

Trustees of the California State University

The California State University
The Glenn S. Dumke Conference Center
401 Golden Shore • Long Beach, California 90802-4210

Resolutions

**The attached resolutions were adopted by the Board of Trustees at its meeting of
January 29-30, 2002 held in the Glenn S. Dumke Conference Center of
The California State University, 401 Golden Shore, Long Beach, California**

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Revision of Title 5, California Code of Regulations, Repeal Section 43101 of Article 6 and Adopt Section 43095 “Military Leave” to Article 5.9 (RUF 01-02-01)

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 repeals Section 43101 of Article 6 and adopts Article 5.9, “Military Leave,” with Section 43095 of Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

Article 5.9 – Military Leave

§43095. Military Leave.

(a) Any campus or administrative office employee who takes a leave of absence to enter military service shall submit the documents and follow the procedures required by the law governing military leaves. All documents required to effect such a leave for a campus employee shall be submitted by the employee to the campus president or designee for approval. Administrative office employees shall submit the documents to the Chancellor or designee for approval.

(b) An employee is entitled to paid active duty military leave as prescribed by state and federal law. When approved by the Chancellor, an employee on active duty military leave extending beyond the paid entitlement shall receive the difference in pay between military pay and California State University pay for up to an amount of time specified by the Chancellor. The CSU difference in pay acts as a salary supplement to military pay. The limit specified by the Chancellor is in addition to any paid active duty military leave under existing law. If an employee does not return to CSU service within the required time of being released from active duty, the CSU difference in pay salary supplemental shall be treated as a loan that must be repaid to the CSU with interest.

Employees on a difference in pay salary supplement continue to receive CSU provided health, dental, and vision benefits at the level current with the leave for the period of time specified by the Chancellor.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89513, Education Code; Sections 395 *et seq.*, Military and Veterans Code.

~~§ 43101. Military Leave.~~

~~Any campus or administrative office employee who takes a leave of absence to enter military service shall submit the documents and follow procedures required by the law governing military leaves. All documents required to effect such a~~

~~leave for a campus employee shall be submitted by the employee to the campus president or designee for approval. Administrative office employees shall submit the documents to the Chancellor directly.~~

NOTE: Authority cited: Sections 66600, 89030, 89035, and 89500, Education Code. Reference: Section 89513, Education Code.

And, be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed revision to Title 5 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 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.

COMMITTEE ON INSTITUTIONAL ADVANCEMENT

2000/2001 External Support Report (RIA 01-02-01)

RESOLVED, By the Board of Trustees of the California State University, that the Board adopts the 2000/2001 Annual Report on External Support for the California State University distributed as part of Agenda Item 1 of the January 29-30, 2002 meeting of the Committee on Institutional Advancement, for submission, as required by law, to the California Postsecondary Education Commission, the California Joint Legislative Budget Committee, and the California Department of Finance.

COMMITTEE ON FINANCE

Approval to Issue Debt Instruments Including Bonds for the California State University, San Marcos Field House and University Student Union and Related Matters (RFIN 01-02-01)

Orrick, Herrington & Sutcliffe LLP as bond counsel for the Trustees prepared resolutions that achieve the following:

- (1) Authorize the sale and issuance of the California State University, San Marcos Bond Anticipation Notes and California State University, San Marcos Student Union Revenue Bonds in an amount not to exceed \$6,300,000 and certain actions relating thereto.
- (2) Provide for a delegation to authorize the chancellor, the executive vice chancellor and chief financial officer, and their designees to take any and all necessary actions to execute documents for the sale and issuance of the bond anticipation notes and the revenue bonds.

The resolutions will be implemented subject to the receipt of all construction permits and good bids consistent with the project's financing budget.

**COMMITTEE ON CAMPUS PLANNING, BUILDING AND
GROUNDS**

Amend the 2001/2002 Capital Outlay Program, Nonstate Funded (RCPBG 01-02-01)

RESOLVED, By the Board of Trustees of the California State University, that the 2001/02 Nonstate Funded Capital Outlay Program is amended to include: 1) \$2,900,000 for preliminary plans, working drawings and construction for the California State University, Fresno, Duncan Athletic Building Addition; 2) \$1,300,000 for preliminary plans, working drawings, and construction for the California State University, Fresno, Athletic Strength and Conditioning Center Addition; 3) \$3,450,000 for preliminary plans, working drawings, and construction for the San Jose State University, Moss Landing Marine Lab Ocean Pier Replacement project; and 4) \$68,183,000 for preliminary plans, working drawings, construction and equipment for the California Polytechnic State University, San Luis Obispo, Student Housing II project.

Certify the Final Environmental Impact Report and Approve the Campus Master Plan Revision, Amendment to the Nonstate Funded Capital Outlay Program and Schematic Plans for the Campus Village Housing, Phase I at San Jose State University (RCPBG 01-02-02)

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

1. The FEIR was been prepared to address the potential significant environmental impacts, mitigation measures, project alternatives, comments and responses to comments associated with approval of the proposed campus master plan revision, as well as the Campus Village Housing and Central Plant expansion projects, and all discretionary actions related thereto, as identified on page 2-1 of the FEIR.
2. The FEIR (State Clearinghouse No. 2001022002) was prepared pursuant to the California Environmental Quality Act and the state CEQA Guidelines.
3. This resolution is adopted pursuant to the requirements of Section 21081 of the Public Resources Code and Section 15091 of the state CEQA Guidelines, which requires that the Board of Trustees make findings prior to the approval of a project (along with a statement of facts supporting each finding).

4. This board hereby adopts the findings of fact and related mitigation measures provided under separate cover for Agenda Item 4 of the January 29-30, 2002 meeting of the Committee on Campus Planning, Buildings and Grounds, which identify specific impacts of the proposed project and related mitigation measures which are hereby incorporated by reference.
5. The board's findings include specific overriding considerations that outweigh certain remaining significant impacts.
6. Prior to the certification of the FEIR, the Board of Trustees has reviewed and considered the above-mentioned FEIR. The board hereby certifies the FEIR for the San Jose State University campus master plan revision as complete and adequate in that the FEIR addresses all environmental impacts of the proposed project and fully complies with the requirements of CEQA and the state CEQA Guidelines. For the purposes of CEQA, the record of the proceedings for the project comprised the following:
 - A. The DEIR for the San Jose State University campus master plan revision;
 - B. The FEIR, including comments received on the DEIR and responses to comments;
 - C. The proceedings before the Board of Trustees relating to the subject project, including testimony and documentary evidence introduced at the proceedings; and
 - D. All attachments, documents incorporated, and references made in the documents as specified in items A through C above.

All of the above information is on file with The California State University, Office of the Chancellor, Capital Planning, Design and Construction, 401 Golden Shore, Long Beach, California 90802-4210, and San Jose State University, Department of Planning, Design and Construction, Corporation Yard Building, Room 103, 404 E. San Fernando Street, San Jose, CA 95192-0010.

7. The board certifies the FEIR for the San Jose State University campus master plan revision, and for the construction of the Campus Village Housing and Central Plant Expansion projects.
8. The board finds that the FEIR has sufficiently analyzed the environmental impacts and mitigation measures for the campus master

plan revision, and the Campus Village Housing and Central Plant Expansion projects. The board shall consider the FEIR in connection with any future project approvals.

9. The mitigation measures identified in the Mitigation Monitoring and Reporting Plan are hereby adopted and shall be monitored and reported in accordance with the Mitigation Monitoring and Reporting Plan, which is under separate cover for Agenda Item 4 of the January 29-30, 2002 meeting of the Committee on Campus Planning, Building and Grounds, which meets the requirements of CEQA (Public Resources Code Section 21081.6).
10. The chancellor or his designee is requested under Delegation of Authority by the Board of Trustees to file the Notice of Determination for the project.
11. The San Jose State University campus master plan revision dated January 2002 is hereby approved.
12. The 2001/02 Nonstate Funded Capital Outlay Program is amended to include \$215,000,000 for preliminary plans, working drawings, construction and equipment for Phase I of the Campus Village Housing project.
13. The schematic plans for the San Jose State University, Campus Village Housing, Phase I project are approved at a project cost of \$215,000,000 at CCCCI 4019.

COMMITTEE ON GOVERNMENTAL RELATIONS

2001/2002 Legislative Report No. 6 (RGR 01-02-01)

RESOLVED, By the Board of Trustees of The California State University, that the legislative proposals described in this item are adopted as the 2002 Board of Trustees' Legislative Program.

COMMITTEE ON EDUCATIONAL POLICY

Revision of Title 5—Credit Card Solicitation on Campus (REP 01-02-01)

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 Section 42350.6 of Article 9, Subchapter 5, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

§ 42350.6. Commercial Solicitation.

(a) Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus president. Permission for commercial solicitation shall be granted by the campus president subject, however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.

(b) Sites available to marketers of student credit cards shall be limited and registered with the campus administration. Those marketers shall be prohibited from offering gifts to students for filling out student credit card applications. As used in this section, "student credit cards" shall have the meaning in Civil Code section 1747.02(m).

(c) All directives issued by the campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

NOTE: Authority cited: Sections ~~66600~~, 89030, and 89031 ~~and 89035~~, Education Code. Reference: Sections 89031 and 99030, Education Code.

And, be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed revision to Title 5 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 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—Nonresident Tuition Exemption for California High School Students (REP 01-02-02)

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 adopts Section 41906.5 of Article 4, Subchapter 5, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

§ 41906.5. Nonresident Tuition Exemption for California High School Students.

(a) Any student, other than a student who is a nonimmigrant alien under Title 8, United States Code, Section 1101(a)(5)(15), shall be exempt from paying nonresident tuition at any California State University campus if he or she:

(1) Attended high school in California for three or more years.

(2) Graduated from a California high school or attained the equivalent of such graduation; and

(3) Registered for or enrolled in a course offered by a California State University campus for any term commencing on or after January 1, 2002.

(b) Any student seeking an exemption under subdivision (a) shall complete a questionnaire furnished by the California State University campus of enrollment verifying eligibility for this nonresident tuition exemption and may be required to provide verification documentation in addition to the information required by the questionnaire. Nonpublic student information so provided shall not be disclosed except pursuant to law.

(c) In addition to the requirements of subdivision (a), any student without lawful immigration status shall file with the California State University campus an affidavit of enrollment on a form furnished by the campus stating that he or she has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so.

(d) For purposes of subdivision (a), a student who entered the United States as a nonimmigrant alien under Title 8, United States Code, Section 1101(a)(15) shall be deemed to remain a nonimmigrant until he or she applies to the Immigration and Naturalization Service for a change of status to a classification other than nonimmigrant.

(e)(d) A student seeking this tuition exemption has the burden of providing evidence of compliance with the requirements of this section.

(f)(e) Nothing herein modifies eligibility standards or requirements for any form of student financial aid.

NOTE: Authority Cited: Sections 68130.5 and 89030, Education Code.
Reference: Section 68130.5, Education Code.

And, be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed revision to Title 5 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 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 — Special Session Credit (REP 01-02-03)

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 5 of Subchapter 2 of Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

§40407.1. Special Sessions Credit.

A maximum of 24 semester units in special session course credit earned through state supported or self supported regular course offerings in non-matriculated status may be applied toward the degree. The Chancellor is authorized to establish and revise criteria for application of special sessions credits earned through enrollment in state supported or self supported regular course offerings toward the degree in accordance with applicable law.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 89030, 89704, 89708 and 89709, 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.

COMMITTEE ON ORGANIZATION AND RULES

Revision of Standing Orders-Extension Program Service Areas (ROR 01-02-01)

RESOLVED, by the Board of Trustees of The California State University, that the board hereby repeals subdivision (f) of Section 3 of Chapter III of the Standing Orders of the Board of Trustees, as follows:

~~f. — Extension Program Service Areas.~~

~~The Chancellor is authorized to conduct an annual review of the Extension Program Service Areas of the California State University; and, following appropriate consultation to effect such changes in the Extension Program Service Areas as may be deemed necessary. The Chancellor shall report to the Board of Trustees all actions taken pursuant to this provision.~~