

*CORRECTED*

# **Trustees of the California State University**

## **Resolutions**

**The attached resolutions were adopted by the Board of Trustees at its meeting of  
November 13-14, 2001, held in the Glenn S. Dumke Conference Center of  
The California State University, 401 Golden Shore, Long Beach, California**

## BOARD OF TRUSTEES

### Revision of Policies and Procedures for Review of Executives (RBOT 11-01-19)

**RESOLVED**, by the Board of Trustees of the California State University that the following policies and procedures for review of executives in the California State University be amended:

1. RBOT 09-87-06, "Policies and Procedures for Review of the Chancellor," is amended in paragraph V section A addressing "Criteria" as follows:

General administrative effectiveness, including the management of human, fiscal and physical resources. Evidence in CSU operations of effective planning and decision making; development of and delegation to a management team; accomplishment of plans and objectives; flexibility in approach to solving problems and willingness to change programs and methods to keep up with current needs and developments; commitment to ~~affirmative action~~ equal employment and programmatic opportunities and wise utilization of faculty and staff.

2. RBOT 09-87-06, "Policies and Procedures for Review of Vice Chancellors," is amended in paragraph V section 1 addressing "Criteria" as follows:

General administrative Effectiveness, including the management of human, fiscal and physical resources. Evidence in CSU program operations of effective planning and decision making; development of and delegation to a management team, accomplishment of plans and objectives; flexibility in approach to solving problems and willingness to change programs and methods to keep up with current needs and developments; commitment to ~~affirmative action~~ equal employment and programmatic opportunities and wise utilization of staff.

3. RUFP 01-94-01, "Policies and Procedures for Review of Presidents," is amended in paragraph V section 1 addressing "Criteria for Presidential Assessment" as follows:

1. **General Administrative Effectiveness Including Management of Human, Fiscal and Physical Resources:**

Evidence in campus operations of effective planning and decision making; development of and delegation to a management team; accomplishment of plans and objectives; flexibility in approach to solving problems and willingness to change programs and methods to keep up with current needs and developments; commitment to

~~affirmative action~~ equal employment and programmatic opportunities  
and wise utilization of faculty and staff.

**Reappointment of Ad Hoc Committee on Off-Campus Facilities (RBOT 11-01-20)**

**RESOLVED**, By the Board of Trustees of The California State University, that the Ad Hoc Committee on Off-Campus Facilities be renewed. The membership of this committee shall consist of:

Anthony M. Vitti, Chair  
William D. Campbell  
Martha C. Fallgatter  
Laurence K. Gould, Jr., Chair of the Board, ex officio  
Ralph R. Pesqueira  
Frederick W. Pierce IV  
Kyriakos Tsakopoulos  
Charles B. Reed, Chancellor, ex officio

## COMMITTEE ON FINANCE

### **Campus/Third Party Housing Development and Auxiliary Organization Tax-Exempt Financing at California State University, San Marcos (RFIN 11-01-14)**

**RESOLVED**, By the Board of Trustees of the California State University, that the trustees:

1. Support the design, construction and management of a 475-bed on-campus student housing facility at California State University, San Marcos, engaging Allen & O'Hara Education Services LLC for this purpose, and authorize the project to proceed.
2. Confirm the Chancellor's authority to enter into and approve such agreements as are necessary to support the design, construction and management of the San Marcos student housing project and the student residential life program on behalf of the campus and the Board of Trustees, including:
  - a. The ground lease between California State University, San Marcos and the San Marcos University Corporation for the purpose of developing a 475-bed on-campus student housing facility and student residential life program;
  - b. Specific agreements negotiated by the San Marcos University Corporation and Allen & O'Hara Education Services LLC for the design, construction and management of the student housing project, and the student residential life program.

### **Proposed Revisions of Title 5 Regulations—DVBE Participation Goals for Professional Bond Services (RFIN 11-01-15)**

**RESOLVED**, by the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the board hereby amends its regulations in Article 2 of Subchapter 9 of Chapter 1, Division 5 of Title 5 of the *California Code of Regulations* as follows:

#### **§ 43880. Purpose.**

These regulations implement ~~sections 16850-16857 of the Government Code, which establish minority, women and disabled veteran business enterprise participation goals, and~~ Sections 999.1-999.9 of the Military and Veterans Code which establish a disabled veteran enterprise participation goal for professional bond services contracts for issuance of bonds by or on behalf of the State of California.

Note: Authority cited: Section 89030, Education Code; ~~Section 16853(b), Government Code~~; and Section 999.5(b) Military and Veterans Code. Reference: Section 89036, Education Code; ~~Section 16850 et seq., Government Code~~; and Section 999 et seq., Military and Veterans Code.

#### **§ 43881. Definitions.**

The terms used in this article shall have the meanings described in ~~California Government Code, section 16851~~ and Military and Veterans Code, section 999.

Note: Authority cited: Section 89030, Education Code; ~~Section 16853(b), Government Code~~; and Section 999.5(~~bc~~) Military and Veterans Code. Reference: Section 89036, Education Code; ~~Section 16850 et seq., Government Code~~ and Section 999 et seq., Military and Veterans Code.

#### **§ 43882. TBE List.**

The Treasurer maintains a list of target business ~~enterprise~~ enterprises (TBE) which ~~collectively include minority-owned business enterprises (MBE's), women-owned business enterprises (WBE's) and disabled veteran business enterprises (DVBE's).~~ The list is organized by the types of professional bond services (e.g., underwriters, bond counsels, financial advisors). The list shall be known as the "TBE List." The Trustees shall use this list as evidence that TBE's meet the requirements of law. Applications for inclusion on this list, and appeals from determinations of the Treasurer, may be made in accordance with California Code of Regulations, title 2, sections 1899.510 et seq.

Note: Authority cited: Section 89030, Education Code; ~~and Section 16853(b), Government Code~~; and Section 999.5(b) Military and Veterans Code. Reference: Section 89036, Education Code; ~~Section 16850 et seq., Government Code~~; and Section 999 et seq., Military and Veterans Code.

#### **§ 43883. Competitive Sales.**

(a) Notices. If bonds are to be sold by competitive bid, the notice of sale shall:

(1) Be delivered to all underwriters on the TBE List;

(2) Contain, in substance, the following statement:

"Firms owned by ~~minorities, women and~~ disabled veterans are encouraged to respond to this invitation for bid. The Trustees have adopted regulations and a participation goals goal for professional bond services firms owned by ~~minorities, women and~~ disabled veterans. All bidders must certify awareness of these regulations and ~~goals goal~~. Successful bidders will be required to

submit reports to the Trustees concerning TBE outreach efforts and professional bond service participation in transactions related to the offer and sale of the bonds that are the subject of this notice of sale."

(b) Bids.

(1) The form for submitting bids shall contain, in substance, the following certification which shall be executed by the bidder:

"Bidder certifies that bidder is aware of the Trustees' regulations and participation ~~goals~~ goal for TBE's offering professional bond services."

(2) The Senior Managing Underwriter may make the certification required by subdivision (a) on behalf of the syndicate or selling group.

(c) Goals for Competitive Contract. The Trustees' annual ~~goals~~ goal for TBE participation in competitive contracts for professional bond services shall be ~~15 percent for minority business enterprises, 5 percent for women business enterprises, and 3 percent for disabled veteran business enterprises~~ for each of the professional bond services. ~~These goals~~ This goal need not be met in every competitive bond transaction but will be pursued on an aggregate annual basis considering all competitive bond transactions during a year. ~~These goals~~ This goal will also be described in each notice of sale for bonds to be sold by competitive bid.

(d) Reports. The Senior Managing Underwriter in a competitive sale of bonds shall submit a written report regarding distribution of the underwriter's discount to the Trustees within 10 days of closing a transaction where the Senior Managing Underwriter's services were used.

Note: Authority cited: Section 89030, Education Code; ~~Section 16853(b), Government Code~~; and Section 999.5(b) Military and Veterans Code. Reference: Section 89036, Education Code; ~~Section 16850 et seq., Government Code~~; and Section 999 et seq., Military and Veterans Code.

**§ 43884. Negotiated Sales.**

(a) ~~Goals~~ Goal. The statutory ~~goals~~ goal for professional bond services in connection with bonds sold in negotiated transactions need not be met in every individual contract for services but will be pursued on an aggregate annual basis considering all contracts for professional bond services during a year. Thus, during the course of a year, there may be contracts without TBE participation and contracts with TBEs as prime contractor or TBE participation substantially higher than the statutory goal.

(b) TBE Qualifications. TBEs shall be considered for only those contracts or participation in contracts commensurate with their experience, capital, and compliance with applicable licensing requirements.

(c) Reports. The Senior Managing Underwriter in a negotiated sale of bonds shall submit a written report regarding distribution of the underwriter's discount to the Trustees within 10 days of closing a transaction where the Senior Managing Underwriter's services were used.

Note: Authority cited: Section 89030, Education Code; ~~Section 16853(b), Government Code~~; and Section 999.5(b) Military and Veterans Code. Reference: Section 89036, Education Code; ~~Section 16850 et seq., Government Code~~; and Section 999 et seq., Military and Veterans Code.

And, be it further

**RESOLVED**, that the Board of Trustees has determined that the adoption of the proposed revisions will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts; and be it further

**RESOLVED**, that the Board of Trustees delegates to the chancellor of the California State University authority to further adopt, amend, or repeal this revision if the further adoption, amendment, or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

## **COMMITTEE ON CAMPUS PLANNING, BUILDINGS AND GROUNDS**

### **Amend the 2001/02 Capital Outlay Program, Nonstate Funded (RCPBG 11-01-15)**

**RESOLVED**, By the Board of Trustees of the California State University that the 2001/02 Nonstate Funded Capital Outlay Program be amended to include \$602,000 for preliminary plans, working drawings, construction, and equipment for the Sonoma State University, Public Safety Building.

### **Certify a Mitigated Negative Declaration, Approve the Campus Master Plan Revision, Amendment to the Nonstate Funded Capital Outlay Program and Schematic Plans for the Student Housing Phase 1 at California State University, San Marcos (RCPBG 11-01-16)**

**RESOLVED**, By the Board of Trustees of the California State University, that:

1. The Board finds that the Mitigated Negative Declaration was prepared for the California State University, San Marcos, Student Housing Phase I project pursuant to the requirements of the California Environmental Quality Act.
2. With the implementation of the mitigation measures set forth in the Mitigated Negative Declaration, which are hereby adopted and specifically identified in the mail out, the proposed project will not have a significant effect on the environment, and will benefit the California State University.
3. The mitigation measures identified shall be monitored and reported in accordance with the plan which meets the requirements of the California Environmental Quality Act (Public Resources Code, Section 21081.6).

### **Acceptance of Gift of Real Property—UNOCAL Pier at Avila Beach—California Polytechnic State University, San Luis Obispo (RCPBG 11-01-17)**

**RESOLVED**, By the Board of Trustees of the California State University, that:

1. This board concurs with the findings identified in the Negative Declaration certified by the Port San Luis Harbor District pursuant to the requirements of the California Environmental Quality Act.
2. Based on the information contained in the subject Negative Declaration and the mitigation measures identified therein, the proposed project will not have a significant effect on the environment.



3. No additional mitigation measures by the Board of Trustees as a Responsible Agency are necessary.
4. The president of California Polytechnic State University, San Luis Obispo is authorized to accept the gift of the UNOCAL Pier at Avila Beach for the purpose of advancing the educational mission of the California State University.
5. The acceptance of the UNOCAL Pier at Avila Beach is subject to the California Coastal Commission approval of the change of use and the issuance of the Coastal Development Permit.

**Approval of Schematic Plans (RCPBG 11-01-18)**

**California State University, Northridge—Parking Structure I**

**RESOLVED**, By the Board of Trustees of the California State University, that:

1. The board finds that the Mitigated Negative Declaration for the California State University, Northridge, Parking Structure I has been prepared in accordance with the requirements of the California Environmental Quality Act.
2. With implementation of the recommended Mitigation Measures, the proposed project will not have a significant effect on the environment; and the project will benefit the California State University.
3. The chancellor is requested under Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the project.
4. The schematic plans for the California State University, Northridge, Parking Structure I are approved at a project cost of \$14,000,000 at CCCCI 4019.

**COMMITTEE ON GOVERNMENTAL RELATIONS**

**2001/2002 Legislative Report No. 5A (RGR 11-01-06)**

**RESOLVED**, By the Board of Trustees of the California State University, that the 2001-02 Legislative Report No. 5A is adopted.

## COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

### Executive Compensation (RUFP 11-01-05)

**RESOLVED**, By the Board of Trustees of The California State University, that the CSU executive salaries table in Agenda Item 1 of the November 13-14, 2001 meeting of the Committee on University and Faculty Personnel, be approved for implementation effective July 1, 2001; and be it further

**RESOLVED**, that the life insurance and accidental death and dismemberment benefit for executives be increased to \$250,000, effective January 1, 2002; and be it further

**RESOLVED**, that effective January 1, 2002, executives receive the same dependent fee waiver benefit provided to eligible members of the California Faculty Association; and be it further

**RESOLVED**, that effective January 1, 2002, executives have the opportunity to participate in the university's Pre-Tax Parking Deduction Plan; and be it further

**RESOLVED**, that the Non-Industrial Disability benefit for executives be increased to \$250 per week, effective immediately.

### Revision of Title 5, California Code of Regulations, Section 42713, Work Assignments RUFP 11-01-06)

**RESOLVED**, By the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the board hereby amends its regulations in Section 42713, Article 2, Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

#### **§42713. Work Assignments.**

Each employee of the California State University shall be assigned to perform the duties included in the specifications of his or her position. Each full-time nonexempt employee normally shall work ~~at least~~ 40 hours a week and each part-time nonexempt employee a proportionate amount of time ~~in accordance with the workweek class to which each position is assigned~~ based on his or her assignment.

NOTE: Authority cited: Sections ~~66600~~, 89030, ~~89035~~ and 89500, Education Code. Reference: Section ~~89500~~ 89502, Education Code.

And, be it further

**RESOLVED**, That the Board of Trustees has determined that the adoption of the proposed revisions will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts;

And, be it further

**RESOLVED**, That the Board of Trustees delegates to the Chancellor of The California State University authority to further adopt, amend, or repeal this revision if further adoption, amendment or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

### **Revision of Title 5, California Code of Regulations, Section 42933, Catastrophic Leave Donation Program (RUF 11-01-07)**

**RESOLVED**, By the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the board hereby amends its regulations in Section 42933, Article 4.2, Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

#### **§42933. Donation.**

- (a) Only vacation and sick leave credits may be donated. Employees may donate a maximum of ~~sixteen (16)~~ thirty-two (32) hours of leave credits per fiscal year in increments of one hour or more. Donations are irrevocable. Donated leave credits may be used only to supplement Industrial Disability leave, Nonindustrial Disability Insurance or Temporary Disability payments from the State Compensation Insurance Fund upon the application for these benefit(s) by an eligible employee. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly ~~rate~~ rate of compensation.
- (b) The total donated leave credits shall normally not exceed an amount necessary to continue the employee for three calendar

months calculated from the first day of catastrophic leave. The appointing authority may approve an additional three-month period in exceptional cases. The leave shall not be deemed donated until actually transferred by the appointing authority's recordkeeper to the record of the employee receiving leave credits. Such transfer shall be accomplished at the end of a pay period, and credits shall be transferred in the order of the dates actually pledged.

(c) For employees whose appointments have not been renewed, donated time may not be used beyond the employee's appointment expiration date in effect at the beginning of the disability.

(d) Unused donated leave credits may not be used to receive service credit following a service or disability retirement.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

And, be it further

**RESOLVED**, That the Board of Trustees has determined that the adoption of the proposed revisions will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts;

And, be it further

**RESOLVED**, That the Board of Trustees delegates to the Chancellor of the California State University authority to further adopt, amend, or repeal this revision pursuant to the Administrative Procedure Act if further adoption, amendment or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

**Management Personnel Plan Public Safety Employees: 3% at 50 Public Employees' Retirement System Retirement Plan (RUF 11-01-08)**

**RESOLVED**, by the Board of Trustees of the California State University, that the Public Employees' Retirement System (PERS) State Peace Officer/Firefighter 3.0% at 50 retirement plan be provided to Management Personnel Plan public safety employees, effective January 1, 2002.

## COMMITTEE ON INSTITUTIONAL ADVANCEMENT

### Approval of Naming of Facilities—California State University, San Bernardino (RIA 11-01-11)

#### 1. California State University, San Bernardino, Palm Desert Campus—Naming of the Student Union and Bookstore

**RESOLVED**, By the Board of Trustees of the California State University that the Student Union and Bookstore at the California State University, San Bernardino, Palm Desert Campus be designated the Rancho Mirage Student Center.

#### 2. California State University, San Bernardino, Palm Desert Campus—Naming of the Wing of the Second Permanent Building

**RESOLVED**, By the Board of Trustees of the California State University that a wing of the second permanent building at the California State University, San Bernardino, Palm Desert Campus be designated the Annenberg Wing for Education.

#### 3. California State University, San Bernardino, Palm Desert Campus—Naming of the Garden Area of the Second Permanent Building

**RESOLVED**, By the Board of Trustees of the California State University that a garden area at the second permanent building of the California State University, San Bernardino, Palm Desert Campus be designated the Betty Barker Sculpture Garden.

### Naming of Facility--California State University, Bakersfield (RIA 11-01-12)

**RESOLVED**, By the Board of Trustees of the California State University that the Leadership Development Center at California State University, Bakersfield be named the Rayburn S. Dezember Leadership Development Center.

## COMMITTEE ON EDUCATIONAL POLICY

### Revision of Title 5 Regulations on Refund of Fees Including Nonresident Tuition (REP 11-01-05)

**RESOLVED**, by the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the board hereby amends and repeals its regulations in Title 5, *California Code of Regulations*, Division 5, Chapter 1, Subchapter 5, Articles 3 and 4, Sections 41802, 41802.1, and 41913, as follows:

**§ 41802.** Refund of Fees ~~Other Than~~Including Nonresident Tuition ~~and Parking Fees.~~

(a) General. Money collected as a mandatory fee, ~~other than parking fees and or nonresident tuition~~; may be refunded ~~to a student~~ in accordance with the provisions of this section.

~~(b) Refunds to Veterans. A person who has applied for or obtained enrolled status under any federal or state veterans' educational assistance plan may receive all refunds of fees in accordance with the regulations under which the federal or state veterans' educational assistance plan is operated, regardless of any limitations set forth in this section~~

(b) Cancellation of Registration. A student who registers for classes for an academic period and who drops all classes or otherwise cancels registration for the period prior to the first day of instruction for that period shall be entitled to a refund of all tuition and mandatory fees paid less an administrative charge established by the campus.

~~(c) Application for Refund of Fees. (1) Method of Application. Written application for a refund of fees, stating the reason for the request for refund, shall be made to the president. The application shall be delivered to the registrar of the campus, except that an application for refund of extension fees shall be delivered to the campus official in charge of the collection of extension course fees. If the president determines that the refund is payable, payment thereof shall be made pursuant to subsection (f).~~

~~(2) Persons Eligible to Make Application. The application shall be made and signed by the person who applied for or obtained enrollment for the term for which the fee was paid. If, in the opinion of the president, personal application is impossible, an authorized representative of the applicant may make the application.~~

~~(3) Time of Application. Application for refund of fees, in whole or in part, shall be delivered to the proper authority within the following time limits, unless in the opinion of the president physical disability prevents it:~~

~~(A) Student services fee, instructionally related activities fee, student body organization fee, and student body center fee Not later than 14 days following the day of the term when instruction begins except when otherwise specified in this section.~~

~~(B) Any fee refundable due to a campus regulation or because of compulsory military service At any time prior to the date when academic credit is awarded for any course or courses for the applicant is registered.~~

~~(C) Special session tuition fee Not later than the end of the second week of the session for which the applicant is registered.~~

~~(D) Extension course tuition fee Prior to the fourth meeting of the class.~~

~~(E) Other fees Prior to the time the fee has been earned by the Trustees as determined by the Chancellor or designee or, if not determined by the Chancellor, the president or designee.~~

(c) Adjustment of Registration. A student who, within the campus designated drop period and in accordance with the campus procedures, drops units resulting in a lower tuition and/or mandatory fee obligation shall be entitled to a refund of applicable tuition and mandatory fees less an administrative charge established by the campus.

~~(d) Fees Which May Not Be Refunded.~~

~~(1) A late registration fee and~~

~~(2) The student body organization fee, instructionally related activities fee, and student body center fee except upon student withdrawal from all classes.~~

(d) Withdrawals.

(1) For state-supported semesters, quarters and non-standard terms of courses of four (4) weeks or more:

(A) A student who, on or after the first day of instruction and up to a date that includes the sixty percent point in the academic period, either

1. drops all of the courses in which the student enrolled prior to the end of the campus-designated drop period, or

2. officially withdraws for the enrollment period in accordance with university procedures,

shall be entitled to a refund of tuition and mandatory fees on the basis of the proportion represented by the number of days in the academic period, excluding breaks of five days or more.

(B) A student who officially withdraws from the university after the sixty percent point in the academic period, fails to drop classes prior to the end of the campus drop period, or fails to officially withdraw from the campus, shall not be entitled to any refund of tuition or mandatory fees.

(2) For state-supported, non-standard terms or courses of less than four (4) weeks: a student registered for a state-supported, academic period or any course of less than four (4) weeks in duration shall not be entitled to any refund of tuition and mandatory fees if the student fails to either drop the courses or cancel registration prior to the first day of instruction for state-supported, non-standard terms or the first scheduled meeting of a state-



supported course of less than four weeks that occurs during a regular semester or quarter.

(3) For self-support, special sessions and extension course tuition fees: Refunds of tuition and fee charges for self-support, special sessions and extension courses shall be made in accordance with policies and procedures established by the campus offering the session or course.

~~(e) Fees Which May Be Refunded. The following fees may be refunded:~~

~~(1) A fee collected in error.~~

~~(2) The student services fee, instructionally related activities fee, student body organization fee, and student body center fee upon complete withdrawal from the campus except that five dollars shall be retained from the student services fee to cover the cost of registration in all cases other than those mentioned in subparagraph (e)(4).~~

~~(3) The difference between the two applicable student services fees, less five dollars, if the unit load of the applicant is reduced to a lower fee category not later than 14 days following the day of the term when instruction begins.~~

~~(4) Any fee, other than an application fee, paid by an applicant unable to continue a course because of a campus rule, compulsory military service or his or her death or physical disability. In each such case, the circumstances concerning the inability to continue shall be stated on the application for refund.~~

~~(5) Application fees shall be refunded only upon satisfactory proof that the applicant was unable to begin the term with respect to which application was made by reason of his or her death, physical disability or compulsory military service.~~

~~(6) All or part of a fee, other than a student services fee, instructionally related activities fee, a student body organization fee, a student body center fee, a summer session tuition fee, or an extension course tuition fee, not earned by the Trustees. No refund shall be made unless the chief fiscal officer of the campus or designee has certified to the amount not earned by the Trustees.~~

~~(7) Special session tuition fees, in accordance with the following formula:~~

*FORMULA FOR REFUND SPECIAL SESSION FEES*

*Time of Receipt of Written Withdrawal and  
Application for Refund by the Campus Registrar ————— Refund*

~~(A) Prior to the last day a student may register  
without payment of a late fee. ————— (Total fee paid minus \$10.00)~~

~~(B) On or after the last day a student may register  
without payment of a late fee~~

~~1. Five Week Session or longer~~

~~First two days campus classes are scheduled ————— (Total fee paid minus the fee for one unit)~~

~~Any other day of the first week ————— (Total fee paid minus the fee for one unit  
time 65%)~~

~~Any day of the second week ————— (Total fee paid minus the fee for one unit~~

~~time 25%)~~

~~2. Three and Four Week Sessions~~

~~First two days campus classes are scheduled (Total fee paid minus the fee for one unit)~~

~~Any other day of the first week (Total fee paid minus the fee for one unit times 65%)~~

~~3. Two Week Session or Less (No refund)~~

~~(8) The entire extension course tuition fee if the campus discontinues the course, or, if the student withdraws from the course, a portion of the extension course tuition fee according to the following formula:~~

~~-~~

~~FORMULA FOR REFUND EXTENSION COURSE TUITION FEE~~

~~-~~

~~Time of Receipt of Written Withdrawal and~~

~~Application for Refund by Campus Official~~

~~Designated for Collection of the Fee Refund~~

~~(A) Prior to the date of the first class session Total Fee Minus \$00-\$20 per course as determined by the campus. If a campus refunds less than the total fee, the amount retained shall not exceed the cost of processing the fee refund.~~

~~(B) On or after the date of first class session:~~

~~1. Courses of five meetings or longer or, if there are no meetings, more than four weeks duration 65% of fees collected until 25% of the course time has elapsed, after which no refund.~~

~~2. Course of four meetings or less or, if there are no meetings, four weeks or less duration No refund.~~

(e) Exceptions. Notwithstanding subdivision (d):

(1) Tuition and mandatory fees shall be refunded and an administrative charge may not be retained if

(A) The tuition and mandatory fees were assessed or collected in error;

(B) The course for which the tuition and mandatory fees were assessed or collected was cancelled by the university; or

(C) The university makes a delayed decision that the student was not eligible to enroll in the term for which mandatory fees were assessed and collected and the delayed decision was not due to incomplete or inaccurate information provided by the student;

(D) The student was activated for compulsory military service.

(2) Tuition and mandatory fees may be refunded if the student or an authorized representative petitions the university for a refund demonstrating exceptional circumstances and the chief financial officer of the university or designee makes a determination that the tuition and mandatory fees have not been earned by the university.

~~(f) Payment of Refund. Refund made before the fee is deposited in the State Treasury may be paid from the cash state bank account containing the fee. After a fee has been deposited in the State Treasury~~

~~the campus, on behalf of the student, shall present the State Controller a claim against the appropriation in which the fee was deposited.~~

(f) Payment of Refunds: Any refund of tuition and mandatory fees shall be applied in the following order:

(1) Any refunds shall first be applied toward any required return of funds that had been received by the student or on his/her behalf from federal, state, institutional, or external sources that were conditioned on the student's enrollment.

(2) The balance of any refunds shall be returned to the student or, with the student's concurrence, carried as a credit balance on the student's account with the university.

(g) Penalty Fees, Deposits, and Security or Guaranty Fees. Fees assessed to reimburse the university for additional costs resulting from dishonored payments, late submissions, or misuse of property are not subject to refund. Fees collected as a security or guarantee shall be refundable as determined by the university based on terms stipulated at the time and in accordance with conditions of their collection.

(h) "Mandatory fees," as used in this section, means systemwide fees and campus fees that are required to be paid in order to enroll in state-supported academic programs.

(i) Since the change arises in the middle of an academic year, campuses may refund fees including nonresident tuition fees following the former refund standards during a transition period that shall end with the commencement of the Fall term 2002.

Note: Authority cited: Sections 68051, 89030 and 89700, Education Code.  
Reference: Section 68051 and 89700, Education Code.

~~§ 41802.1. Refund of Fees and Charges for First-time Students Receiving Title IV Financial Aid.~~

~~Notwithstanding Sections 41802, 41913, 42019, 42102, 42201 and any other provision of this title to the contrary, fees and charges normally refunded under the previously listed sections shall be refunded pursuant to this section for a student receiving a grant (Federal Pell Grant or Federal Supplemental Educational Opportunity Grant), loan (Federal Perkins Loan or Federal Family Education Loans which are Federal Stafford Loans, Supplemental Loans for Students, and Parents Loans for Undergraduate Students), or work assistance (Federal Work Study employment) under Title IV of the Higher Education Act of 1965 as amended, who is attending the institution for the first time, and only for the first term of that attendance. The refund of fees and charges shall be equal to the portion of the period of enrollment for which the student has been charged that remains on the last day of attendance by the student, rounded downward to the nearest ten percent of that period, less any unpaid charges owed by the student for the period of enrollment for which the student has been charged, and less a reasonable administrative fee not to exceed the lesser of five percent of the fees and charges to be refunded, or \$100. No fees shall be refunded when the date of a student's withdrawal is after the 60 percent point in the period of enrollment for which the~~

~~student has been charged. "The portion of the period of enrollment for which the student has been charged that remains" shall be determined by dividing the total number of weeks comprising the period of enrollment for which the student has been charged into the number of weeks remaining in that period as of the last recorded day of attendance by the student.~~

~~Note: Authority cited: Sections 89030 and 89700, Education Code. Reference: Sections 89030 and 89700, Education Code; Title 20 United States Code, Section 1091b (106 STAT. 619-620).~~

~~§ 41913. Refund of Nonresident Tuition.~~

~~(a) General. Money collected as nonresident tuition may be refunded to a student in accordance with the provisions of this section.~~

~~(b) Application for Refund Tuition.~~

~~(1) Method of Application. Written application for a refund of tuition, stating the reason for the request for refund, shall be made to the president of the campus. The application shall be delivered to the registrar of the campus. If the president determines that the refund is payable, payment shall be made pursuant to subsection (f) of section 41802.~~

~~(2) Persons Eligible to Make Application. A student shall make the application personally if able to do so. If, in the opinion of the president of the campus, a student is unable to make the application personally, the parents or guardian of the student who is a minor or the duly authorized representative of the student who is of the age of majority may make the application. If, in the opinion of the president of the campus, illness or accident of the student prevented the student from making application for refund within the time limits specified in this section, application may be made at a later date.~~

~~(c) Tuition Collected in Error. Money collected in error may be refunded in full upon proper application and without regard to time limits set forth in this section. Money which may be so refunded includes, among other money collected in error, nonresident tuition collected upon a preliminary determination of nonresident status based upon the application of the student where the determination is later found to be incorrect.~~

~~(d) Tuition for Semester. If the day of the term when instruction begins is any day of the calendar week other than Monday, or other than Tuesday if Monday falls on a holiday, the week shall be disregarded for the purposes of this section. In such a case, the first week shall be deemed to begin on the following Monday. Tuition paid for a course scheduled to continue for an entire semester may be refunded in accordance with the following schedule if application therefore is received by the registrar within the following time limits:~~

<del>Time Limit</del>	<del>Amount of Refund</del>
-----------------------	-----------------------------

- |  |                 |
|--|-----------------|
| <del>(1) Before or during the first week of the semester</del> | <del>100%</del> |
| <del>(2) During the second week of the semester</del>          | <del>90%</del>  |

- ~~(3) During the third week of the semester 70%~~
- ~~(4) During the fourth week of the semester 50%~~
- ~~(5) During the fifth week of the semester 30%~~
- ~~(6) During the sixth week of the semester 20%~~

~~(e) Tuition for Academic Year Quarter or Academic Summer Quarter. Tuition paid for courses scheduled to continue for an entire academic year quarter or an entire academic summer quarter may be refunded in the following amounts if application therefore is received by the registrar within the following time limits:~~

<del>Time Limit</del>	<del>Amount of Refund</del>
<del>(1) Before or during the first week of the quarter</del>	<del>100%</del>
<del>(2) During the second week of the quarter</del>	<del>75%</del>
<del>(3) During the third week of the quarter</del>	<del>50%</del>
<del>(4) During the fourth week of the quarter</del>	<del>25%</del>

~~(f) Tuition for Courses Scheduled for Less Than an Entire Semester or Entire Academic Year Quarter or Academic Summer Quarter. One half of the tuition paid for courses scheduled to continue for less than a semester, less than an academic year quarter, or less than an academic summer quarter may be refunded if application therefore is received by the registrar before the end of the first half of the period of time for which the course is scheduled, without regard to the day of the week upon which the course begins.~~

~~Note: Authority cited: Sections 66600, 68051, 89030 and 89035, Education Code. Reference: Sections 68051 and 89705, Education Code.~~

And, be it further

**RESOLVED**, That the Board of Trustees has determined that the adoption of the proposed revision will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts; and, be it further

**RESOLVED**, That the Board of Trustees delegates to the chancellor of the California State University authority to further adopt, amend, or repeal this revision if the further adoption, amendment, or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

**Academic Plan Update for Fast-Track Program Development (REP 11-01-06)**

**RESOLVED**, by the Board of Trustees of the California State University, that the Academic Plan for California State University, Fresno (as contained in Attachment A to Agenda Item 3 of the March 20-21, 2001, meeting of the

Committee on Educational Policy) be amended to include projection of a Bachelor of Science with a major in Interdisciplinary Health and Rehabilitation Sciences, with a projected implementation date of 2002; and be it further

**RESOLVED**, by the Board of Trustees of the California State University, that the Academic Plan for California State University, Long Beach (as contained in Attachment A to Agenda Item 3 of the March 20-21, 2001, meeting of the Committee on Educational Policy) be amended to include projection of a Bachelor of Arts with a major in French Studies and a Bachelor of Arts with a major in Italian Studies, with projected implementation dates of 2002; and be it further

**RESOLVED**, by the Board of Trustees of the California State University, that the Academic Plan for California State University, Stanislaus (as contained in Attachment A to Agenda Item 3 of the March 20-21, 2001, meeting of the Committee on Educational Policy) be amended to include projection of a Bachelor of Arts with a major in Agricultural Studies, with a projected implementation date of 2002 and a footnote indicating that the degree title is under discussion; and be it further

**RESOLVED**, that each degree program newly included in the campus Academic Plan is authorized for implementation, at approximately the date indicated, subject to the chancellor's determination of need and feasibility, and provided that financial support, qualified faculty, facilities, and information resources sufficient to establish and maintain the program will be available.