

AGENDA

COMMITTEE OF THE WHOLE

Meeting: 10:00 a.m. Tuesday, May 18, 2004
Glenn S. Dumke Auditorium

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

Consent Item

Approval of Minutes of Meeting of March 16, 2004

Discussion Items

1. Amendments to Title 5, *Information*

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

**Trustees of The California State University
California State University, Fresno
Save Mart Center – Arena Floor
2650 East Shaw Avenue
Fresno, California 93710**

March 16, 2004

Members Present

Debra S. Farar, Chair
Murray L. Galinson, Vice Chair
Roberta Achtenberg
Eric Guerra (non-voting)
William Hauck
Kathleen Kaiser
M. Alexander Lopez
State Superintendent Jack O'Connell, ex officio
Ralph R. Pesqueira
Frederick W. Pierce, IV
Charles B. Reed, Chancellor
Anthony M. Vitti

Members Absent

Bob Foster
Ricardo F. Icaza
Shailesh J. Mehta
Kyriakos Tsakopoulos

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 1:10 p.m.

Consent Items

Approval of Minutes of January 28, 2004 and Litigation Report No. 19

Chair Farar stated that the Minutes of the January 28, 2004 Committee and Litigation Report No. 19, which was a semi-annual information report were consent items. She stated that unless there was an objection, she stated that the consent agenda would be accepted. There were no comments and the items were approved as submitted.

Discussion Items

Welcome to California State University Fresno

President Welty welcomed the Board of Trustees to California State University, Fresno and the Save Mart Center stating that the 22,000 students, 2,000 faculty and 200,000 alumni are proud that the Board was visiting their campus. President Welty remarked that a little less than 3 years ago, Chancellor Reed had joined him for the groundbreaking ceremonies for Fresno State's Save Mart Center. Since that time, this magnificent structure has been built, furnished and opened on time and on budget. He stated that the opening concert, with international opera star, Andre Boccelli had been front-page news in the San Francisco Chronicle and that since that opening night in October, over 500,000 people had attended over 80 events ranging from Andre Boccelli to Elton John to George Strait, Britney Spears and Sara Brightman. He continued that the Western Athletic Basketball Tournament had been there the previous week and that the campus was in the midst of a 37-day period in which 31 different events would be held in the facility. The President spoke of future plans for the facility – a student recreation center to be attached to the west end and development of the adjacent 45 acres to the east for commercial purposes to support further the campus educational mission and provide complimentary facilities needed in this region.

President Welty stated that the Event Center was a remarkable symbol of the strength and enthusiasm of the city of Fresno and that region of California. The completion of the university center was a powerful statement about the important role of Fresno State and the California State University system in central California. It is dramatic evidence of the successful engagement of the university with individuals and businesses throughout the region who donated the funds needed to complete the Save Mart Center. He thanked Chancellor Reed and the Board of Trustees who supported the initial concept of the project and approved the construction and financing of the facility.

President Welty directed Trustee attention to an article in the Valley Times that described another project the University was to embark upon in collaboration with the region. The work the campus is doing, he said, is taking on national and international significance. He ended by thanking and welcoming the Board, stating it was great to have them there.

Report on the State of Education

Trustee Farar introduced Superintendent Jack O'Connell, who thanked the Board for the opportunity to share a few ideas and thoughts. Last month, he said, he delivered the State of Education address that dealt with the most critical need of focus in k-12, high school reform.

Most attention to education, he reported, has been focused on the primary grades; professional development, class size reduction and adherence to standards. The reality is, he continued, high school has not been made a priority. Far too many of California's 1.7 million high school students are not adequately prepared for college, the work force, nor prepared to become effective citizens in a participatory democracy.

The K-12 system is not living up to its obligation to students. Too many students are being deprived of educational opportunities to succeed. Students have low expectations, lack focus, and basic fundamental skills to be able to succeed at the college level and the workplace. Trustee O'Connell stated that he had sponsored a legislative package 3 weeks ago designed to reform California high schools to bring a culture change for the high school educational delivery system. Unfortunately, he reported, there would be no new money for this effort. The incentive would be more flexibility with the existing \$450 million identified in categorical money going towards high schools. Schools agreeing to adopt the five principles, they will be able to make decisions at the school site level in terms of how monies will be prioritized and spent.

Trustee O'Connell numerated the five goals: 1) require higher expectations from teachers and students; 2) continue and expand upon professional development for teachers and school leaders; 3) instructional materials for high schools text books, computer software, instructional materials need to be aligned to standards proposed by the Board of Education; 4) insure smooth transitions from middle school to high school and from high school to college; and 5) do a better job in involving the community.

Trustee O'Connell stated that he wanted to seek support from the Board for these goals. Although not every student is going to graduate from high school and go on and achieve a 4-year degree from CSU, he said, all students do need to have basic skills in order to succeed in life. The Board of Education wants students who choose a technical education path, to have the skills to become leaders in their community and the state. It's important that all students be provided with skills in algebra, geometry, foreign language, and English and writing.

He spoke of CSU efforts already undertaken in collaboration with the Department of Education and the State Board of Education. The Early Assessment Program, he said, developed by CSU and to take effect this spring, was the best example for helping achieve the goal of "smooth transition from high school to college." CSU is working very closely with the State Board of Education, he continued, to develop both a curricula and diagnostic resources for use by high schools. This is a smart approach to result in more students becoming college ready. He expects the need for remediation of high school students will be greatly reduced and that students' senior year would be more productive and effective. Trustee O'Connell thanked Dr. Reed and Dr. Spence for taking a leadership role in the program. This spring every single high school junior in California will have an opportunity to take the assessment test.

Trustee O'Connell asked the CSU to continue to collaborate with the Board of Education to improve public high schools. He proposed a partnership and asked for the Board's support as successful leaders in both the business and public sector. He said that he was going to ask the California Round Table to identify key stakeholders and decision makers within each segment who can help meet the challenges that are ahead. He hopes to put together an unprecedented working group and a partnership focused on improving California high schools. It's critical that more classes given at the high school level meet the CSU admission requirements. Today, he said, there are approximately 1800 high school classes in the career and technical education field that are recognized for admissions purposes at CSU and UC. The goal should be to significantly increase classes within the scope of career and technical education classes that are recognized for CSU and UC admission. K-12 and postsecondary assessments must continue to be aligned.

Trustee O'Connell stated that this would not be an overnight issue, nor is there a quick fix to the challenges high schools face today or a single approach to improve high schools. It will take a multi-faceted approach to improve high schools, especially during the current budget crisis. He knows, however, that the budget crisis cannot be used as an excuse not to continue to improve educational delivery. A generation of students cannot be ignored and go unprepared. He pledged his commitment to fight for adequate funding for CSU, adding that the CSU's hallmark is the fact that it is accessible and affordable for so many students. It's our responsibility to prepare our k-12 students for higher standards, he said. Once students are prepared, they should not be barred from opportunities and higher education simply because of a failure to raise sufficient revenue to support access to college.

Trustee O'Connell spoke of his opposition to the Governor's proposal to raise fees by 40% for graduate students, including those seeking teaching credentials. At a time when we seek to attract the best and brightest to the teaching profession, he noted, it makes no sense to add additional obstacles or deterrents for such students. He reported that he had spoken with the Governor, and asked him to shift those fees to the 10% side and make up the difference for the CSU system.

Trustee O'Connell thanked the Board for the opportunity to speak of his mission, an interdependent mission with the CSU. We want all of our schools to become models of excellence, he said, and all of our students to have an opportunity to succeed.

Adjournment

Chair Farar announced that the business of the Committee of the Whole was concluded and the meeting was adjourned at 1:34 p.m.

COMMITTEE OF THE WHOLE

Amendments to Title 5

Presentation By

Christine Helwick
General Counsel

With adoption of updated Rules of Procedures and Standing Orders, this item presents for the information of the Board proposed changes to Title 5 of the California Code of Regulations. These changes will be presented to the Board in July for adoption. These changes principally remove outdated language from the Board's regulations. The reason for the proposed change is summarized below each section or article. The passage of time as well as legal developments account for most of the changes. In addition to the changes included in the pages that follow, the July item will also update outdated references of "The California State University and Colleges" to "the California State University."

**Changes to Title 5 to be presented at the May 2004 Meeting of the
Board of Trustees**

§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

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

§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 404405.2), and General Education Reciprocity with the University of California (Section 40405.3).

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

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

§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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

§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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the 1991-92 academic year.

§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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the 1991-92 academic year.

§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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the 1991-92 academic year.

~~§ 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.~~

Reason for change: The section is no longer necessary. There are no current students who entered the curriculum prior to the 1981-82 year.

§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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

~~§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.~~

Reason for change: The section is no longer necessary. There are no current students who entered the curriculum prior to the 1981-82 year.

~~§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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

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

~~(This section applies to students 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) Education 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.~~

Reason for change: The section is no longer necessary. There are no current students who entered the curriculum prior to the 1981-82 year.

§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) Education 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 a40405-40405.4. Each applicant meeting graduation requirements established during or after the 2000-02 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.~~

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

~~§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 1981-92 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 160 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.~~

Reason for change: The section is no longer necessary. There are no current students who entered the curriculum prior to the 1981-82 year.

§ 40405. 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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

~~§ 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.~~

Reason for change: The section is no longer necessary. There are no current students who entered the curriculum prior to the 1981-82 year.

§ 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 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.

Reason for change: The deleted language is no longer necessary. All students have entered or will enter the curriculum on or after the commencement of the 1981-82 academic year.

§ 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 units 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 ~~and Colleges~~ 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 ~~and Colleges~~ 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

Reason for change: Conforms criteria for special admissions to current terminology developed since the enactment of California Constitution Art. 1, Sec. 31 (Proposition 209).

§ 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 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) For purpose 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) 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 weapon" 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 terms "hazing" does not include customary athletic events or other similar contests or competitions.

(6) The terms "obstruction or disruption" means willful and material and substantial obstruction or disruption and does not include expressive activity protected by the United States or California constitutions.

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

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

(p) 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, 89030 and 89035, Education Code. Reference: Section 66017, 66300, 66600, 69810-69813 and 89030, Education Code; and Section 626.2, Penal Code.

Reason for Change: Subdivision (n)(6) expresses the status of the law addressing expressive activity not protected by the First Amendment freedom of speech. Subdivision (n)(7) is required by Penal Code Section 502 (e)(3).

Article 1. Community Relations Responsibility

~~§ 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.~~

Reason for Change: Express authority to spend general fund budget money for community relations reflects the restrictions of a bygone era. Today, authority exists to spend state money for such purposes without the authority and restrictions of these sections.

§ 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 and 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 ~~68124~~ 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 ~~68124~~ 68120, Education Code.

Reason for change: These changes conform the section to Education Code Section 68120 operative January 1, 2004.

§ 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.

Reason for change: The reference to Section 41909 is deleted because Section 41909 has been repealed.

§ 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 Personal 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.

Reason for change: The last sentence is unnecessary as well as misleading. The reconsideration process is not a disciplinary procedure; thus, the statement is unnecessary. Further, discipline of MPP employees is not under Section 89539 of the Education Code, since such employees are neither permanent nor probationary.

~~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.~~

Reason for change: The Bagley-Keene Open Meeting Act in Government Code § 11125.5 now specifically provides for emergency meetings. With the process now in statute it is no longer necessary that it be in Title 5.

~~§ 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.~~

Reason for change: This expression of authority, important in 1960 in the transition from the Department of Education to the Trustees, is no longer necessary.

~~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 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 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.~~

Reason for change: This procedure, a relic of the “Cold War,” has never been used, will never be used, and were it used would constitute under current law an unconstitutional process.

~~*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).~~

Reason for change: This article was repealed January 1, 1994. This action removes the repealed language from the code.