

# **Trustees of the California State University**

## **Resolutions**

**Resolutions passed by the CSU Board of Trustees at their meeting held on  
July 10-11, 2007 in the Dumke Auditorium located at the California State University Office  
of the Chancellor, 401 Golden Shore, Long Beach, CA 90802**

## **BOARD OF TRUSTEES**

### **Conferral of the Title Vice Chancellor Emerita on Jackie R. McClain (RBOT 07-07-07)**

**WHEREAS**, Jackie McClain first joined the system office of the California State University in 1999, following two decades of service in the field of human resources and affirmative action; and

**WHEREAS**, Jackie McClain reorganized and revitalized the systemwide human resources office, improving intra-departmental communication and coordination, re-instating professional development programs, and creating a strong service orientation for the division; and

**WHEREAS**, She has skillfully managed the complex, ongoing issues of collective bargaining, improved the data collection and publication of crime statistics so necessary to the public trust, and brought CSU Human Resources to the forefront of professionalism; and

**WHEREAS**, It is altogether fitting that the California State University recognize those individuals who have made significant contributions to higher education and to the state of California; now, therefore, be it

**RESOLVED**, By the Board of Trustees of the California State University that this Board honor Jackie R. McClain for her outstanding contributions to the California State University, and confer on her the title of Vice Chancellor Emerita with all the rights and privileges pertaining thereto.

**COMMITTEE ON INSTITUTIONAL ADVANCEMENT**

**Naming of a Facility – California Polytechnic State University, San Luis Obispo  
(RIA 07-07-09)**

**RESOLVED**, By the Board of Trustees of the California State University, that the Western Coatings Technology Center in the new Center for Science and Mathematics at California Polytechnic State University, San Luis Obispo, be named the Kenneth N. Edwards Western Coatings Technology Center.

## COMMITTEE ON EDUCATIONAL POLICY

### **Proposed Title 5 Revision: California Code of Regulations, Impacting California State University Student Housing Operations (REP 07-07-05)**

**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 as follows:

**Title 5. Education**  
**Division 5 – Board of Trustees of the California State Universities**  
**Chapter 1 – California State University**  
**Subchapter 5 – Administration**  
**Article 5 – Housing**

#### **§ 42000. Definitions.**

Unless the context otherwise requires, the definitions hereafter set forth shall govern the construction of Articles 5 and 6 of this Subchapter.

(a) Licensee. Licensee means any student or other person who has executed a license and who has been granted permission to use a housing facility for a fee period. Where the context requires it, the term licensee also means any student or other person who has a reservation for a housing facility.

(b) License. License means the document approved by the president which grants permission to use a housing facility and which contains the terms and conditions upon which such use is permitted. The license shall have imprinted thereon the words, "The use of housing facilities is subject to Articles 5 and 6 of Subchapter 5 of Chapter 1 of Part V (Sections 42000 through 42103) of Title 5 of the California ~~Administrative Code of Regulations.~~"

(c) Campus. Campus means any campus issuing licenses to students or other persons for the use of housing facilities.

(d) Housing Facility. Housing facility includes, but is not limited to, any individual or group living unit in a state owned or operated residence hall, family dwelling, apartment, trailer or trailer space which is operated under the authority of Sections 90000-90002 or Section 90012 of the Education Code.

(e) President. President means the campus president or his or her authorized representative or representatives.

(f) Student. Student means any individual currently ~~enrolled in six (6) or more semester units of instruction, or an equivalent number of quarter units of instruction, matriculated and/or enrolled~~ in the regular program of the campus where the student housing facility is located or any individual currently enrolled in one or more courses during a special session ~~of such campus provided enrollment is during the summer.~~

(g) Fee Period. Fee period means a period for which a license is granted and may extend for an academic year, semester, quarter, or other period or session established by the president.

(h) License Fee. License fee means the consideration required of a licensee for the right to use a campus housing facility for a fee period.

- (i) Service Fee. Service fee means a non-refundable fee required of a licensee to cover the added costs incurred in collecting and processing a license fee by installments.
- (j) Late Fee. Late fee means a payment required of a licensee who fails to pay any fee when due.
- (k) Advance Payment of Fees. Advance payment of fees means the receipt by the president of the license fee and any security deposit or service fee from a licensee on or before the first day of the fee period or due date of any payment by installment.
- (l) Reservation. Reservation means a confirmation by the president, upon receipt of the designated advance payment of fees, that a housing facility will be made available in accordance with this Article.
- (m) Cancellation. Cancellation means the termination of a reservation by the licensee as provided in this Article, prior to the beginning of the fee period.
- (n) Vacating. Vacating means the termination of a license by the licensee as provided in this Article, on or after the beginning of the fee period.
- (o) Revocation. Revocation means the termination of a reservation or license by the president as provided in this Article, whether before, on, or after the beginning of a fee period.
- (p) Visitor. Visitor means any person permitted by the licensee or president to visit a housing facility.
- (q) Guest. Guest means any person, ~~including a visitor but other than a licensee~~ other than a Licensee, who is permitted by a Licensee and approved by ~~or the campus president or designee~~ to ~~make use~~ occupy and/or reside in ~~of~~ any housing facility. ~~Such use shall be deemed to mean the use of any housing facility for sleeping or bathing purposes.~~
- (r) Guest Fee. Guest fee means the consideration required of a guest for the use of a campus housing facility.
- (s) Administrative Necessity. Administrative necessity exists when any condition not reasonably foreseen at the time of confirming a reservation, issuing a license, or renewing a license occurs and prevents the campus from making or continuing to make a housing facility available to the licensee. Such conditions shall include, but not be limited to, damage caused by floods, slides, fire, earthquake, other natural disasters and vandalism; civil disorder; compliance with state or federal law; or interruption of basic services because of labor strife. Such conditions shall also include a drop in the rate of cancellations not reasonably foreseen by the campus, if such drop results in an overbooking of available housing facilities.
- (t) Shall and May. The word "shall" means that the action is mandatory. The word "may" means that the action is permissive.

#### **§ 42002. Assignment of Priority.**

Students of a campus shall have first priority to use student housing facilities of that campus, with the exception of space granted to special programs by the campus president as outlined in ~~The president may permit others, including groups as authorized by Section 42003, to use such facilities only when student demand is insufficient to fill all campus housing facilities.~~

#### **§ 42003. Special Group Arrangements.**

University Housing facilities may be made available to individuals and groups, provided a representative authorized to do so executes ~~by the campus president or designee.~~ Groups must authorize a representative to execute an appropriate agreement on behalf of the group, which

agreement shall set forth the fee established by the Chancellor to be charged of such groups. Any group may, at the discretion of the campus president or designee, be ~~excepted~~ exempted from the payment of a security deposit. A charge in addition to the fee established by the Chancellor pursuant to Section 42004 may be made by the campus of individuals or of groups to cover additional costs whenever ~~the group requires~~ additional services, materials, goods, or special supervision are required.

#### **§ 42004. Schedule of Fees.**

All fees authorized by this Article shall be charged in accordance with a schedule of fees periodically established by the Chancellor.

#### **§ 42005. Approved Guests.**

~~(a) Guests of a Licensee. Licensees shall secure such approval as is required by the campus president or designee prior to inviting any person to be a guest of the Licensee. The president may charge a guest fee of any guest for the first two days of housing facility use per calendar month and shall charge a guest fee of all guests for each day of such use in excess of two days per calendar month.~~

~~(b) Guests of a Campus. Guests of a campus shall be charged fees in accordance with the schedule of fees established pursuant to Section 42004.~~

Guest-related policies and approved length of stay shall be in accordance with the guest-related policies as determined by the campus and stated in the Housing License Agreement. Licensee will be responsible for non-compliance of guest registration and may be held responsible for the behavior of his/her guest (registered or not).

#### **§ 42006. Non-Approved Guests.**

Non-approved guests of a Licensee ~~shall~~ may be charged a fee established pursuant to Section 42004 of this Article. If a Licensee knew or should have known that one of his ~~or~~ her ~~invites~~ invitees would make use of ~~a housing facility~~ their assigned living space and failed to secure approval of the campus president or designee prior to such use, that Licensee shall be ~~jointly and severally~~ jointly and severally liable for the fees and other guest-related charges. ~~charged of such guest.~~

#### **§ 42007. Licensee's Responsibility for Conduct of Visitors and Guests.**

A Licensee ~~shall~~ may be jointly and severally liable with guests or visitors of such Licensee for all negligent or intentional damage to any university housing facility caused by such guests or visitors as described within the Housing License Agreement of said campus.

#### **§ 42008. Advanced Payment of Fees.**

Except as authorized by Section 42010, all fees are due and payable in advance. A late fee ~~shall~~ may be charged of a Licensee who fails to pay any fee when due.

**§ 42009. Installment Payments.**

A campus president or designee may permit a Licensee to pay license fees in installments, provided each installment is paid in advance of the period covered by the installment, and provided further that the Licensee pays the service fee established pursuant to Section 42004.

**§ 42010. Deferment of Fee Payment.**

A ~~resident~~ campus president or designee may defer payment of license fees for Licensees who are able to demonstrate that they will receive federal, state, or other financial aid and that such aid will be distributed to the Licensee subsequent to the beginning of the fee period. A demonstration of this kind shall include appropriate verification by the campus financial aid office. The Chancellor shall establish terms and conditions for the administration of this section.

**§ 42011. Failure to Pay Fees.**

Except as authorized by Section 42010, any Licensee who fails to pay all fees and charges in advance shall have his or her license revoked as of the last day covered by any prior license fee period.

**§ 42012. Termination of Use of the Facility.**

~~Every~~ The Licensee shall vacate the student housing facility to which the Licensee is assigned ~~used by that licensee~~ on the expiration of the license period, or upon termination of his or her license to use the facilities, whichever is sooner. Any Licensee who does not vacate the student housing facility as required by this section shall be evicted ~~there from~~ in the manner provided by the laws of the State of California and charged a daily rate through the length of stay. The campus may charge any other applicable fees or charges. for the eviction of a licensee whose license has been terminated. The matter shall be referred to the CSU Office of General Counsel ~~either to a small claims court with jurisdiction over such matters or to the Attorney General of the State of California~~ for appropriate legal action. Any property of the Licensee remaining in the student housing facility may be removed ~~without force and stored by the campus at the expense and risk of the licensee~~ and stored by the campus at the expense and risk of the Licensee and will be disposed of pursuant to the laws of the State of California as outlined in Title 5. Section 42375, entitled Care, Restitution, Sale or Destruction of Lost Property, and Section 42376, entitled Proceeds of Sale.

**§ 42013. Revocation of Reservation or License.**

A campus president or designee may revoke a reservation or license for the following reasons:

- (a) Disciplinary action taken against the licensee pursuant to Sections 41301-41304 of Article 2 of Subchapter 4 of this Chapter;
- (b) Because of administrative necessity of the campus;

- (c) Licensee's failure to maintain status as a student as defined by Section 42000 (other than pursuant to discipline);
- (d) Licensee's breach of any of the terms and conditions of the license, including failure to pay required fees.

Whenever the campus president or designee revokes a reservation or a license, he or she shall give the licensee reasonable notice of the revocation. Notice of revocation of a license shall be served in the manner prescribed by Section 1162 of the Code of Civil Procedure.

**§ 42018. Waiver of Notice.**

Any notice period described in Sections 42015, 42016, or 42019 ~~shall~~ may be waived by the campus president or designee when the reason for the cancellation, vacating, or withdrawal is due to a cause beyond the control of the Licensee and the specified notice could not otherwise have been given. The campus president or designee shall determine whether such cause exists, based on verified documentation and his/ ~~er~~ her determination shall be final.

**§ 42019. Cancellation, Vacating, or Revocation -Obligation of the Licensee.**

The following table indicates the obligation of the licensee (as specified in Subsection C of this Section 42019) under conditions of cancellation, vacating or revocation.

	Amount of Obligation
A. Prior to beginning of fee period.	
1. Request by licensee to cancel reservation.	
a. with 30 day notice .....	1
b. with less than 30-day notice	
1) president waives notice .....	1
2) president does not waive notice but does grant request to cancel .....	3
3) president does not waive notice and does not grant request to cancel .....	2
2. Revocation of reservation by the president, all instances .....	1
B. On or after beginning of fee period	
1. Request by a licensee to vacate	
a. with 30-day notice	
1) president approves the request .....	3
2) president denies the request .....	4
b. with less than 30-day notice	
1) president approves the request and waives notice .....	5
2) president approves the request but full notice ..	3



3) president denies the request .....	4
2. Revocation of license by the president.	
a. as a result of disciplinary pursuant to Sections 41301-41304 of Article 2 of Subchapter 4 of this Chapter .....	4
b. because of administrative necessity. ....	5
c. because licensee is no longer a student (other than pursuant to discipline):	
1) academically dismissed.....	5
2) all other withdraws:	
a) with 30-day notice of withdraw .....	3
b) with less than 30-day notice of withdraw	
(1) president waives notice .....	5
(2) president does not waive notice .....	3
d. breach of terms or conditions of the license, including nonpayment of fees .....	4
C. Amount of obligation to the licensee.	

1. Licensee has no financial obligation other than the non-refundable service fee.
2. Except as provided in Subsection D of this Section, licensee shall owe the amount due under the full fee period of the license.
3. Except as provided in Subsection D of this Section, licensee shall owe an amount equal to a prorated charge for each day from the beginning of the fee period, through the end of the required notice period, plus any charge authorized by Section 42021 of this Article.
4. Except as provided in Subsection D of this Section, licensee shall owe the amount due under the full fee period of the license, plus any charge authorized by Section 42021.
5. Licensee shall owe an amount equal to a prorated charge for each day from the beginning of the fee period through the last day of occupancy, plus any charge authorized by Section 42021.

D. Mitigation. The campus president or designee shall minimize the obligation of a Licensee by applying a prorated credit for each day during the fee period that the campus has been able to cover its damages. Factors to be considered in determining whether the campus has been able to cover its damages for purposes of this Subsection ~~shall~~ may include, but not be limited to: (1) whether the ~~president has been~~ campus is able to re-license the student housing facility to someone else prior to the end of the fee period; (2) the amount of the fee at which the student housing facility is re-licensed; ~~and~~ (3) the vacancy rate of the residence hall (or other state owned or operated dwelling) within which the housing facility is located; and (4) financial considerations of the campus housing system.

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

### **Amend the 2007/2008 Capital Outlay Program, Non-State Funded (RCPBG 07-07-12)**

**RESOLVED**, By the Board of Trustees of the California State University, that the 2007/2008 non-state funded capital outlay program is amended to include \$1,697,000 for preliminary plans, working drawings and construction for the San Diego State University, International Student Center Addition, Phase I project.

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### **Categories and Criteria for the State Funded Five-Year Capital Improvement Program, 2009-10 – 2013-14 (RCPBG 07-07-13)**

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

The Categories and Criteria for the State Funded Five-Year Capital Improvement Program, 2009/10–2013/14 in Attachment A of Agenda Item 4 of the July 10-11, 2007 meeting of the trustees' Committee on Campus Planning, Buildings and Grounds be approved; and

The chancellor is directed to use these categories and criteria to prepare the CSU State Funded Five-Year Capital Improvement Program.

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### **Approval of Schematic Plans (RCPBG 07-07-14)**

#### **California State University, Fresno—Multi-Family Housing and Senior Housing Components of Campus Pointe**

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

1. The board certified the Final Environmental Impact Report (EIR) for the California State University, Fresno Master Plan at the May 2007 meeting and included the construction of the Campus Pointe Multi-Family Housing and Senior Housing project components pursuant to the requirements of the California Environmental Quality Act, the CEQA guidelines, and CSU CEQA procedures.

2. The Final EIR certified in May 2007 incorporates by reference the Findings of Fact, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations which the board has considered in its approval of these projects.
3. The projects do not propose substantial changes, which would require revisions of the previously certified May 2007 campus master plan Final EIR.
4. The projects do not involve any substantial changes in the circumstances under which the master plan Final EIR was certified.
5. No substantial new information has been identified, which shows that the project would have one or more significant effects or requires additional mitigation measures not discussed in the master plan and Final EIR.
6. The Final EIR has been prepared to specifically include the Campus Pointe Multi-Family Housing and Senior Housing construction projects and the projects have been considered an important part of the planning process and the deliberation of this board.
7. The board has adopted the required Findings of Fact and related mitigation measures at the May 2007 Board of Trustees meeting, and determined that the proposed mitigation measures will reduce the potential significant effects on the environment to less than significant with the exception of air quality, noise, traffic, and loss of prime farmland.
8. The board has previously adopted Findings of Fact in its certification of the May 2007 FEIR for the master plan that include specific overriding considerations that outweigh certain remaining unavoidable significant impacts specific to air quality, noise, traffic, and loss of prime farmland; said Findings of Fact relating to specific overriding considerations are hereby incorporated by reference and concurred with by this board.
9. Not all traffic impacts can be mitigated by the campus as streets are under the jurisdiction of the City of Clovis and the City of Fresno whose responsibility and authority have been identified in the Findings of Fact in the previously certified FEIR.
10. The project will benefit the California State University.
11. The previously approved mitigation measures shall continue to be monitored and reported in accordance with the plan approved by the board at the May 15-16, 2007 meeting of the Board of Trustees' Committee on Campus Planning and Grounds, which meets the requirements of the California Environmental Quality Act (Public Resources Code, Section 21081.6).

12. The chancellor or his designee is requested under Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the project.
13. The schematic plans for the California State University, Fresno, Campus Pointe–Multi-Family Housing are approved at a project cost of \$54,407,000 at CCCI 4890.
14. The schematic plans for the California State University, Fresno, Campus Pointe–Senior Housing are approved at a project cost of \$26,128,000 at CCCI 4890.

**COMMITTEE ON GOVERNMENTAL RELATIONS**

**2007-2008 Legislative Report No. 4 (RGR 07-07-06)**

**RESOLVED**, By the Board of Trustees of the California State University, that the 2007-08 Legislative Report No. 4 is adopted.

## COMMITTEE ON ORGANIZATION AND RULES

### Proposed Schedule of Board of Trustees' Meetings, 2008 (ROR 07-07-01)

**RESOLVED**, By the Board of Trustees of The California State University, that the following schedule of meetings for 2008 is adopted:

#### Proposed 2008

January 22 – 23	Tuesday – Wednesday	Headquarters
March 11 – 12	Tuesday – Wednesday	Headquarters
May 13 – 14	Tuesday – Wednesday	Headquarters
July 15	Tuesday – Wednesday	Headquarters
September 16 – 17	Tuesday – Wednesday	Headquarters
November 18 – 19	Tuesday – Wednesday	Headquarters

## COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

### Proposed Revision of Title 5 Regulations—Amendment of California State University Conflict of Interest Code (RUFP 07-07-03)

**RESOLVED**, By the Board of Trustees of The California State University acting under the authority of Sections 87300 and 87306 of the Government Code and Section 89030.1 of the Education Code, that the Board hereby amends the California State University Conflict of Interest Code in Exhibit “A,” “Designated Positions,” of Article 20 of Subchapter 7, Chapter 1, Division 5 of Title 5 of the *California Code of Regulations* as specified in Exhibit A to Agenda Item 1 of the July 10-11, 2007, meeting of the Trustees’ Committee on University and Faculty Personnel; and be it further

**RESOLVED**, That The California State University has determined that the amendment of the regulation 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 costs 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 regulation pursuant to Education Code Section 89030.1 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.

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### Executive Compensation: President California State University, Dominguez Hills (RUFP 07-07-04)

**RESOLVED**, by the Board of Trustees of the California State University, that Dr. Mildred García shall receive a salary set at the annual rate of \$295,000, effective August 1, 2007, the date of her appointment as president of California State University, Dominguez Hills; and be it further,

**RESOLVED**, that Dr. García shall occupy the official campus presidential residence located in Carson, California as a condition of her employment as president.

## COMMITTEE ON FINANCE

### **Approval to Issue Trustees of the California State University, Systemwide Revenue Bonds and Related Debt Instruments for Various Projects (RFIN 07-07-16)**

Orrick, Herrington & Sutcliffe LLP, as bond counsel, prepared resolutions for the projects as described in Item 2 of the Finance Committee of the July 10-11, 2007 meeting of the CSU Board of Trustees that authorize interim and permanent financing for projects at CSU Chico, (Chico Wildcat Activity Center); CSU East Bay (East Bay Pioneer Heights Student Housing, Phase III); and CSU Stanislaus (Stanislaus – Auxiliary & Business Services (ABS) University Bookstore Project).

The proposed resolutions will achieve the following:

1. Authorize the sale and issuance of Systemwide Revenue Bond Anticipation Notes and the related sale and issuance of the Trustees of the California State University Systemwide Revenue Bonds in an amount not-to-exceed \$125,515,000 and certain actions relating thereto.
2. Provide a delegation to the Chancellor; the Executive Vice Chancellor and Chief Financial Officer; the Assistant Vice Chancellor, Financial Services; and the Senior Director, Financing and Treasury; 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 receipt of good bids consistent with the projects' financing budgets.