

Trustees of the California State University

Resolutions

The attached resolutions were adopted by the Board of Trustees at its meeting of January 27-28, 2004 held in the Dumke Auditorium of the CSU Office of the Chancellor, 401 Golden Shore, Long Beach, California

COMMITTEE ON INSTITUTIONAL ADVANCEMENT

Approval of the 2002/2003 Annual Report on External Support (RIA 01-04-01)

Presentation By

RESOLVED, By the Board of Trustees of the California State University, that the Board adopts the *2002/2003 Annual Report of External Support for the California State University* for submission, as required by law, to the California Postsecondary Education Commission, the California Joint Legislative Budget Committee, and the California Department of Finance.

Approval of Naming of Facility- California State University, Monterey Bay (RIA 01-04-02)

RESOLVED, By the Board of Trustees of the California State University, that the new math and technology wing of the Chapman Science and Academic Center at California State University, Monterey Bay be named the Hilton and Roberta Bialek Math and Technology Wing.

Approval of Naming of Facility – California State University, Northridge (RIA 01-04-03)

RESOLVED, By the Board of Trustees of the California State University, that the west wing of the Oviatt Library at California State University, Northridge be named the Tseng Family Wing.

Naming of an Academic Entity – California State University, Northridge (RIA 01-04-04)

RESOLVED, By the Board of Trustees of the California State University, that the College of Extended Learning at California State University, Northridge be named the Roland Tseng College of Extended Learning.

Approval of Naming of Facility- California Polytechnic State University, San Luis Obispo (RIA 01-04-05)

RESOLVED, By the Board of Trustees of the California State University, that Education Building 02 at California Polytechnic State University, San Luis Obispo, be named The Cotchett Education Building.

**Approval of Naming of Facility – California Polytechnic State University, San Luis Obispo
(RIA 01-04-06)**

RESOLVED, By the Board of Trustees of the California State University, that the Cal Poly Theatre, Building 44 at California Polytechnic State University, San Luis Obispo, be named The Faye and Alex Spanos Theatre.

COMMITTEE ON FINANCE

Approval to Issue Trustees of the California State University, Systemwide Revenue Bonds and Related Debt Instruments for Various Projects (RFIN 01-04-01)

Orrick, Herrington & Sutcliffe LLP, as bond counsel, prepared resolutions for projects at Humboldt State University (Recreation Center and Field House Renovation), and CSU Northridge (Parking Structure II) that:

- (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 \$18,360,000 and certain actions relating thereto.
- (2) Provide a delegation to 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 good bids consistent with the projects financing budget.

Revision of Title 5—Fee Waiver for Dependents of Deceased/Disabled Veterans (RFIN 01-04-02)

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 repeals Section 41801 of Article 3, Subchapter 5, Chapter 1, Division 5 of Title 5 of the *California Code of Regulations* as follows:

~~§ 41801. Exemption from Fees Under Education Code Section 32320.~~

~~A person who seeks exemption from fees pursuant to Education Code Section 32320 and who is a resident of California shall on or before the date he or she registers file with the campus a certification by the Division of Veterans Affairs, or by any section thereof, that one of the following circumstances exists:~~

~~(a) The person is receiving assistance under the provisions of Division 4, Chapter 4, Article 2 (commencing with Section 890) of the California Military and Veterans Code.~~

(b) The person is a child of a veteran of the United States military service who has a service-connected disability and whose annual income not including governmental compensation for such service-connected disability does not exceed \$5,000.

~~(c) The person is a child of a veteran of the United States who has been killed in service or has died of a service-connected disability, and the annual income of the child, including the value of any support received from a parent, together with the annual income of the surviving parent, does not exceed \$5,000.~~

~~Note: Authority cited: Section 89030, Education Code. Reference: Section 32320, 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 CAMPUS PLANNING, BUILDINGS AND GROUNDS

Campus Master Plan Revision at California State University, Sacramento (RCPBG 01-04-01)

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

1. Upon consideration of the information provided in the Negative Declaration for the California State University, Sacramento, campus master plan revision, the Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act.
2. The proposed California State University, Sacramento, campus master plan revision will not have a significant effect on the environment.
3. The revision will benefit the California State University.
4. The chancellor or his designee is directed under the Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the California State University, Sacramento, campus master plan revision.
5. The California State University, Sacramento, campus master plan revision dated January 2004 is approved.

Approval of Schematic Plans (RCPBG 01-04-02)

1. CSU Long Beach—Parking Structures 2 and 3

RESOLVED, By the Board of Trustees of the California State University, that upon consideration of the information provided in the previously approved FEIR prepared for the California State University, Long Beach, campus master plan revision (Northeast Campus Improvements Project), the board finds that:

1. The FEIR was prepared to specifically include the Parking Structures 2 and 3 project and was previously approved by the Board of Trustees at the July 15-16, 2003 meeting pursuant to the requirements of the California Environmental Quality Act.
2. Based on the information contained in the previously approved FEIR and the mitigation measures identified therein and previously adopted, the proposed project will not have a significant effect on the environment.
3. The project does not propose substantial changes, which would require revision of the previously approved FEIR.

4. The project does not involve any substantial changes in the circumstances under which the previous FEIR was certified for the California State University, Long Beach, campus master plan revision (Northeast Campus Improvements Project).
5. No substantial new information has been identified, which shows that the project would have one or more significant effects not discussed in the previous FEIR.
6. No additional mitigation measures are necessary.
7. The mitigation measures and implementation of the recommended improvements specified in the FEIR for the campus master plan revision (Northeast Campus Improvements Project) are hereby adopted as part of this approval of the California State University, Long Beach, Parking Structures 2 and 3 project.
8. The project will benefit the California State University.
9. The chancellor is requested under the Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the project.
10. The schematic plans for the California State University, Long Beach, Parking Structures 2 and 3 project are approved at a project cost of \$38,193,000 at CCCCI 4019.

2. CSPU Pomona—Parking Structure 1

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

1. The board finds that the Negative Declaration for the California State Polytechnic University, Pomona, Parking Structure 1 project and associated infrastructure improvements has been prepared pursuant to the requirements of the California Environmental Quality Act.
2. The proposed project will not have the potential for significant adverse impacts on the environment, and the project will benefit the California State University.
3. The chancellor is requested under the 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 Polytechnic University, Pomona, Parking Structure 1 project are approved at a project cost of \$32,379,000 at CCCCI 4019.

3. San Diego State University—Social Sciences/Parking Structure 8

RESOLVED, By the Board of Trustees of the California State University, that upon consideration of the information provided in the previously approved FEIR prepared for the San Diego State University, campus master plan revision, the board finds that:

1. The FEIR was prepared to specifically include the Social Sciences/Parking Structure 8 project and was previously approved by the Board of Trustees at the March 2001 meeting pursuant to the requirements of the California Environmental Quality Act.
2. Based on the information contained in the previously approved FEIR and the mitigation measures identified therein and previously adopted, the proposed project will not have a significant effect on the environment.
3. The project does not propose substantial changes, which would require revision of the previously approved FEIR.
4. The project does not involve any substantial changes in the circumstances under which the previous FEIR was certified for the San Diego State University, campus master plan revision.
5. No substantial new information has been identified, which shows that the project would have one or more significant effects not discussed in the previous FEIR.
6. No additional mitigation measures are necessary.
7. The mitigation measures and implementation of the recommended improvements specified in the FEIR for the campus master plan revision are hereby adopted as part of this approval of the San Diego State University, Social Sciences/Parking Structure 8 project.
8. The project will benefit the California State University.
9. The chancellor is requested under Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the project.
10. The schematic plans for the San Diego State University, Social Sciences/Parking Structure 8 project are approved at a project cost of \$30,360,000 at CCCI 4019.

4. San Francisco State University—Joint Library: J. Paul Leonard Library/Sutro Library

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

1. The board finds that the Mitigated Negative Declaration for the San Francisco State University, J. Paul Leonard Library/Sutro Library project 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 the potential for significant adverse impacts on the environment, and the project will benefit the California State University.
3. The recommended Mitigation Measures are hereby approved and incorporated as a requirement for implementation of the project, along with the Mitigation Monitoring Plan which is also approved and incorporated by reference, and which meets the requirements of Public Resources Code Section 21081.6.
4. The chancellor is requested under Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the project.
5. The schematic plans for the San Francisco State University, J. Paul Leonard Library/Sutro Library project are approved at a project cost of \$99,595,000 at CCCCI 4019.

5. CPSU San Luis Obispo—Engineering/Architecture Renovation and Replacement, Phase IIA

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

1. The board finds that the California Polytechnic State University, San Luis Obispo, Engineering/Architecture Renovation and Replacement, Phase IIA project is consistent with the campus master plan revision approved in March 2001 and a Letter of Compliance documenting the Finding of Consistency was prepared pursuant to the requirements of the California Environmental Act.
2. With the implementation of the mitigation measures set forth in the Master Plan previously approved by the Board of Trustees, the proposed project will not have a significant effect on the environment, and the project will benefit the California State University.
3. The mitigation measures shall be monitored and reported in accordance with the requirements of the California Environmental Quality Act (Public Resources Code, Section 21081.6).
4. The Chancellor is requested under Delegation of Authority by the Board of Trustees to file a Notice of Determination for the project.

5. The schematic plans for the California Polytechnic State University, San Luis Obispo, Engineering/Architecture Renovation and Replacement, Phase IIA project are approved at a project cost of \$36,099,000 at CCCI 4019.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation (RUF 01-04-01)

RESOLVED, by the Board of Trustees of the California State University, that Dr. Karen S. Haynes shall receive a salary set at the annual rate of \$203,376 and a housing allowance set at the annual rate of \$36,804, effective February 1, 2004, the date of her appointment as president of the California State University, San Marcos; and Dr. Warren J. Baker shall receive a housing allowance set at the annual rate of \$36,804, effective February 1, 2004.

Early Retirement Incentive Programs (RUF 01-04-02)

RESOLVED, by the Board of Trustees of The California State University, that the Chancellor is directed to take such actions as are necessary and appropriate to implement early retirement incentive programs authorized by law for designated employee groups, as determined appropriate; and be it further

RESOLVED, that this Board elects to exercise the provisions of Education Code Section 22715 and Government Code Section 20901, contingent upon the receipt of necessary authorizations required by law, including issuance of an executive order by the governor, and contingent on the Chancellor determining, in light of fiscal circumstances, that implementing provisions of Education Code Section 22715 and Government Code Section 20901 is in the interest of the California State University.

COMMITTEE ON EDUCATIONAL POLICY

Revision of Title 5—Student Discipline and Intellectual Property (REP 01-04-01)

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 41301 of Article 2, Subchapter 4, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

§ 41301. Expulsion, Suspension and Probation of Students.

Following procedures consonant with due process established pursuant to Section 41304, any student of a campus may be expelled, suspended, placed on probation or given a lesser sanction for one or more of the following causes which must be campus related:

- (a) Cheating or plagiarism in connection with an academic program at a campus.
- (b) Forgery, alteration or misuse of campus documents, records, or identification or knowingly furnishing false information to a campus.
- (c) Misrepresentation of oneself or of an organization to be an agent of a campus.
- (d) Obstruction or disruption, on or off campus property, of the campus educational process, administrative process, or other campus function.
- (e) Physical abuse on or off campus property of the person or property of any member of the campus community or of members of his or her family or the threat of such physical abuse.
- (f) Theft of, or non-accidental damage to, campus property, or property in the possession of, or owned by, a member of the campus community.
- (g) Unauthorized entry into, unauthorized use of, or misuse of campus property.
- (h) On campus property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes, except when lawfully prescribed pursuant to medical or dental care, or when lawfully permitted for the purpose of research, instruction or analysis.
- (i) Knowing possession or use of explosives, dangerous chemicals or deadly weapons on campus property or at a campus function without prior authorization of the campus president.

- (j) Engaging in lewd, indecent, or obscene behavior on campus property or at a campus function.
- (k) Abusive behavior directed toward, or hazing of, a member of the campus community.
- (l) Violation of any order of a campus president, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper, or by posting on an official bulletin board designated for the purpose, and which order is not inconsistent with any of the other provisions of this Section.
- (m) Soliciting or assisting another to do any act which would subject a student to expulsion, suspension or probation pursuant to this Section.
- (n) Unauthorized recording, dissemination, and publication of academic presentations for commercial purposes. This prohibition applies to a recording made in any medium, including, but not limited to, handwritten or typewritten class notes.
- (1) The term “academic presentation” means any lecture, speech, performance, exhibition, or other form of academic or aesthetic presentation, made by an instructor of record as part of an authorized course of instruction that is not fixed in a tangible medium of expression.
- (2) The term “commercial purpose” means any purpose that has financial or economic gain as an objective.

“Instructor of record” means any teacher or staff member employed to teach courses and authorize credit for the successful completion of courses.

~~(n)~~(o) For purposes of this Article, the following terms are defined:

- (1) The term “member of the campus community” is defined as meaning California State University ~~and Colleges~~ Trustees, academic, non-academic and administrative personnel, students, and other persons while such other persons are on campus property or at a campus function.
- (2) The term “campus property” includes:
 - (A) a real or personal property in the possession of, or under the control of, the Board of Trustees of the California State University ~~and Colleges~~, and
 - (B) all campus feeding, retail, or residence facilities whether operated by a campus or by a campus auxiliary organization.

- (3) The term “deadly weapons” includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.
- (4) The term “behavior” includes conduct and expression.
- (5) The term “hazing” means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the campus community; but the term “hazing” does not include customary athletic events or other similar contests or competitions.

~~(e)~~(p) This Section is not adopted pursuant to Education Code Section 89031.

~~(p)~~(q) Notwithstanding any amendment or repeal pursuant to the resolution by which any provision of this Article is amended, all acts and omissions occurring prior to that effective date shall be subject to the provisions of this Article as in effect immediately prior to such effective date.

Note: Authority cited: Sections 66300, ~~66600, 66452, and 89030 and 89035~~, Education Code. Reference: Sections ~~66017, 66300, and 66450 et seq. 66600, 69810-69813 and 89030~~, Education Code; and ~~Section 626.2, Penal 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—Nonvehicular Transportation and Animals on Campus
(REP 01-04-02)**

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 42353.1 and amends Section 42354 of Article 9, Subchapter 5, Chapter 1, Division 5 of Title 5 of the *California Code of Regulations* as follows:

§ 42353.1. Bicycles, Skateboards, Roller Skates, and Animals.

- (a) The president of the campus may permit forms of transportation on the campus in accordance with reasonable directives issued by the campus president. No person shall use forms of transportation upon the campus driveways, pathways, parking facilities or grounds except in accordance with directives issued by the campus president. The campus president may designate the campus areas that shall be open to use of forms of transportation, and shall place appropriate signs indicating the time and the conditions for their use. “Forms of transportation,” shall include bicycles, motorized bicycles, scooters, motorized scooters, skateboards, roller skates including inline skates, and other forms of transportation that are not motor vehicles.
- (b) No person shall bring an animal onto the grounds or into the buildings of a campus except in accordance with directives issued by the campus president. The president of the campus may permit animals on campus in accordance with reasonable directives issued by the campus president. The president shall consider such factors as the safety of the campus community, cleanliness of the buildings and grounds of the campus, and the needs of the animal’s owner as in the case of service animals.

Note: Authority cited: Sections 89030 and 89031, Education Code; Section 21113, Vehicle Code. Reference: Section 89031, Education Code; Section 21113, Vehicle Code.

§ 42354. Notice.

Notice shall be posted at or near the principal entrances of each campus calling attention to the existence of regulations relating to ~~soliciting handbills and circulars, and to public meetings, performances, rallies and similar public events, citing by the number the sections in this Article~~ use of CSU buildings and grounds and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.

Note: Authority cited: Sections ~~66600~~, 89030, ~~and 89031~~ and 89035, Education Code. Reference: Section 89031, Education Code; Section 21113, Vehicle 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 GOVERNMENTAL RELATIONS

2003/2004 Legislative Report No. 7 (RGR 01-04-01)

RESOLVED, By the Board of Trustees of the California State University, that the 2003-04 Legislative Report No. 7 is adopted.

California State University Federal Agenda for 2004 (RGR 01-04-02)

RESOLVED, By the Board of Trustees of the California State University, that the federal legislative program described in this item are adopted as the 2004 CSU Federal Agenda.

Economic Recovery Bond (Proposition 57) and California Balanced Budget (Proposition 58): Endorsement by Board of Trustees (RGR 01-04-03)

RESOLVED, By the Board of Trustees of the California State University, that the board supports the Economic Recovery Bond initiative, Proposition 57, and the California Balanced Budget initiative, Proposition 58, that are scheduled to appear on the March 2004 Primary Election ballot.

COMMITTEE OF THE WHOLE

Appointment of Member to the California State University Headquarters Building Commission (COW 01-04-01)

RESOLVED, By the Board of Trustees of the California State University, that Mr. George Pardon be reappointed a commissioner of the California State University Headquarters Building Commission for a succeeding four year term.