long-term suspension or expulsion, the Vice President of Student Services and College Centers or designee may deem it appropriate or necessary to impose a short-term suspension prior to the disciplinary hearing. The Vice President Student Services and College Centers or designee may impose reasonable conditions for student’s continued enrollment and/or re-enrollment. Conditions may include required participation in District student support services such as academic counseling or mental health counseling, or private off-campus services such as drug treatment programs.
- If the student declines to meet with the Assistant Superintendent/Vice President Student Services and College Centers or designee, the proposed disciplinary action will be imposed. The Assistant Superintendent/

Vice President Student Services and College Centers or designee's disciplinary action decision will be final. Written notice of the decision shall be provided to the student. The notice shall include the reported facts of the allegations that support the disciplinary action, and the fact that the allegations were uncontradicted by the student by declining a meeting, or failing to respond to the Assistant Superintendent/Vice President Student Services and College Centers or designee, within the 15 days after initial notice was provided.

**Short-term Suspension** – Within 10 days after the meeting described above, the Superintendent/President, or designee, shall, pursuant to a recommendation from the Assistant Superintendent/Vice President Student Services and College Centers, or designee, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, whether to impose conditions for continued enrollment, or whether to dismiss the matter. Written notice of the Superintendent/President, or designee's, decision shall be provided to the student. Where the Superintendent/President, or designee, determines that immediate notification if his or her decision is appropriate, the notice may be hand delivered by the Cuesta College Campus Police and/or sent as a confidential email attachment. In all cases, the District will send notice to the student by certified mail to last address the student has on file with the District. The notice shall include the reported facts of the allegations that support the disciplinary action, the length of time of the suspension, or the nature of the lesser disciplinary action. The Superintendent/President, or designee's, decision on a short-term suspension shall be final.

**Long-term Suspension** – Within 10 days after the meeting described above, the Superintendent/President or designee, shall, pursuant to a recommendation from the Assistant Superintendent/Vice President Student Services and College Centers or designee, decide whether to impose a long-term suspension. Written notice of the Superintendent/President or designee's decision shall be provided to the student. The notice shall include the reported facts of the allegations that support the disciplinary action, the length of time of the suspension. Where the Superintendent/President or designee determines that immediate notification of his or her decision is appropriate, the notice may be hand delivered by the Cuesta College Campus Police and/or sent as a confidential email attachment. In all cases, the District will send notice to the student by certified mail to last address the student has on file with the District. The notice shall include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of the policy describing the procedures for a hearing.

If the student fails to respond within 5 days after receipt of the Superintendent/President or designee's decision or declines a formal hearing, the Superintendent/President or designee's decision on a long-term suspension shall be final.

**Expulsion** – Within 10 days after the meeting described above, the Superintendent/President or designee, shall, pursuant to a recommendation from the Assistant Superintendent/Vice President Student Services

and College Centers or designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent/President or designee's decision shall be provided to the student. The notice shall include the reported facts of the allegations that support the disciplinary action and the length of time of the expulsion. Where the Superintendent/President or designee determines that immediate notification of his or her decision is appropriate, the notice may be hand delivered by the campus police and/or sent as a confidential email attachment. In all cases, the District will send notice to the student by certified mail to last address the student has on file with the District. The notice shall include the right of the student to request a formal hearing before expulsion is imposed, and a copy of the policy describing the procedures for a hearing.

If the student fails to respond within 5 days after receipt of the Superintendent/President or designee's decision or declines a formal hearing, the Superintendent/President or designee's decision on expulsion shall be final.

**Hearing Procedures** – Request for Hearing: Within 5 days after receipt of the Superintendent/President or designee's decision regarding a long-term suspension, or expulsion, the student may request a formal hearing. The request must be made to the Superintendent/President or designee and must be submitted in writing.

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 the District or other agencies.

**Schedule of Hearing** – The formal hearing shall be held within 20 days after a formal request for hearing is received.

The District reserves the right for the Board of Trustees to hear the matters itself or to use the services of a Hearing Officer in lieu of a Hearing Panel.

**Hearing Panel** – The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member and one student.

The Superintendent/President or designee, the president of the Academic Senate, and the president of the Associated Student Organization shall each, at the beginning of the academic year, establish a list of at least five persons from each group who will serve on student disciplinary hearing panels. The Superintendent/President or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

**Hearing Panel Chair** – The Superintendent/President or designee shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

**Conduct of the Hearing:**

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins, as well as any other supporting documentation previously provided to the student.

The facts supporting the accusation shall be presented by a college representative who shall be the Assistant

Superintendent/Vice President Student Services and College Centers or designee.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unable to be physically present, thus unavailable to testify. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. Hearsay evidence may be considered by the panel, and given the weight to which it is entitled. The college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is represented by an attorney; the college representative may be assisted by an attorney. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential.

In a closed hearing, witnesses, with the exception of the accused student and the college representative, shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. The hearing shall be recorded by the District. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give oral or written testimony. A witness who refuses to be recorded is not considered to be unavailable, and may not be permitted to give written testimony. In the event the recording is by audio recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. If the District requests that the audio recording is to be transcribed, the student shall be provided with a copy of the transcription.

Within 15 days following the close of the hearing, the hearing panel shall prepare and send to the Superintendent/President, or designee, a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

**Superintendent/President's Decision:**

**Long-term Suspension** – Within 10 days following receipt of the hearing panel's recommended decision, the Superintendent/President or designee shall render a final written decision. The Superintendent/President or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent/President or designee modifies or rejects the hearing panel's decision, the Superintendent/President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Superintendent/President or designee shall be final.

**Expulsion** – Within 10 days following receipt of the hearing panel's recommended decision, the Superintendent/President or designee shall render written recommended decision to the Board of Trustees. The Superintendent/President or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent/President or designee modifies or rejects the hearing panel's decision; he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Superintendent/President or designee's decision shall be forwarded to the Board of Trustees.

**Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the Superintendent/President or designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting. The student may, within forty-eight hours after receipt of the notice, request a copy of the disciplinary hearing recording. If the recording was an audio recording, the District will request that the recording be professionally transcribed and the student shall be provided with a copy of the transcription.

The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board

will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the Superintendent/President or designee or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

#### **Authority for Immediate Removal:**

**Immediate Interim Suspension** (Education Code Section 66017): The Superintendent/President or designee may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property or to ensure the maintenance of order. The Assistant Superintendent/Vice President Student Services and College Centers or designee will provide the student with written notice of the conduct warranting the immediate interim suspension. The written notice will include the following:

- the day and time of the reported incident
- the specific section of the Standards of Student Conduct that the student is accused of violating
- a statement of the facts supporting the accusation
- the definition of immediate interim suspension
- the disciplinary action that is being considered beyond the immediate interim suspension
- the right of the student to meet with the Assistant Superintendent/Vice President Student Services and College Centers or designee to discuss the accusation and to provide additional information not previously considered, or to respond in writing.

Where the Superintendent/President or designee determines that immediate notification of his or her decision is appropriate, the notice may be hand delivered by the Cuesta College Campus Police and/or sent as an email attachment. In all cases, the District will send notice to the student by certified mail to his or her last address on file with the District. If the student chooses to meet with the Assistant Superintendent/Vice President Student Services and College Centers or designee, the meeting must occur no sooner than one day after the notice is provided, but no later than 15 days after the notice is provided. At the meeting, the student must again be given, orally or in writing, the facts on which the accusations in the notice are based. The student must be given an opportunity to respond verbally or in writing to the accusations.

If the recommended action is long-term suspension, the student is afforded all rights, as delineated under the long-term suspension section of these procedures. The interim suspension status remains in effect until the outcome of the recommended action is determined.

If the student declines to meet with the Assistant

Superintendent/Vice President Student Services and College Centers or designee, the Superintendent/President or designee, shall, pursuant to a recommendation from the Assistant Superintendent/Vice President Student Services and College Centers or designee, impose a long-term suspension. The decision of the Superintendent/President or designee shall be final.

Written notice of the Superintendent/President's decision shall be provided to the student. The District will send notice to the student by certified mail to last address the student has on file with the District.

**Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall promptly report the removal to the Superintendent/President and the Assistant Superintendent/Vice President Student Services and College Centers or designee. The Assistant Superintendent/Vice President Student Services and College Centers or designee shall meet with the student and at the request of the student, will arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Assistant Superintendent/Vice President Student Services and College Centers or designee, shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Assistant Superintendent/Vice President Student Services and College Centers or designee from recommending disciplinary action in accordance with these procedures based on the facts which led to the removal.

**Withdrawal of Consent to Remain on Campus:** The Director of Police and College Safety Services, also serving as the Chief of Police for the District may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the Director of Police and College Safety Services a written report must be promptly made to the Superintendent/President.

If the person from whom consent has been withdrawn is a student, they may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to immediate interim suspensions.

If the person from whom consent has been withdrawn is not a student, then he/she may submit a written request for a meeting with the Superintendent/President within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request.

In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus

during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

**Time Limits:** Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties, and confirmed in writing.

In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Students have the right to pursue their complaint after completing the above complaint process with the California Community Colleges Chancellor's Office (CCCCO). CCCCCO provides students and others with a method and process outside of the institution that takes, investigates, and responds to complaints regarding the institution. The link to the CCCCCO process and form is <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>. CCCCCO has provided this disclosure in compliance with the requirements of the Higher Education Act of 1965, as amended, as regulated in CFR 34, Sections 600.9 (b) (3) and 668.43(b).

## STUDENT COMPLAINT PROCESS

### STUDENT COMPLAINTS

Students wishing to file a complaint should follow the Student Complaint Process and initiate direct contact with the appropriate individual indicated on the Student Complaint Referral Grid. Please refer to myCuesta website for current referral grid: (<https://www.cuesta.edu/about/leadership/vpss/StudentComplaintProcess.html>).

*Academic complaints;* the student should begin by first talking to the instructor about the academic matters including grades and curriculum to attempt resolution. If this is unsuccessful, the student may then proceed with the steps cited in the Student Complaint Referral Grid. The appropriate path is faculty member, Division/Department Chair, area Dean and finally, the Vice President Academic Affairs.

*Non-academic complaints;* the student should begin by first talking to the Vice President Student Services or designee about the appropriate steps to take, or the protocol to follow regarding a complaint.

While it is recognized that the grid represents the ideal sequence of opportunities for resolving student complaints, it is understood that when actual situations arise, the parties involved will use their best judgment regarding complaint resolution depending upon the availability of personnel and the immediacy of the problem. The Vice President of Student Services and College Centers, the Dean of the North County Campus and South County Center on the North County Campus, or designee, serve as a clearing-house for students dissatisfied with an experience on campus, who may not be knowledgeable about the appropriate steps to take, or the protocol to follow regarding a complaint.

The Vice President of Student Services and College Centers, the Dean of the North County Campus and South County

Center, or designee, may assist the student in following the Student Complaint Process or initiate a referral to the appropriate individual. The Vice President of Student Services and College Centers, the Dean of the North County Campus and South County Center, or designee, will contact the individual to whom the student is being referred to facilitate resolution.

The student complaint grid indicates the appropriate personnel sequence for who students should contact for informally resolving student complaints. If a student, after completing the Student Complaint Referral Grid steps, is not satisfied with the solution posed through the Student Complaint process, the student has the option of making an appointment with the Resolution Coordinator or designee in the Vice President of Student Services and College Centers office on the San Luis Obispo Campus or the Dean of the North County Campus and South County Center on the North County Campus, to evaluate the next steps which may be the filing of a formal grievance.

A complaint is grievable if it is non-disciplinary and involves the process, application, or interaction of school policy—in other words, how something was done or processed. In general, a complaint is not grievable if it involves the content of existing policy. For specific information regarding the Student Grievance Procedure, refer to Cuesta College Board Policy 6205.

**\*When a student has a complaint which involves (1) sexual harassment, (2) civil rights discrimination on the basis of ethnicity, race, national origin, religious beliefs, age, gender, color, physical or mental disabilities, veteran status, sexual orientation or sexual identity, or marital status, or (3) retaliation for filing a sexual harassment or other unlawful discrimination complaint, referring a matter for investigation, participating in an investigation of a complaint, serving as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the District's unlawful discrimination policy (Policy 1565), then the matter is to be referred to the Executive Director of Human Resources and Labor Relations as such matters are to be handled pursuant to Policy 1565 (unlawful discrimination) and not as a student grievance.**

*Students have the right to pursue their complaint after completing the above complaint process with the California Community Colleges Chancellor's Office (CCCCO). CCCCCO provides students and others with a method and process outside of the institution that takes, investigates, and responds to complaints regarding the institution. The link to the CCCCCO process and form is <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>. CCCCCO has provided this disclosure in compliance with the requirements of the Higher Education Act of 1965, as amended, as regulated in CFR 34, Sections 600.9 (b) (3) and 668.43(b).*

## STUDENT GRIEVANCE PROCEDURE

Board Policy 5530

A grievance shall mean a complaint, other than one dealing with discrimination or harassment\* which has been filed by a student or by a student's designee on his/her behalf. The primary purpose of the following procedure is to secure at the earliest level possible an equitable solution to a

complaint. Students must file a concern or complaint within 90 days of the last day of the semester.

**LEVEL 1.** In order to provide the opportunity for an immediate solution, the student should contact the Instructor (Academic) or Supervisor of the Program/Department (Non-Academic) to explain the purpose of the concern/complaint. This initial contact will provide the opportunity for the Instructor or Supervisor to gather details on the concern/complaint and offer a resolution (if there is justification for a concern/complaint). This process for direct dialog will occur prior to the student completing an official concern/complaint form.

**LEVEL 2.** In the event the student does not feel the concern/complaint was addressed by the Instructor or Supervisor, the student will then file a concern/complaint form. The concern/complaint form will require the student to outline the concern/complaint and submit the form electronically. Upon electronic submission, a ping will notify the Instructor or Supervisor of a concern/complaint. The Instructor or Supervisor will then have the opportunity to add their details to the concern/complaint. Once fully completed, the concern or complaint will then notify (electronically), the Division Chair or Supervising Manager of the area for review. The Division Chair or Supervising Manager will make a decision on the concern/complaint and notify the student of their decision in writing.

**LEVEL 3.** If the student feels the concern/complaint has not been addressed by the Division Chair or Supervising Manager, the student may schedule a meeting with the Dean of the discipline/area. The Dean of the discipline/area will review all of the information outlined in the concern/complaint documentation and make a decision on the validity of the concern/complaint. The Dean will provide a written response to the student once the documentation review is complete.

**LEVEL 4.** If the student feels the concern/complaint has not been addressed by the Dean of the discipline/area, student's may request a final documentation review by the Assistant Superintendent/Vice-President of Academic Affairs (Academic) or Assistant Superintendent/Vice-President of Student Services (Non-Academic). Upon completion of documentation review by the Assistant Superintendents/Vice-Presidents, they will provide a written response to the student. All decisions rendered at this point are final.

\*When a student has a complaint which involves (1) sexual harassment, (2) civil rights discrimination on the basis of ethnicity, race, national origin, religious beliefs, age, gender, color, physical or mental disabilities, veteran status, sexual orientation or sexual identity, or marital status, or (3) retaliation for filing a sexual harassment or other unlawful discrimination complaint, referring a matter

for investigation, participating in an investigation of a complaint, serving as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the District's unlawful discrimination policy (Policy 1565), then the matter is to be referred to the Vice-President of Human Resources and Labor Relations as such matters are to be handled pursuant to Policy 1565 (unlawful discrimination) and not as a student grievance.

(Approved: 2/11/80)

(Revised: 2/25/80, 3/10/80, 10/6/87, 10/6/93, 6/6/05, 10/20/17)

Formerly BP 6205

## **STUDENT SUCCESS AND SUPPORT PROGRAM**

The Student Success and Support Program brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements. The agreement is implemented by means of the student educational plan.

### **Student Rights and Responsibilities**

Each non-exempt student, in entering into a student educational plan, will do all of the following:

- identify an education and career goal;
- identify a course of study;
- participate in the placement process to determine appropriate course recommendations;
- complete orientation;
- participate in the development of a student educational plan;
- complete a student educational plan no later than the term after completing 15 semester credits of degree applicable credit coursework;
- diligently attend class and complete assigned coursework; and
- complete courses and maintain progress toward an educational goal.

### **Exemptions**

Students that have completed an associate degree or higher may be exempt from participation in orientation, assessment, counseling, advising, or student education plan development.

Students exempted from any of the matriculation components are notified in their myCuesta student portal; nonetheless, exempt students are encouraged to participate in these services.

### **Transcripts to Cuesta College**

Official transcripts from all other institutions must be submitted to the Cuesta College Records Office prior to enrollment. Lower division (freshman/sophomore level) coursework from regionally-accredited colleges and universities will be evaluated and may be transferred to Cuesta College to meet certificate requirements, degree requirements, and requirements for transfer certification. If non-native credits are from a college or university on the quarter system,

these credits will be converted to semester credits (quarter credits/1.5=semester credits).

Non-native coursework will be evaluated based on regional accreditation standards using the grades received at that institution. Cuesta College considers a grade of C- as substandard and eligible for repetition.

Official (sealed) copies of transcripts from colleges, universities and high schools attended should be submitted to:

Cuesta College Records Office  
PO Box 8106  
San Luis Obispo, CA 93403-8106

Transcripts should be submitted ahead of registration, in time for academic advising and prerequisite clearance. Final official transcripts, showing all coursework and grades received, must be received before GE certifications and degree and certificate evaluations may be completed. Transcripts are evaluated based on the AACRAO guidelines for regionally-accredited post-secondary institutions.

Upon application for the associate degree or transfer certification, non-native coursework credits will be included and reviewed with the Cuesta College student record. Applications for the associate degree and transfer certification are available in the Admissions and Records Office or website.

Transcripts submitted to Cuesta College become the property of Cuesta College and will not be released to students, other colleges, or agencies. Plan to request a personal copy from your former college or university if you need one for your records.

### **Transcripts from Cuesta College**

A written or electronic request by the student is required to release transcripts.

Transcripts ordered electronically will be mailed within 2-4 working days from the date of request in most cases. An electronic notification will inform the student of the status of their transcript order and notify them of any holds. The fee for the electronic transcript request is \$6.50 per copy. Transcripts ordered in-person will be mailed within 2-3 weeks and cost \$3 per copy after the first two free copies. Unofficial transcripts are available for viewing and printing through myCuesta on the Cuesta College website. Access to myCuesta requires the student username and password.

Transcripts will not be produced for students who have a hold on their records.

### **Voter Registration**

Voter registration forms are available year-round at various campus locations, including the Student Services Building and ASCC Student Government Offices. Students can also register online on the California Secretary of State's web site at <http://registertovote.ca.gov/student>.

With the passage of California Senate Bill No. 854-Chapter

481, state-funded higher education institutions - community colleges, California State University system and University of California campuses - are required to allow students to request voter registration materials online through a link in their course registration system. As a result of this legislation, Cuesta students are able to link to the online voter registration application from the myCuesta student portal in the Steps to Success channel. The direct link to the California Secretary of State Web site allows students to complete the voter registration process online as long as they possess a California driver license or identification card number.