



Policies Applying to Campus Activities, Organizations and Students (PACAOS)

80.00 POLICY ON COMPULSORY CAMPUS-BASED STUDENT FEES

Responsible Officer:	VP - Student Affairs
Responsible Office:	SA - Student Affairs
Issuance Date:	3/22/2007
Effective Date:	3/22/2007
Scope:	For all pertinent activities involving University students, employees, and properties, the <i>Policies Applying to Campus Activities, Organizations and Students</i> apply to the Division of Agriculture and Natural Resources and to the Department of Energy Laboratories operated by the University of California, subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department of Energy.

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I. POLICY SUMMARY

The *Policies Applying to Campus Activities, Organizations and Students* are a compendium of University-wide policies relating to student life. Section 80.00 describes the University's policy on compulsory campus-based student fees.

II. DEFINITIONS

Definitions for the *Policies Applying to Campus Activities, Organizations and Students*, and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

III. POLICY TEXT

80.00 POLICY ON COMPULSORY CAMPUS-BASED STUDENT FEES

The Regents have authority to impose fees for any University purpose. All campus-based student fees at a campus must be approved by the Chancellor of that campus, except that no compulsory campus-based fees shall be effective until also approved either by The Regents or by the President under the President's delegated authority, as appropriate.

81.00 Compulsory Campus-Based Student Fees: Definition and Exclusions; Provision for Return-to-Aid

81.10 Definition and Exclusions

Compulsory campus-based student fees are fees levied at individual campuses that must be paid by all registered students to whom the fee applies. Such fees may be used to fund: (1) student-related services and programs, including, but not limited to, referenda-based student health insurance programs; (2) construction and renovation of student buildings and other facilities such as student centers and recreation facilities; and (3) authorized student governments (as defined in Section 61.00 of the Policy on Student Governments), Registered Campus Organizations, and student government- and Registered Campus Organization-related programs, events, and other activities.

This *Policy* does not apply to Universitywide fees, to non-referendum-based campus health insurance fees that may be assessed to meet a non-academic condition of enrollment established by either The Regents or the President, to fees related to instruction, or to campus-based miscellaneous fees that require either the Chancellor's or the President's approval.

81.20 Provision for Return-to-Aid

Effective from the date of final issuance of this *Policy* as revised on April 14, 2006, any compulsory campus-based student fee approved as either a new fee or an increase to an existing fee shall provide for fee revenue for local need-based financial aid ("return-to-aid") to be set aside in an amount equal to at least 25% of the total new fee or fee increase as appropriate. The return-to-aid generated by undergraduate students shall be reserved for undergraduate student financial support and the return-to-aid generated by graduate and professional students shall be reserved for graduate and professional student financial support.

Campuses also are strongly encouraged to seek future student approval, through the referendum process, of either separate new fees or increases to existing fees that would provide financial aid to cover the need associated with all existing compulsory campus-based student fees that do not already include return-to-aid as of the date of

final issuance of this *Policy* as revised on April 14, 2006, and that are thus exempt from the new return-to-aid requirement.

Any campus-based fee (whether referendum-based or non-referendum-based) that is charged to a student as a premium to purchase health insurance for that student shall be exempt from any return-to-aid requirement. This exemption shall not extend to campus-based fees that have been approved by students through the referendum process for the purpose of providing direct support to campus student health centers.

82.00 Referendum Requirement for Establishing, Increasing, or Renewing Compulsory Campus-Based Student Fees

Compulsory campus-based student fees may only be established, increased, or renewed following a referendum in which students vote in favor of the compulsory fees, except as provided in Section 83.00 of these *Policies*.

83.00 Exceptions to the Referendum Requirement

83.10

A new compulsory campus-based student fee, or an increase to or renewal of an existing such fee, may be approved by The Regents subject to the President's and the Chancellor's recommendation, and does not require a student referendum, under any of the following circumstances:

83.11

When a student referendum was not specifically required for increases in a compulsory campus-based student fee, as established in the original ballot measure language approved by students in a student election;

83.12

When the Chancellor determines that a new fee, or an increase to or renewal of an existing fee, is necessary for the health and safety of students, and when that fee or fee increase or renewal is specifically related to the maintenance of the safety of a building or other facility that is funded, wholly or in significant part (as determined by the Chancellor with the concurrence of the Office of the President) by student fees. Safety issues are those that are potentially dangerous consistent with the standards set forth in the *University Policy on Seismic Safety* and the *University Policy on Management of Health, Safety, and the Environment*, as determined by the Chancellor with the concurrence of the Office of the President, such as those that relate to the risk of fire, the presence of asbestos, or the existence of seismic or other structural deficits.

Any new fee, or any increase to or renewal of an existing fee, established under the provisions of this Section shall be retired once the fee's stated purpose is fulfilled. Upon the recommendation of the President, the Chancellor may petition The Regents for continuation of any such new fee, fee increase, or fee renewal in advance of its retirement.

For buildings or other facilities with multiple uses, whenever possible the costs to students for funding safety-related or health-related maintenance should be based on the proportion of current non-academic student use of the building or other facility; or

83.13

When a new fee, or an increase to or renewal of an existing fee, is necessary to meet legal requirements (such as new code requirements) or contractual obligations (such as income projections) specified in the funding covenants of a building or other facility that is funded wholly or in significant part by student fees. For buildings or other facilities with multiple uses, whenever possible the costs to students for such increases should be based on the proportion of current non-academic student use of the building or other facility.

84.00 Procedures and Required Approvals for Establishing, Increasing, or Renewing a Compulsory Campus-Based Student Fee

84.10

Except as provided in Section 83.00 of these *Policies*, to establish, increase, or renew a compulsory campus-based student fee Chancellors shall establish in campus implementing regulations, prior to any student referendum, procedures that meet at least the following minimum systemwide standards for such referenda:

84.11

Procedures for student consultation including consultation with student governments and campus student fee committees and, in the case of compulsory campus-based-student-fee funded buildings or other facilities, procedures for continuing student consultation once the building or other facility is constructed;

84.12

A requirement for a minimum voting pool of at least 20% of all students eligible to vote in a particular student election, subject to the following:

- a. Chancellor may, in exceptional circumstances and on a case-by-case basis, petition the President in advance of a particular student election for approval of a lower minimum voting pool requirement for that election;
- b. for any ballot measure in support of a non-capital-project-related campus program, where voter eligibility is limited to graduate and/or professional students, a Chancellor may set the minimum voting pool, for that ballot measure only, at a lower level (based on historical graduate and professional student voter turnout rates for the campus), without petitioning the President in advance for approval;

84.13

A requirement for at least majority-vote approval by students voting on a particular ballot measure, for that ballot measure to be successful;

84.14

A requirement that each proposed new compulsory campus-based fee, or proposed increase to or renewal of any existing such fee, (except as specified in Section 83.00 of this *Policy* above) be voted on by students as a separate ballot measure in a student election, except that multiple proposed new such fees or fee increases or renewals may be aggregated into a single ballot measure where the proposed fees or fee increases or renewals strongly and clearly support a common student life, student services, or other programmatically related goal;

84.15

A requirement that the actual language of any ballot measure in a student election that is intended to fund either construction of a new building or other facility, or major renovation of an existing building or other facility, explicitly state:

1. whether the fee will be continued following retirement of the original debt on the new construction or major renovation, and
2. if the fee is to be continued, the purpose or purposes for which the fee will be used, as well as the mechanism that will be used to determine the level at which the fee will be set, following retirement of the original debt (please note that, as a general principle, campuses are encouraged to continue such fees at an appropriately adjusted level following retirement of the original debt, to provide for the actual costs associated with long-term building or other facility maintenance needs); and

84.16

A requirement that payment by students of compulsory campus-based student fees to support student-referendum-funded construction of new buildings or other facilities, or major renovation of existing buildings or other facilities, be initiated only from the time that students can actually benefit from and use the new or renovated building or other facility, except as specified immediately below.

Notwithstanding this requirement, a campus may assess students a pro rata percentage of any such fee in advance of completion of the new or renovated building or other facility for the purpose of supporting the design and planning costs, project mitigations, and financing costs associated with construction or renovation of the building or other facility, provided that both the purpose and level of this assessment are approved by students as part of the original ballot measure for the new or renovated building or other facility.

84.20

All student referendum results are advisory to the Chancellor and, conditional on the Chancellor's recommendation, are subject to final approval by the President under the authority delegated to the President by The Regents.

85.00 Requirements For Reducing or Eliminating a Compulsory Campus-Based Student Fee

Chancellors shall establish in campus regulations procedures for reducing or eliminating a compulsory campus-based student fee.

86.00 Support for Registered Campus Organizations and Related Programs and Activities from Compulsory Campus-Based Student Fees [replaces the University of California Guidelines for Funding Registered Campus Organizations and Related Programmatic Activities by Compulsory Student Fees, as revised October 26, 1999]

86.10 Conditions for Support

Compulsory campus-based student fees allocated to student government may be reallocated to support Registered Campus Organizations and Registered Campus Organization-related programs and activities consistent with the University's educational purposes in providing such support, as set forth in Section 86.20 of these *Policies*. The process for making such reallocations must be based solely on viewpoint-neutral criteria, as set forth in Section 86.30 of these *Policies*.

86.11

A Registered Campus Organization that is preponderantly or exclusively funded by a student government or other campus entity from compulsory campus-based student fees shall primarily have University of California students as its members. Particular programs and activities of a Registered Campus Organization funded from compulsory campus-based student fees shall be open to participation by the entire campus community. In addition, all expenditures relating to particular programs and activities of a Registered Campus Organization (whether the program or activity takes place on- or off-campus) that are funded from such fees must be under the direct control of University of California students. (See also Section 70.20 of these *Policies*.)

86.12

The referendum process set forth in Section 82.00 of these *Policies* shall not be accessible to a Registered Campus Organization or any student group other than a student government. The foregoing is not intended to preclude access to the referendum process by any administrative unit of the University, subject to appropriate student consultation. Support for a Registered Campus Organization or any student group other than a student government from compulsory campus-based student fees must be in the form of a reallocation from student government or other appropriate campus entity to the Registered Campus Organization or other student group. All such reallocations must be made consistent with the requirements for viewpoint-neutral funding set forth in Section 86.20 and 86.30 of these *Policies*. (See also Section 70.81 of these *Policies*.)

86.13

A student government in consultation with the campus, or a campus with the concurrence of the student government, may at its discretion establish and administer a mechanism providing for a pro rata refund to any student of that portion of his or her student government fees that are allocated by a student government or other campus entity to support a particular Registered Campus Organization or Registered Campus Organization-related program or activity. Establishment of such a refund mechanism is not required either as a matter of University policy or the law. (See also Section 70.83 of these *Policies*.)

86.20 The University's Educational Purposes

The University's educational purposes are served when reallocations by a student government or other campus entity of compulsory campus-based student fees to support Registered Campus Organizations and Registered Campus Organization-related programs and activities are made: (1) to provide opportunities for the educational benefits and personal and social enrichment that derive from participation in

extracurricular programs and activities; and (2) to stimulate on-campus discussion and debate on a wide range of issues from a variety of viewpoints.

Consistent with the above purposes, such reallocations shall only be made to support either the general organizational expenses of Registered Campus Organizations and Registered Campus Organization-related programs and activities or their associated communicative purposes.

In addition, allocation decisions to provide such support must be made without regard to the viewpoint of a particular Registered Campus Organization or Registered Campus Organization-related program or activity, and must be balanced in relation to the support provided to other Registered Campus Organizations or Registered Campus Organization-related programs and activities in similar circumstances.

86.30 Campus Procedures and Criteria to Assure Viewpoint Neutrality

In fulfilling these purposes consistent with applicable law and Section 86.20 of these *Policies*, campuses shall have responsibility for ensuring that student governments and, as applicable, other campus reallocation entities, maintain procedures and criteria for making specific reallocation decisions for the support of Registered Campus Organizations and Registered Campus Organization-related programs and activities from compulsory campus-based student fees. Such procedures and criteria must be viewpoint-neutral in their nature; that is, they must be based upon considerations which do not include approval or disapproval of the viewpoint of the Registered Campus Organization or any of its related programs or activities.

86.31

Criteria appropriate to be given balanced consideration in the making of viewpoint-neutral reallocation decisions might include, but are not limited to: the objectively documented organizational needs of the Registered Campus Organization based on membership size; its office or equipment requirements; the extent of financial support the Registered Campus Organization receives from other sources; or the production costs associated with a particular event or series of events the Registered Campus Organization typically sponsors. Such sponsored events supported in whole or in part by compulsory campus-based student fees need not avoid controversial political, religious, or ideological content, subject to the understanding that under current University policy (see Section 30.20 of the *Policy on Speech and Advocacy*) campuses have a responsibility to assure an ongoing opportunity for the expression of a variety of viewpoints.

86.32

Campus procedures and criteria shall provide: (a) that student governments or other campus entities responsible for reallocating compulsory campus-based student fees

must publicize widely and regularly to Registered Campus Organizations the availability of such funds to support Registered Campus Organizations on a viewpoint-neutral basis, as well as the viewpoint-neutral criteria on the basis of which such funds will be reallocated; and (b) that communications to Registered Campus Organizations on the availability of such funds must be made in a timely fashion, and be reiterated periodically during the year as long as such funds remain available, to ensure sufficient time for the preparation of funding proposals in advance of funding decisions.

86.33

Campus criteria and procedures shall also provide for: (a) documentation of all funding processes available to Registered Campus Organizations, including notice of the opportunity to apply for funding and the criteria upon which funding requests will be judged, consistent with Section 86.32 of these *Policies*; (b) documentation of all funding requests by Registered Campus Organizations and actions taken by the student government or other campus entity with reference to the published funding criteria in response to such requests; and (c) a formal process that allows Registered Campus Organizations or individual students to appeal, in a reasonable and timely manner, funding decisions regarding particular Registered Campus Organizations or Registered Campus Organization-related programs and activities made by the student government or other campus reallocating entity.

86.34

Compulsory campus-based student fees may be reallocated to pay for speakers sponsored by Registered Campus Organizations. Over time, such events should stimulate on-campus discussion and debate from a wide range of viewpoints on a variety of issues.

86.40 Legal Review of Campus Procedures and Criteria

Campus procedures and criteria for reallocation of compulsory campus-based student fees to support Registered Campus Organizations and Registered Campus Organization-related programs and activities on a viewpoint-neutral basis must be reviewed by the Office of the General Counsel to ensure that the procedures and criteria are consistent with the law and these *Policies*. In addition, campuses are advised to consult with the Office of the General Counsel should a question arise about whether a particular reallocation is viewpoint-neutral in nature and meets the University's educational purposes as specified in Section 86.20 of these *Policies*.

87.00 Transfer of Compulsory Campus-Based Student Fees to Non- University Entities

Compulsory campus-based student fees may be expended by a student government, Registered Campus Organization, or other campus entity to cover the expenses of direct participation by University students in a particular non-University-sponsored educational program or activity. Such fees may also be expended in payment of applicable dues necessary to sustain membership by a student government or Registered Campus Organization in national and other regional non-University associations at the basic level established by such associations, so long as the level of any such assessment is in line with what is assessed similar student organizations at other institutions comparable in size and nature to the University as a requirement of basic membership. Except as provided immediately below, memberships at a preferential level that require the payment of higher periodic dues than what is required to sustain basic membership, or the assessment by such non-University associations of supplemental contributions from their members as an expectation but not a requirement of continued membership, may not be supported from compulsory campus-based student fees.

Other than for considerations of basic membership as set forth above, additional transfers of funds from compulsory campus-based fees by a student government, Registered Campus Organization, or other campus entity to such non-University associations may be made only when they can be justified, in advance of the transfer, to the Chancellor (or other campus official designated by the Chancellor with administrative oversight over the student government, Registered Campus Organization, or other campus entity) as providing a direct educational benefit to University of California students commensurate with the proposed expenditure.

Compulsory campus-based student fees may not otherwise be expended by a student government, Registered Campus Organization, or other campus entity in support of, or be otherwise transferred to, a non-University organization, program, or activity, except in payment for goods and services directly necessary to the operation of that student government, Registered Campus Organization, or other campus entity, its programs or activities.

The referendum process set forth in Section 82.00 of these *Policies* shall not be available either to establish a new compulsory campus-based student fee, or to lock in an increase to an existing such fee, for the purpose of supporting any non-University organization, program, or activity. (See also Sections 67.10 and 70.90 of these *Policies*.)

IV. COMPLIANCE / RESPONSIBILITIES

Chancellors shall adopt campus implementing regulations consistent with these *Policies*. The University shall publish these *Policies* and make them widely

available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line publication of these *Policies* and their respective campus implementing regulations. (See also Section 13.20 of these *Policies*.)

V. PROCEDURES

The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these *Policies*. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these *Policies*. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these *Policies*.)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these *Policies* that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these *Policies*.)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these *Policies* and the law. (See also Section 13.40 of these *Policies*.)

VI. RELATED INFORMATION

See also *Policies Applying to Campus Activities, Organizations and Students* sections:

- 10.00 Preamble and General Provisions
- 11.00 Authority
- 12.00 Applicability
- 13.00 Development and Review of Universitywide Policies and Campus Implementing Regulations
- 14.00 Definitions

VII. FREQUENTLY ASKED QUESTIONS

Not applicable

VIII. REVISION HISTORY

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