

AGENDA

COMMITTEE OF THE WHOLE

Meeting: 9:45 a.m. Wednesday, July 14, 2004
Glenn S. Dumke Auditorium

Murray L. Galinson, Chair
Roberta Achtenberg, Vice Chair
Debra S. Farar
Bob Foster
Eric Z. Guerra
William Hauck
Ricardo F. Icaza
Kathleen E. Kaiser
Shailesh J. Mehta
Frederick W. Pierce, IV
Charles B. Reed, Chancellor
Kyriakos Tsakopoulos
Anthony M. Vitti

Consent Item

Approval of Minutes of Meeting of May 18, 2004

1. Amendments to Title 5, *Action*

**MINUTES OF THE MEETING OF
COMMITTEE OF THE WHOLE**

**Trustees of The California State University
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

May 18, 2004

Members Present

Debra S. Farar, Chair
Murray L. Galinson, Vice Chair
Roberta Actenberg
Eric Z. Guerra
William Hauck
Kathleen E. Kaiser
M. Alexander Lopez
Frederick W. Pierce, IV
Charles B. Reed, Chancellor
Kyriakos Tsakopoulos
Anthony M. Vitti

Members Absent

Bob Foster
Ricardo F. Icaza
Shailesh J. Mehta

Chancellor's Office Staff

David S. Spence, Executive Vice Chancellor and Chief Academic Officer
Richard P. West, Executive Vice Chancellor and Chief Financial Officer
Jackie R. McClain, Vice Chancellor, Human Resources
Christine Helwick, General Counsel

Chair Farar called the meeting to order at 10:00 a.m.

Consent Item

Approval of Minutes of March 16, 2004

Chair Farar stated that the Minutes of March 16, 2004 was a consent item. She stated that unless there was an objection, the consent item would be accepted. There were no comments and the minutes were approved as submitted.

Discussion Items

Chair Farar introduced Agenda Item 1 as an information item that proposes modifications to Title 5. She asked General Counsel Christine Helwick to describe the purpose of the changes.

Ms. Helwick stated that, with the adoption of updated Rules of Procedure, it was decided to update the other governing rules to make sure they were all legally accurate, in accord with good governance principles and expressed in plain English. She told the Trustees that the reason for each proposed change was summarized below each section or article, but that, generally, the passage of time as well as legal developments accounted for most of the changes. Ms. Helwick pointed to some specific changes included because of changes in the law. She reported that the item was presented for information and would return for action at the July Board meeting.

Adjournment

Chair Farar announced that the business of the Committee of the Whole was concluded and the meeting was adjourned at 10:05 a.m.

COMMITTEE OF THE WHOLE

Revision of Title 5

Presentation By

Christine Helwick
General Counsel

Summary

This item, presented for information in May, proposes to amend, repeal, delete, and edit sections in Title 5 of the California Code of Regulations. As noted in the May agenda item, these changes principally remove outdated language from the Board's regulations. Other changes add clarifying language or language required by developing law. The changes are summarized as follows:

Outdated language is removed from Sections 40402.1, 40405, 40405.1, 40405.2, 40405.3, 40405.4, 40500*, 40501*, 40503*, 40505*, and 40506*. The language limits application of these admission and graduation requirement sections to students who entered the curriculum on or after the commencement of the 1981-82 or 1991-92 academic years.

Outdated sections 40500, 40501, 40503, 40505, and 40506 are repealed. These sections establish the curriculum for students who entered the curriculum prior to the 1981-82 academic year.

Section 40901 is amended to remove from the definition of "disadvantaged applicant" that may qualify for special admission programs, disadvantage due to "cultural" background or "environment."

Section 41301 is amended to clarify that the cause for student discipline for "obstruction or disruption" refers to a willful, material, and substantial obstruction or disruption. Thus, activity protected by the First Amendment to the U. S. Constitution would be excluded. Further, Section 41301 is amended to expressly include computer-related crimes as provided in Penal Code Section 502.

Article 1 comprising Sections 41600 and 41601 defining community relations responsibilities under Education Code Section 89044 is repealed.

Section 41906 is amended to conform to Education Code Section 68120 the requirements of qualifying for an exemption for nonresident tuition for dependents and spouses of a deceased resident who was killed in the performance of active law enforcement or fire suppression duties.

Outdated language in Section 41910 is removed. The reference to repealed Section 41909 is eliminated.

Section 42395 prescribing Trustees emergency meeting procedures is repealed since Government Code Section 11125.5 now contains the procedure.

Section 42705 stating that the Chancellor has the same administrative authority as previously given to the Director of Education is repealed.

Section 42728 is amended to remove the last sentence stating that management personnel plan (MPP) reconsideration procedures do not apply to employee discipline hearings under Education Code Section 89539. Since MPP employees are not disciplined under Section 89539 and MPP reconsideration procedures are not disciplinary procedures, the reference is confusing and is removed.

Article 15.1 comprising Sections 43600, 43601, 43602, 43603, and 43604 prescribing the administrative process provided to employees charged with un-American activities is repealed.

Article 15.6 comprising Sections 43660-43668 (Certification of Tenured Faculty to Continue Employment Beyond Age 70) is deleted from the Code as having been repealed January 1, 1994.

All references to "California State University and Colleges" in Chapter 1 of Division 5 will be changed to read, "California State University."

Proposed Revisions

The following resolution is recommended for adoption:

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 approves the revisions to Chapter 1, Division 5 of Title 5 of the *California Code of Regulations* as follows:

Subchapter 2 — Educational Program Article 5 — General Requirements for Graduation

§ 40402.1. Entry-Level Learning Skills.

~~(This section applies to students who enter the curriculum on or after the commencement of the 1981-82 academic year.)~~

Each student admitted to The California State University is expected to possess basic competence in the English language and mathematical computation to a degree reasonably expected of entering college students. Students admitted who cannot demonstrate such basic competence should be identified as quickly as possible and be required to take steps to overcome the deficiencies. Any coursework completed primarily for this purpose shall not be applicable to the baccalaureate degree.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

§ 40405. General Education–Breadth Objectives.

~~(This section applies to students who enter the curriculum on or after the commencement of the 1981-82 academic year.)~~

General education-breadth requirements in The California State University are so designed that, taken with the major depth program and elective credits presented by each candidate for the bachelor's degree, they will assure that graduates from the several campuses in the system have made noteworthy progress toward becoming truly educated persons. Particularly, the purpose of the breadth requirements is to provide means whereby graduates:

(a) will have achieved the ability to think clearly and logically, to find and critically examine information, to communicate orally and in writing, and to perform quantitative functions;

(b) will have acquired appreciable knowledge about their own bodies and minds, about how human society has developed and how it now functions, about the physical world in which they live, about the other forms of life with which they share that world, and about the cultural endeavors and legacies of their civilizations;

(c) will have come to an understanding and appreciation of the principles, methodologies, value systems, and thought processes employed in human inquiries.

It is the intent of this section that the general education-breadth requirements be planned and organized in such a manner that students will acquire the abilities, knowledge, understanding, and appreciation suggested as interrelated elements and not as isolated fragments.

There are three acceptable programs: The California State University General Education-Breadth Requirements (Section 40405.1), the Intersegmental General Education Transfer Curriculum (Section 40405.2), and General Education Reciprocity with the University of California (Section 40405.3).

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

§ 40405.1. California State University General Education-Breadth Requirements.

~~(This section applies to students who enter the curriculum on or after the commencement of the 1981-82 academic year.)~~

(a) Each recipient of the bachelor's degree completing the California State University General Education-Breadth Requirements pursuant to this subdivision (a) shall have completed a program which includes a minimum of 48 semester units or 72 quarter units of which 9 semester units or 12 quarter units shall be upper division level and shall be taken no sooner than the term in which the candidate achieves upper division status. At least 9 of the 48 semester units or 12 of the 72 quarter units shall be earned at the campus granting the degree. The 48 semester units or 72 quarter units shall be distributed as follows:

(1) A minimum of 9 semester units or 12 quarter units in communication in the English language, to include both oral communication and written communication, and in critical thinking, to include consideration of common fallacies in reasoning.

(2) A minimum of 12 semester units or 18 quarter units to include inquiry into the physical universe and its life forms, with some immediate participation in laboratory activity, and into mathematical concepts and quantitative reasoning and their applications.

(3) A minimum of 12 semester units or 18 quarter units among the arts, literature, philosophy and foreign languages.

(4) A minimum of 12 semester units or 18 quarter units dealing with human social, political, and economic institutions and behavior and their historical background.

(5) A minimum of 3 semester units or 4 quarter units in study designed to equip human beings for lifelong understanding and development of themselves as integrated physiological, social, and psychological entities.

The specification of numbers of units implies the right of discretion on each campus to adjust reasonably the proportions among the categories in order that the conjunction of campus courses, credit unit configurations and these requirements will not unduly exceed any of the prescribed semester or quarter unit minima. However, the total number of units in General Education-Breadth accepted for the bachelor's degree under the provisions of this subdivision (a) should not be less than 48 semester units or 72 quarter units.

(b) The President or an officially authorized representative of a college which is accredited in a manner stated in Section 40601 (d)(1) may certify the extent to which the requirements of subdivision (a) of this section have been met up to a maximum of 39 semester units (or 58 quarter units). Such certification shall be in terms of explicit objectives and procedures issued by the Chancellor.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

§ 40405.2. Intersegmental General Education Transfer Curriculum.

~~(This section applies to students who transfer to a California State University campus from a California Community College on or after the commencement of the 1991-92 academic year.)~~

(a) Students transferring from California Community Colleges under the provisions of this subdivision may satisfy General Education-Breadth requirements for the California State University bachelor's degree through satisfactory completion of the Intersegmental General Education Transfer Curriculum and a minimum of 9 semester units or 12 quarter units of upper division general education coursework. All upper division general education requirements shall be completed no sooner than the term in which the candidate achieves upper division status at the California State University campus granting the degree.

All lower division requirements can be fulfilled by completing the Intersegmental General Education Transfer Curriculum which shall include lower division courses distributed as follows:

(1) A minimum of 9 semester units or 12 quarter units in English communication, to include one course in English composition of no fewer than 3 semester units or 4 quarter units, one course in oral communication of no fewer than 3 semester units or 4 quarter units, and one course in critical thinking-English composition of no fewer than 3 semester units or 4 quarter units.

(2) A minimum of 3 semester units or 4 quarter units in mathematical concepts and quantitative reasoning.

(3) At least three courses totaling a minimum of 9 semester units or 12 quarter units in arts and humanities, to include at least one course in the arts and at least one course in the humanities.

(4) At least three courses totaling a minimum of 9 semester units or 12 quarter units in the social and behavioral sciences, including courses in a minimum of two disciplines or in an interdisciplinary sequence.

(5) At least two courses totaling a minimum of 7 semester units or 9 quarter units in the physical and biological sciences, to include at least one course in physical science and one course in biological science at least one of which incorporates a laboratory.

(b) The president or an officially authorized representative of a California Community College may certify that the requirements of subdivision (a) of this section have been met through the satisfactory completion of courses approved by the California State University and the University of California for inclusion in the Intersegmental General Education Transfer Curriculum. California State University campuses shall accept certification of the fully completed

Intersegmental General Education Transfer Curriculum as meeting all of the lower division general education requirements for the baccalaureate degree.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

§ 40405.3. Lower Division General Education Reciprocity Between the California State University and the University of California.

~~(This section applies to students who transfer to a California State University campus from the University of California on or after the commencement of the 1991-92 academic year.)~~

(a) The Chancellor may enter into a formal agreement of reciprocity for lower division general education requirements between the California State University and the University of California. Pursuant to such an agreement, students transferring to the California State University from campuses of the University of California may satisfy California State University general education-breadth requirements for the bachelor's degree through satisfactory completion of all lower division general education requirements of a University of California campus and of a minimum of 9 semester units or 12 quarter units of upper division general education coursework at the California State University campus granting the degree. Upper division general education requirements shall be taken no sooner than the term in which the candidate achieves upper division status.

(b) If the chancellor or an officially authorized representative of a University of California campus certifies that a student has completed that campus's lower division general education program, California State University campuses shall accept that certification as meeting all of the lower division general requirements for the baccalaureate degree.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

§ 40405.4. Procedures for Implementing Programs to Meet General Education Requirements.

~~(This section applies to students who enter the curriculum on or after the commencement of the 1991-92 academic year.)~~

(a) The Chancellor shall establish procedures to implement the objectives and requirements of Section 40405.1-40405.3, including provision for exceptions in individual cases of demonstrable hardship, and including periodic review of the extent to which the objectives and requirement are being met.

(b) The Chancellor may grant exceptions to the requirements of subdivision (a) of Section 40405.1 for high unit professional degree major programs on a program-by-program basis.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

**Subchapter 2 — Educational Program
Article 6 — Undergraduate Degrees**

~~§ 40500. Bachelor of Arts Degree: Required Curriculum.~~

~~(This section applies to students who meet the requirements of Section 40401 and who enter the curriculum prior to the commencement of the 1981-82 academic year.)~~

~~To be eligible for the Bachelor of Arts degree, the candidate shall have completed the following requirements:~~

~~(a) General Education Breadth Requirements, minimum 40 semester units.~~

~~The courses in General Education Breadth Requirements shall be distributed in the manner prescribed in Section 40405.~~

~~(b) Major 24 semester units.~~

~~There shall be one major with a minimum of 24 semester units, exclusive of courses used to meet the requirements of 40 units in General Education Breadth Requirements. At least 12 units in the major shall be upper division courses or their equivalent. The maximum number of units shall be determined by the college.~~

~~(c) Minor.~~

~~A minor consisting of 12 or more units, of which six must be in upper division credit, may be required.~~

~~(d) Additional Units.~~

~~Units to complete the 124 required for the degree may be used as electives or to meet other requirements.~~

~~(e) Total units required for the Bachelor of Arts Degree, of which at least 40 shall be in the upper division credit 124 units.~~

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

§ 40500. Bachelor of Arts Degree: Required Curriculum.*

~~*(This section applies to students who enter the curriculum on or after the commencement of the 1981-82 academic year.)~~

To be eligible for the Bachelor of Arts degree, the candidate shall have completed the following requirements:

(a) General Education-Breadth Requirements.

The courses in General Education-Breadth Requirements shall be distributed in the manner prescribed in Sections 40405-40405.4.

(b) Major 24 semester units.

There shall be one major with a minimum of 24 semester units. At least 12 semester units in the major shall be upper division courses or their equivalent. The maximum number of units shall be determined by the campus.

(c) Minor.

A minor consisting of 12 or more semester units, of which six must be in upper division credit, may be required.

(d) Additional Units. Units to complete the total required for the degree may be used as electives or to meet other requirements.

(e) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000-01 academic year, the total semester units required for the Bachelor of Arts Degree, of which at least 40 shall be in the upper division credit, shall be 124 semester units. For candidates for the Bachelor of Arts degree who are meeting graduation requirements established during or after the 2000-01 academic year, a minimum of 120 semester units shall be required, including at least 40 semester units in upper-division courses or their equivalent.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

~~§ 40501. Bachelor of Science Degree: Required Curriculum~~

~~(This section applies to students who meet the requirements of Section 40401 and enter the curriculum prior to the commencement of the 1981-82 academic year.~~

~~To be eligible for the Bachelor of Science degree, the candidate shall have completed the following requirements:~~

~~(a) General Education Breadth Requirements, minimum 40 semester units. The courses in General Education Breadth Requirements shall be distributed in the manner prescribed in Sections 40405.~~

~~(b) Major 36 semester units.~~

~~There shall be one major with a minimum of 36 semester units, exclusive of courses used to meet this requirement of 40 units in General Education Breadth Requirements. At least 18 units in this major shall be upper division courses or their equivalent. The maximum number of units shall be determined by the campus.~~

~~(c) Total units required for the Bachelor of Science degree..... 124 to 132 semester units.~~

~~The number of semester units for each curriculum shall be determined by each campus with in the limits of 124 to 132, except that 140 semester units may be required in engineering.~~

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

§ 40501. Bachelor of Science Degree: Required Curriculum. *

~~*(This section applies to students who enter the curriculum on or after the commencement of the 1981-82 academic year.)~~

To be eligible for the Bachelor of Science degree, the candidate shall have completed the following requirements:

(a) General Education-Breadth Requirements. The courses in General Education-Breadth Requirements shall be distributed in the manner prescribed in Sections 40405-40405.4.

(b) Major36 semester units. There shall be one major with a minimum of 36 semester units. At least 18 semester units in this major shall be upper division courses or their equivalent. The maximum number of units shall be determined by the campus.

(c) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000-01 academic year, the total semester units required for the Bachelor of Science degree shall be 124 to 132 semester units, as determined by each campus, except that 140 semester units may be required in engineering. For candidates for the Bachelor of Science degree who are meeting graduation requirements established during or after the 2000-01 academic year, a minimum of 120 semester units shall be required.

The number of semester units for each curriculum shall be determined by each campus.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

~~§ 40503. Bachelor of Vocational Education Degree.~~

~~(This section applies to students who meet the requirements of Section 40401 and who enter the curriculum prior to the commencement of the 1981-82 academic year.)~~

~~(a) Eligibility for Candidacy. Eligible candidates for this degree shall be limited to those vocational teachers recommended by the Board of Examiners for Vocational Teachers and who meet the requirements established in the Education Code.~~

~~(b) Educational Program. The educational program for each applicant shall be determined by the campus in terms of the needs of the individual applicant and the standards of the institution. A rigid pattern of subjects, and prerequisites except as they may be necessary to advanced courses, will not be required.~~

~~(c) Requirements. Each applicant for the degree shall have completed with a grade point average of 2.0 (grade C) or better, except that only those courses in which a letter grade (A, B, C, D., F) is assigned shall be used in computing the grade point average, a course of 124 semester units, including the credits recommended by the Board of Examiners, and shall have met the General Education Breadth Requirements prescribed in Section 40405.~~

~~(d) Major in Vocational Education. The credits recommended by the Board of Examiners for Vocational Teachers for the applicant's occupational, managerial and supervisory experience shall be applied toward a major in vocational education.~~

~~(e) Credit for Vocational Teacher Training. The vocational teacher training completed by the applicant may be used toward a minor in education or toward electives if some other minor is used.~~

~~NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600, 89030 and 89221-89223, Education Code.~~

§40503. Bachelor of Vocational Education Degree. *

~~*(This section applies to students who enter the curriculum on or after the commencement of the 1981-82 academic year.)~~

(a) Eligibility for Candidacy. Eligible candidates for this degree shall be limited to those vocational teachers recommended by the Board of Examiners for Vocational Teachers and who meet the requirements established in the Education Code.

(b) Educational Program. The educational program for each applicant shall be determined by the campus in terms of the needs of the individual applicant and the standards of the institution. A rigid pattern of subjects, and prerequisites except as they may be necessary to advanced courses, will not be required.

(c) Requirements. An applicant for the degree who elects, pursuant to Section 40401, to meet graduation requirements established prior to the 2000-01 academic year shall have completed, with a grade point average of 2.0 (grade C) or better, except that only those courses in which a letter grade (A, B, C, D, F) is assigned shall be used in computing the grade point average, a course of 124 semester units, including the credits recommended by the Board of Examiners, and shall have met the General Education-Breadth Requirements prescribed in Sections 40405-40405.4. Each applicant meeting graduation requirements established during or after the 2000-01 academic year shall have completed at least 120 semester units, including the credits recommended by the Board of Examiners, and shall have met the General Education-Breadth Requirements prescribed in Sections 40405-40405.4. The applicant shall have achieved a grade point average of 2.0 or better in those courses in which a letter grade (A, B, C, D, F) was assigned.

(d) Major in Vocational Education. The credits recommended by the Board of Examiners for Vocational Teachers for the applicant's occupational, managerial and supervisory experience shall be applied toward a major in vocational education.

(e) Credit for Vocational Teacher Training. The vocational teacher training completed by the applicant may be used toward a minor in education or toward electives if some other minor is used.

NOTE: Authority cited: Sections ~~66600~~, 89030 and ~~89035~~, Education Code.
Reference: Sections ~~66600~~, 89030 and 89221-89223, Education Code.

~~§40505. Bachelor of Architecture Degree: Required Curriculum.~~

~~(This section applies to students who meet the requirements of Section 40401 and who enter the curriculum prior to the commencement of the 1981-82 academic year.)~~

~~To be eligible for the Bachelor of Architecture degree, the candidate shall have completed the following requirements.~~

~~(a) General Education Breadth Requirements, minimum—40 semester units.~~

~~The courses in General Education-Breadth Requirements shall be distributed in the manner prescribed in Section 40405.~~

~~(b) Major—45 semester units. The major shall consist of a minimum of 45 semester units. At least 27 semester units in the major shall be in upper division courses or their equivalent. The maximum number of units shall be determined by each campus.~~

~~(c) Total units required for the Bachelor of Architecture degree—150 to 175 semester units. The total number of units required for the Bachelor of Architecture degree shall be distributed over a ten-semester period or equivalent.~~

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

§ 40505. Bachelor of Architecture Degree: Required Curriculum. *

~~*(This section applies to students who enter the curriculum on or after commencement of the 1981-82 academic year.)~~

To be eligible for the Bachelor of Architecture degree, the candidate shall have completed the following requirements:

(a) General Education-Breadth Requirements. The courses in General Education-Breadth Requirements shall be distributed in the manner prescribed in Sections 40405-40405.4.

(b) Major 45 semester units. The major shall consist of a minimum of 45 semester units. At least 27 semester units in the major shall be in upper division courses or their equivalent. The maximum number of units shall be determined by each campus.

(c) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000-01 academic year, the total semester units required for the Bachelor of Architecture degree shall be 165 to 175 semester units. For candidates for the Bachelor of Architecture degree who are meeting graduation requirements established during or after the 2000-01 academic year, a minimum of 120 semester units shall be required. The total number of units required for the Bachelor of Architecture degree shall be distributed over a ten-semester period or equivalent.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

**~~§ 40506. Bachelor of Music Degree and Bachelor of Fine Arts Degree:
Required Curriculum.~~**

~~(This section applies to students who meet the requirements of Section 40401 and who enter the curriculum prior to the commencement of the 1981-82 academic year.)~~

~~To be eligible for either the Bachelor of Music degree or the Bachelor of Fine Arts degree, the candidate shall have completed the following requirements:~~

~~(a) General Education Breadth Requirements, minimum 40 semester units. The courses in General Education Breadth Requirements shall be distributed in the manner prescribed in Section 40405.~~

~~(b) Major—70 semester units. The major shall consist of a maximum of 70 semester units with at least one fourth of these units devoted to theory and content as distinguished from studio, production, and performance.~~

~~(c) Total units required for the Bachelor of Music degree and the Bachelor of Fine Arts degree—132 semester units.~~

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

**§ 40506. Bachelor of Music Degree and Bachelor of Fine Arts Degree:
Required Curriculum.***

~~*(This section applies to students who enter the curriculum on or after the commencement of the 1981-82 academic year.)~~

To be eligible for either the Bachelor of Music degree or the Bachelor of Fine Arts degree, the candidate shall have completed the following requirements:

(a) General Education-Breadth Requirements. The courses in General Education—Breadth Requirements shall be distributed in the manner prescribed in Sections 40405-40405.4.

(b) Major—70 semester units. The major shall consist of a maximum of 70 semester units with at least one-fourth of these units devoted to theory and content as distinguished from studio, production, and performance.

(c) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000-01 academic year, the total semester units required for the Bachelor of Music degree and the Bachelor of Fine Arts degree shall be 132 semester units. For candidates for the Bachelor of Music degree and the Bachelor of Fine Arts degree who are meeting graduation

requirements established during or after the 2000-01 academic year, a minimum of 120 semester units shall be required.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

Subchapter 3 — Admission Requirements
Article 6 — Admission of Undergraduate Applicants Not Otherwise Eligible

§ 40901. Exceptions for Applicants to Special Compensatory Programs.

(a) An applicant who is not otherwise eligible for admissions either as a first-time freshman pursuant to Article 4 (commencing with Section 40751) or as a transfer student with fewer than 56 semester (84 quarter) units for admission prior to fall term 2005 and fewer than 60 semester (90 quarter) units commencing with admission to the fall 2005 term pursuant to Article 5 (commencing with Section 40801) may be admitted to a campus provided that he or she is a disadvantaged applicant for whom special compensatory assistance is available, and provided further that the number of applicants enrolled in The California State University pursuant to this Section for any college year shall not exceed 4% of all undergraduate students enrolled for the first time in The California State University during the previous college year exclusive of those who enrolled after being admitted under the provisions of this article. The Chancellor may establish, and may from time to time revise, procedures for the administration of this Section.

(b) As used in this Section, the term “disadvantaged applicant” means an applicant who comes from a low-income family, who has the potential to perform satisfactorily on the college level, but who has been and appears to be unable to realize that potential without special assistance because of economic, ~~cultural,~~ or educational background ~~or environment~~.

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

Subchapter 4 — Student Affairs
Article 2 — Student Discipline

§ 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~~ Willful, material, and substantial 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 this 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.

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

(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 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) real or personal property in the possession of, or under the control of, the Board of Trustees of the California State University, 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.

(6) The causes for discipline in this section shall, as appropriate, include computer-related crimes as provided in Section 502 of the Penal Code.

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

(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, 66452 and 89030, Education Code. Reference: Sections 66300 and 66450 et seq., Education Code; and Section 502, Penal Code.

Subchapter 5 — Administration
Article 1 — Community Relations Responsibilities

~~§ 41600. Definition of Community Relations Responsibilities of Campus Presidents.~~

~~Community relations responsibilities of a campus president, referred to in Section 89044 of the Education Code, are defined to include:~~

~~(a) Membership and participation in the activities of community groups, including but not limited to service clubs and community wide organizations of leading citizens in education, business, government, industry, and agriculture, with which a campus president should collaborate in order that the campus may properly serve the needs of the community.~~

~~(b) Official activities commonly engaged in by campus administrations and customarily recognized as essential for promoting and maintaining student, faculty, and staff morale and for developing and maintaining effective relations with the community. Such activities may include but are not limited to campus receptions, public ceremonies, and lay advisory committee meetings concerned with various aspects of the campus instructional program such as teacher education, business education, and engineering education.~~

~~(c) Providing essential accommodations and sustenance for official guests of the campus.~~

~~NOTE: Authority cited: Sections 66600, 89030, 89035 and 89044, Education Code. Reference: Section 89044, Education Code.~~

~~§ 41601. Definition of Community Relations Responsibilities of the Chancellor.~~

~~Community relations responsibilities of the Chancellor, referred to in Section 89044 of the Education Code, are defined to include:~~

~~(a) Membership and participation in the activities of community, State and national groups, including but not limited to service groups and other organizations of leading citizens in education, business, government, industry, and agriculture, with which the Chancellor should collaborate in order that the California State University may properly serve the needs of the State.~~

~~(b) Official activities commonly engaged in by the chief executive officer of colleges and universities and customarily recognized as essential for promoting and maintaining student, faculty, and staff morale, and for developing and maintaining effective relations with local, State, and national organizations. Such activities may include but are not limited to receptions, public ceremonies, and lay advisory committee meetings concerned with various aspects of the instructional program of the California State University.~~

~~(c) Providing essential accommodations, and sustenance for official guests of the California State University.~~

~~NOTE: Authority cited: Sections 66600, 89030, 89035 and 89044, Education Code. Reference: Section 89044, Education Code.~~

Subchapter 5 — Administration
Article 4 — Nonresident Tuition

§ 41906. Evidence Required for Application of Statutory Exceptions to Non-Resident Tuition Classification.

(a) Any minor or eighteen-year-old student claiming application of the self-support exception pursuant to Section 68071 of the Education Code shall provide evidence to the appropriate campus authority including, but not limited to: documentation showing earnings for the year immediately preceding the opening day of the semester or quarter of attendance in the form of a statement from the employer or federal withholding form, a statement that the student has actually been present in California for said year (short durational stays away from the state are permitted), and a statement showing all expenses of the student for said year.

(b)(1) A dependent natural or adopted child, stepchild or spouse of a member of the armed forces of the United States claiming residence status pursuant to Section 68074 of the Education Code shall provide the appropriate campus authority with the following documents:

(A) A statement from the military person's commanding officer or personnel officer that the military person is stationed in California on active duty as of the residence determination date, and

(B) A statement that the student is a dependent of the military person and was claimed as a dependent for federal income tax purposes.

(2) A student dependent qualifying under this exception shall not lose his or her resident classification until he or she has resided in the state the minimum time necessary to become a resident. This exception shall continue to apply even though the member of the armed forces whose dependent is a student in attendance is either (A) transferred on military orders outside of this state and continues to serve, or is (B) retired as an active member of the armed forces.

(c) A student claiming application of Section 68075 of the Education Code shall provide the appropriate campus authority with a statement from the student's commanding officer or personnel officer stating that the assignment to active duty in this State is not for educational purposes. The student shall also produce evidence showing the date of assignment to California.

(d) A student claiming resident status pursuant to Section 68078 of the Education Code shall provide the appropriate campus authority with a statement from the employer showing employment by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls. The student must also show that he or she holds a provisional credential and will enroll in courses necessary to obtain another type of credential authorizing service in the public schools, or that the student holds a credential issued pursuant to Section 44250 of the Education Code and is enrolled in courses necessary to fulfill credential requirements or is enrolled in courses necessary to fulfill the requirements, of the fifth year of education prescribed by subdivision (b) of Section 44259 of the Education Code.

(e) A child, natural or adopted, or a spouse of a deceased California resident who, at the time of death, was employed by a public agency whose principal duties for that agency were active law enforcement service or active fire suppression and prevention and who was killed in the performance of active law enforcement or active fire suppression ~~or~~ and prevention duties or who died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of active law enforcement or active fire suppression and prevention duties, claiming exemption from tuition pursuant to Section ~~68121~~ 68120 of the Education Code shall provide the appropriate campus authority with documentary evidence showing:

- (1) Legal relationship to deceased;
- (2) California residence of deceased at time of death;
- (3) Deceased was employed by a public agency at time of death;
- (4) Principal duties of deceased at time of death were active law enforcement service or active fire suppression and prevention service;
- (5) Principal duties of deceased were not clerical; and
- (6) Deceased was killed on duty as a result of an accident or an injury caused by external violence or physical force incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties.

The appropriate campus authority may request evidence to establish any other fact reasonably necessary to determine eligibility for exemption from tuition.

(f) Any minor or eighteen-year-old student claiming application of the care and control exception pursuant to Section 68073 of the Education Code shall provide evidence to the appropriate campus authority including, but not limited to, evidence of living for two years with, and under the direct care and control of, an adult or adults, other than a parent, and evidence of domicile of such adult or adults.

NOTE: Authority cited: Sections 68044 and 89030, Education Code. Reference: Sections 68071, 68073, 68074, 68075, 68078 and ~~68121~~68120, Education Code.

§ 41910. Employee Exception.

A student who is a full-time employee of the Trustees or of any state agency or a student who is a child or spouse of a full-time employee of the Trustees or of any state agency shall be entitled to classification as a resident for tuition purposes until he or she has resided in California the minimum time necessary to become a resident, ~~as provided in Section 41909~~. This section does not apply to student assistants or employees who work all year on a part-time basis, or full time on a less than annual basis.

For purposes of this section, “employee of any state agency” is limited to a person employed by the State of California who is assigned to work outside of the state.

NOTE: Authority cited: Sections 68044 and 89030, Education Code Reference: Section 68079, Education Code.

Subchapter 5 — Administration
Article 13 — Emergency Meeting

~~§ 42395. Rules and Procedures for Emergency Meeting of the Board of Trustees.~~

~~Pursuant to the authority of Government Code Section 11125(a), the Chairman of the Board of Trustees, the Chancellor, or any four members of the Board of Trustees may call an emergency meeting of the Board without complying with the one-week notice otherwise required by that section. Such a meeting may be called when necessitated by unforeseen emergency conditions which might result in a detriment to The California State University or the public interest if such a meeting were delayed for the one-week notice normally required by Government Code Section 11125.~~

~~Upon the convening of the emergency meeting the Chancellor shall present a statement of the circumstances which constituted the unforeseen emergency conditions and the detrimental consequences which might result in the event of such delay.~~

~~Notice of the time and place of any emergency meeting called pursuant to this section and the nature of the matters to be considered shall be given as soon as possible after it has been determined that such a meeting is necessary.~~

~~NOTE: Authority cited: Section 66600, 89030 and 89035, Education Code. Reference: Section 11125 (a), Government Code.~~

Subchapter 7 — Employees
Article 2 — Staff Organization and Appointment of Employees

~~§ 42705. Chancellor.~~

~~The Chancellor shall have the same administrative authority with regard to this subchapter as heretofore was given to the Director of Education.~~

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

Subchapter 7 — Employees
Article 2.2 — Management Personnel Plan

~~§ 42728. Reconsideration.~~

~~The Chancellor or the President, as appropriate, may prescribe an informal means of hearing complaints from Management Personnel Plan employees who serve in the Headquarters Office or at a campus of The California State University. The informal procedures so prescribed shall be the exclusive administrative remedy available to a Management Personnel Plan employee to address the employee complaints or to seek reconsideration of any personnel decision allegedly adverse to the interests of the employee. The procedures so prescribed shall not apply to hearings on employee discipline under Section 89539 of the Education Code.~~

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

Subchapter 7 — Employees
~~Article 15.1 — Rules of Procedure for Appearance of an Employee Under Government Code Section 1028.1~~

~~§ 43600. Designation of Committee of Governing Body.~~

~~The Committee on Faculty and Staff Affairs, a standing committee of the Board of Trustees of the California State University, is hereby designated the appropriate committee of said governing body to conduct inquiries relating to those matters specified in Section 1028.1 of the Government Code. For the purpose of such inquiries, said committee shall have all powers conferred upon the Trustees pursuant to Section 89042 of the Education Code and may subpoena or order any~~

~~employee of the California State University to appear before it and to answer under oath a question or questions propounded by said committee or member or counsel thereof, relating to any of the matters specified in Section 1028.1 of the Government Code. Such appearances of employees and conduct of meetings of said committee shall be in conformity to this article. NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.~~

~~§43601. Form and Service of Order to Employee.~~

~~(a) The order to the employee to appear shall read substantially as follows:~~

~~“Pursuant to the provisions of Chapter 8 of Division 5 of the Education Code, Chapters 1 and 5 of Division 8 of the Education Code, and of Government Code Section 1028.1, you as an employee of the California State University and Colleges are herewith ordered and required to appear before the Committee on Faculty and Staff Affairs of the Board of Trustees of the California State University and Colleges at _____ in the City of _____, State of California, on the _____ day of _____, 19__, at the hour of _____ o'clock _____, for the purpose of answering under oath such questions as may be then and there propounded to you with respect to matters specified in said Government Code Section 1028.1.”~~

~~(b) The order shall be accompanied by a copy of Sections 1027.5, 1028, and 1028.1 of the Government Code, and shall be served personally upon the employee. The order shall contain the following statement from Government Code 1028.1:~~

~~“Any employee who fails or refuses to appear or to answer under oath on any ground whatsoever any such questions so propounded shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.”~~

~~NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.~~

~~§ 43602. Meetings.~~

~~(a) Public Meeting. The meeting shall be a public meeting unless the employee otherwise requests in writing five days prior to the meeting by letter directed to the Office of the Chancellor of the California State University, in which event the meeting shall be an executive one.~~

~~(b) Executive Session. Attendance at an executive session shall be limited to members of the committee, counsel to the Board of Trustees of the California~~

~~State University, the employee and his counsel, and such members of the staff of the Office of the Chancellor as the committee chairman may hereinafter designate.~~

~~NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.~~

~~**§43603. Counsel.**~~

~~The employee shall be permitted to be represented by counsel of his own choosing at such meeting.~~

~~NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.~~

~~**§ 43604. Conduct of Proceedings.**~~

~~The chairman or the person propounding the questions shall have the power to issue such orders as are necessary to maintain the fair, proper, and orderly conduct of the proceedings.~~

~~NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.~~

Subchapter 7 — Employees
Article 15.6 — Certification of Tenured
Faculty to Continue Employment Beyond Age 70

~~**§ 43660. Purpose.**~~

~~The purpose of this Article is to provide for the certification of eligibility of tenured faculty of the California State University who have attained age 70 to continue employment.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.~~

~~**§ 43661. Scope and Definition.**~~

~~(a) In this Article, tenured faculty refers to employees engaged primarily in instruction who are employed and compensated on the basis of class and rank and who have been granted tenure. (b) "Certification of eligibility" is a determination which shall entitle a tenured faculty member who has reached age 70 to delay~~

~~retirement and to continue employment for one year immediately following the certification's effective date.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.~~

~~**§ 43662. Failure to Request or Receive Certification.**~~

~~(a) A tenured faculty member who fails to request certification of eligibility in the manner and at the times required by this Article shall have waived the right to certification. The employment of an academic employee whose right to certification has been waived shall terminate on the first day of the calendar month next succeeding the month in which age 70 was attained unless age 70 was attained in an academic term or academic year in which case the tenured faculty member shall continue in active service until the end of the quarter, semester, or academic year during which the employee attains age 70.~~

~~(b) A tenured faculty member who fails to receive certification of eligibility shall terminate employment on the first day of the calendar month next succeeding the month in which age 70 was attained unless age 70 was attained in an academic term or academic year in which case the tenured faculty member shall continue in active service until the end of the quarter, semester, or academic year during which the employee attains age 70.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.~~

~~**§ 43663. Initial Certification.**~~

~~(a) The President, following consultation with the faculty, shall establish campus procedures to implement the provisions of this section.~~

~~(b) During the academic year prior to that academic year in which a tenured faculty member shall reach age 70, the President shall notify the tenured faculty member in writing of the requirement to request certification of eligibility as stated in subsection (c) below. For the tenured faculty member who shall reach age 70 between academic years, the notice shall be given prior to the academic year immediately preceding the tenured faculty member's attaining age 70.~~

~~(c) A tenured faculty member who wants to receive certification of eligibility shall so notify the President in writing during the first full month of the academic year in which the tenured faculty member shall attain age 70. If a tenured faculty member shall reach age 70 on a day when the campus is between academic years, the tenured faculty member shall notify the President during the first full month of the immediately preceding academic year.~~

~~(d) The President or designee shall decide whether to grant certification to the tenured faculty member after consideration of recommendations based on administrative and peer review. Certification shall be granted to the tenured faculty member whose job performance is standard or above.~~

~~(e) The President, by February 1 of the academic year in which the tenured faculty member requests certification of eligibility, shall notify the tenured faculty member in writing, whether the tenured faculty member has been granted a certification of eligibility.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.~~

~~**§ 43664. Recertification.**~~

~~A tenured faculty member who wants to delay retirement and continue employment after the termination of the initial or a subsequent certification period shall request recertification at least eight months prior to the termination of the current certification.~~

~~The procedures and requirements for recertification are the same as those for initial certification.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.~~

~~**§ 43665. Employment Status.**~~

~~A tenured faculty member who receives certification of eligibility shall continue to have tenure during the certification period.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.~~

~~**§ 43666. Temporary Continuance in Employment.**~~

~~If proper procedures under this Article were not followed, the President shall continue the tenured faculty member's employment until compliance with the procedures. Tenured faculty members who receive temporary continuance in employment remain subject to all laws, rules, policies and procedures that apply to other employees in the same class.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.~~

~~§ 43667. Delegation.~~

~~The Chancellor or designee is authorized to implement the policy and provisions of this Article, and to establish notification requirements for Quarter System Year Round Operations campuses.~~

~~NOTE: Authority cited: Sections 23922, 66600, 89030, 89035 and 89500, Education Code; and Section 20983.5, Government Code. Reference: Sections 23922 and 89509, Education Code; and Sections 20983.5, Government Code.~~

~~§ 43668. Repeal.~~

~~This article shall remain in effect until January 1, 1994, and on that date it shall be repealed.~~

~~NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Sections 89030 and 89500, Education Code; Section 12941(a) and 12942, Government Code; Title 29, United States Code, Section 631(d)(100 Stat. 3344).~~

And, be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed revisions 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.