

## **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: Definitions and Exclusions; Provisions 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, referendum-based student health insurance programs; (2) construction and renovation of student facilities such as student centers and recreation facilities; and (3) authorized buildings and other (as defined in section 61.00 of the Policy Student Governments, registered campus organizations, and student government- and registered campus organization-related programs, events and other activities.

This *Policy* does not apply to University-wide fees, to campus-based 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 revised 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 the date of financial 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 to 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 fees or the increase to or renewal of an existing such fee may be approved either 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 a renewal of an existing fee, is necessary for the health and safety of students, such as for the maintenance of the safety of a building or facility that is funded wholly or significant part (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) by student fees. Safety issues are those that are potentially dangerous consistent with the standards that are set forth in the [University Policy in 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 deficit. 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.

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 OR INCREASING A COMPULSORY CAMPUS-BASED STUDENT FEE**

84.10 Except as provided in *Section 83.00* of these *Policies*, to establish or increase 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 review basis, petition the President in advance of a particular student election for approval and a lower minimum voting pool requirement for that election;
- b. For any ballot measure in support of a non-capitol- 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 (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 a majority-voter 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 such proposed 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 approximately adjusted level following retirement of the original debt, to provide for the actual costs associated with long-term building or other facility maintenance needs);

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 the 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 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 measures 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 Student Organizations and Related Programs and Activities from Compulsory Campus-Based Student Fees [replaces the University of California Guidelines for Funding Registered Student 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* or 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 predominantly 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 *Sections 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 their 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 program 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 expansion 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 programs and activities made by the student government or other campus reallocating entity. (See also *Section 62.06*)

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 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 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*.)