

Article 15 of Subchapter 5 of Chapter 1 of Division 5 of Title 5 of the California Code of Regulations

Article 15. Alumni Associations

Section 42397. Purpose.

Campus alumni organizations aid the California State University in achieving its goals by providing leadership in fostering participation and support of campus priorities and representing alumni interests. As a public trust and the beneficiary of the support provided by alumni associations, the trustees are obligated to require that the funds raised by alumni associations be properly controlled and expended. Consequently, it is the intent of the trustees (1) to develop policies and procedures governing the recognition and management of alumni organizations, including the use of funds and institutional resources and, (2) to ensure cooperative and collaborative efforts between the alumni organizations and the campuses. To accomplish this, the campus president has the responsibility of granting and periodically reviewing recognition of a campus alumni association. These provisions govern the relationship between the alumni association and the campus it supports.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.1. Recognition.

- (a) A campus president, by agreement between the campus and the organization, may recognize as the campus alumni association a single campuswide organization that has the following characteristics:
- (1) is organized and operated solely for the benefit of the university and its alumni;
 - (2) has as its purpose providing service and support to its members, the alumni of the campus, and to the university;
 - (3) does not restrict membership or benefits of membership on the basis of race, religion, national origin, gender, physical disability or sexual orientation;
 - (4) recognizes the unique role of the campus president in setting campus priorities;
 - (5) is the umbrella organization for the constituency alumni groups of the campus; and
 - (6) irrevocably dedicates its assets for the benefit of a campus of the California State University. In the event of the association's dissolution, its assets shall be transferred to the campus or an auxiliary organization designated by the campus president for purposes consistent with the purposes of the association and the terms of the individual gifts that are part of the assets, and, if a corporation, in conformance with the California Nonprofit Corporation Law.

(b) Each recognized alumni association shall enter into an agreement with the campus that shall include the following:

- (1) the provisions of this article shall be incorporated by reference;
- (2) the exchange of value between the campus and the alumni association shall be expressed and may include provision of facilities and other tangible as well as intangible exchanges;
- (3) a license agreement for use of the campus name and symbols;
- (4) authority and responsibility with regard to use of the campus alumni database; and
- (5) the term of the agreement.

In addition, the agreement may include other provisions unique to each campus and alumni association such as the following:

- (6) financial management and record keeping arrangements between the parties;
- (7) provisions for the construction and operation of an on-campus alumni center;
- (8) provisions for use of alumni association name and symbols; and
- (9) such other provisions that may pertain to the relationship between the campus and the alumni association.

(c) Compliance with this article and the agreement between the campus and the alumni association is a condition of continued recognition. A copy of this article and the agreement shall be given to all members of the campus alumni association's governing body and to any new member of the governing body when the new member takes office.

(d) To obtain and maintain recognition, the campus alumni association shall submit the following to the campus president or designee on an annual basis or otherwise as specified by the campus president:

- (1) a current list of officers, members of the governing body, and the principal contact person for the organization;
- (2) a statement of the organization's purpose and goals consistent with subsection (a) and copies of the current enabling documents of the organization (*i.e.*, bylaws, constitution, articles of incorporation, or other governing document);
- (3) a current roster of names and addresses of donors and members, unless such records are otherwise maintained by the campus;
- (4) a statement signed by the officers/representatives of the organization that the governing body has read and formally voted that it will comply with this article and the agreement;

- (5) a copy of the organization's annual financial statements;
 - (6) for an organization with accounts at a financial institution, a list identifying all such accounts, including the institution's name and address, the organization's account numbers, and a statement signed by an appropriate officer or representative of the organization authorizing the campus to obtain upon request from the financial institution information, records, or photocopies of transactions relating to the accounts; and
 - (7) for an incorporated, tax-exempt organization, (A) a copy of the organization's state and federal tax-exempt status determination letter; (B) a copy of the organization's most recent Internal Revenue Service Form 990; and (C) a list of the types of activities, including fundraising and membership drives, the organization intends to undertake and how the organization intends to financially support these activities.
- (e) The following are among the privileges that may be granted by the campus president to a recognized campus alumni association:
- (1) use of the name of the campus and symbols, including the name of its mascot or other identifying marks that would cause the public to assume it is dealing with the university or a university recognized group;
 - (2) use of the campus as approved by the campus president or designee in performance of an association's recognized activities; and
 - (3) use of a campus auxiliary organization's investment services, as approved by the campus president or designee.
- (f) Under the authority of the campus president, the recognized campus alumni association may be assigned the responsibility of ensuring that all geographical and special interest chapters of the campus alumni association, as well as other recognized constituency alumni groups, are in compliance with this article.
- (g) After July 1, 2003, use of the campus name and symbols, including mascot or other identifying mark, by an organization that has operated as a campus alumni association, is prohibited unless the organization has been recognized by the campus as the campus alumni association under the provisions of this article. A campus alumni association that meets the criteria of this article and has been recognized as the campus alumni association shall not have that recognition withdrawn by the campus president except for material noncompliance with this article, after having been given an opportunity to correct the noncompliance.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.2. Organization.

- (a) A campus alumni association may be included as part of the university or an auxiliary organization or, if organizationally separate from the university or an auxiliary organization, shall obtain and maintain status as a tax-exempt organization under state and federal law.
- (b) Campus presidents are responsible for determining that campus alumni associations are in compliance with this article and have authority to require campus alumni associations to provide written evidence of compliance.
- (c) Campus presidents may, after consultation with the campus alumni association, establish additional written campus policies governing campus alumni associations consistent with this article. Copies of these policies and any amendments thereto shall be forwarded promptly upon their issuance to the Chancellor.
- (d) A campus alumni association shall comply with campus policies pertaining to use of the campus name and symbols.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.3. Fundraising.

- (a) Fundraising campaigns proposed by a campus alumni association shall be approved in advance in writing by the campus president or designee as provided in campus policy. Solicitations of membership dues do not require such advance approval and are not fundraising within the meaning of this article. All fundraising campaigns shall be coordinated through the campus development office. Campus alumni associations may accept gifts only if the associations comply with the financial policies of this article, including, for alumni associations separate from the state, maintaining state and federal tax-exempt status. Campus alumni associations shall acknowledge and thank donors who have made gifts in a manner consistent with campus development policies.
- (b) A campus alumni association shall advise donors that any restrictive terms and conditions attached to gifts for the campus are subject to campus approval.
- (c) All gifts for the benefit of a campus alumni association shall be reported by the association to the campus president or designee.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.4. Financial Activities.

- (a) Financial Control: Financial activities of a campus alumni association shall be administered and reported to its governing body in accordance with prudent business practices, generally accepted accounting principles, and this article.

- (b) State Funds: State Funds shall not be transferred to a campus alumni association. Payments for commensurate value received are permitted, but gifts or unrestricted grants are not.
- (c) Submission of Budget and Report of Expenditures: The campus alumni association shall submit its budget to the campus president for review at least 30 days prior to the commencement of the fiscal year. Within 180 days of the close of each fiscal year, the campus alumni association shall submit to the campus president a detailed report comparing budgeted to actual expenditures by fund source. Upon request, a campus alumni association shall submit to the president, within 30 days of such request, interim financial information.
- (d) Bonding and Insurance: The governing body of a campus alumni association shall make an express determination of the appropriateness, necessity, and amounts of any bonds for officers and staff members. General liability and directors and officers liability insurance also shall be obtained in amounts determined annually by the governing body to be reasonable, appropriate, and necessary. The insurance may be provided by a campus auxiliary organization. Any general liability insurance obtained by or on behalf of a campus alumni association shall name the campus as an additional insured.
- (e) Funds for Support of University Departments: Restricted funds received or unrestricted funds, including investment payout, allocated for support of campus departments or programs, shall be transferred at least annually to the campus, unless otherwise provided by the campus president, and shall be administered in accordance with campus policies and expended from campus department or program accounts.
- (f) Bank Accounts: Only the following expenditures for campus alumni association activities may be made from bank accounts:
 - (1) payments for goods, facilities, and services including salaries of staff, if the goods, facilities, and services are in connection with official activities of the campus alumni association;
 - (2) payments for audit, tax preparation, and legal fees;
 - (3) payments to donors and members to refund contributions and dues as permitted by law, or to return overpayments pursuant to a donor's or member's request;
 - (4) payments to other organizations of donations or other remittances made in error;
 - (5) transfers to the campus or a campus auxiliary organization;
 - (6) travel expenses reimbursement, scholarships, support of campus activities; and
 - (7) legally appropriate payments from its bank account to support ballot measures beneficial to the university and endorsed by the trustees.
- (g) Disbursements: All disbursements on behalf of a campus alumni association shall be approved by an officer or employee designated by the governing body. The governing body

of the campus alumni association shall specify an amount beyond which checks must bear the signatures of two persons designated by the governing body.

- (h) Financial Statements: Financial statements and expenditures by a campus alumni association shall be in accordance with campus policies, with detailed budgets approved by the campus alumni association's governing body.
- (i) Payments to University Employees: A campus alumni association shall not (a) directly or indirectly employ, (b) supplement the salary of, or (c) provide any consulting fees, loans, or perquisites to campus employees outside of established personnel policies and practices of the California State University.
- (j) Payments to Directors and Officers: Except for reimbursement for expenses incurred on its behalf, a campus alumni association shall not pay any salaries, consulting fees, loans, or perquisites to a campus alumni association director, officer, or volunteer without the campus president's prior written approval.
- (k) Deposit of Gifts to the Campus: Campus funds or gifts payable to the California State University shall not be deposited with or transferred to a campus alumni association.
- (l) Solicitation Literature: When a fundraising campaign has been approved by the campus president, a campus alumni association's solicitation literature shall make it clear when gifts are to be made payable to the campus alumni association. Each campus alumni association shall develop a procedure to document when gifts intended for it have erroneously been made payable to the campus and, when such documentation is provided, the campus may issue an exchange check to a campus alumni association.
- (m) Gift Expenses: If charges against gifts are to be made for costs of administering a gift to the campus alumni association, the campus alumni association shall include in its literature a statement to that effect. The charges shall be approved by the campus president and the campus alumni association's governing body, and the nature of such charges shall be disclosed in the campus alumni association's audited financial statement.
- (n) Report to Registry of Charitable Trusts and Statement of Domestic Nonprofit Corporation: Complete copies of the campus alumni association's annual report to the State Registry of Charitable Trusts and bi-annual Statement of Domestic Nonprofit Corporation shall be provided by the campus alumni association to the campus president, at the time the report or statement is filed.
- (o) Political Activities: No substantial part (as those terms are used in the Internal Revenue Code and regulations) of the activities of a campus alumni association shall attempt to influence legislation, or participate or intervene in any political campaign in support of or opposition to legislation. No part of those activities may be on behalf of any candidate for public office. However, advocacy on behalf of the campus is permitted if it is consistent with the legislative, budgetary, and electoral objectives of the university, pursued in coordination with the campus president, consistent with state law, the Internal Revenue Code and regulations, and in accordance with the articles and bylaws of the campus alumni association.

- (p) Conflicts of Interest: Business transactions involving the campus alumni association and the personal or business affairs of a director, officer, or staff member shall be approved in advance by the governing body. In addition, directors, officers, and staff members of a campus alumni association shall disqualify themselves from making, participating in making, or in any way attempting to use their official positions to influence a decision in which they have or would have a financial interest, as provided in Government Code Section 87100 and the definitions of the Political Reform Act and its implementing regulations, as if the director, officer, or staff member were a state employee. A financial interest exists if it is reasonably foreseeable that the decision will have a material financial effect on the director, officer, or staff member or his or her immediate family, or on any business entity in which a \$2,000 or more investment is held; any real property in which a \$2,000 or more interest is held; any source of income of \$500 or more received within the past 12 months; any donor of gifts aggregating \$250 or more received in the past 12 months; or any business in which a position of management is held.
- (q) Services to Constituency Alumni Groups: With the approval of the campus president or designee, a campus alumni association may provide to officially recognized constituency alumni groups the following, subject to the same conditions pertaining to the campus alumni association: cash management, disbursement, and accounting services; gift reporting; and, in appropriate cases, coverage under the campus alumni association's insurance policies, inclusion in the campus alumni association's financial statements, external audits and tax reporting, or use of the campus alumni association's tax identification number.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.5. Audit.

- (a) A campus alumni association shall permit the Chancellor, the university auditor, the campus president, and the campus internal auditor or designee to inspect and audit its books and records as well as those of its financial institution(s) as relates to the campus alumni association's account(s). In addition, a campus alumni association shall permit the university auditor and the campus internal auditor to review directly all bank account records.
- (b) A campus alumni association with annual gross revenues in excess of \$1 million shall have an annual audit of its financial statements performed in accordance with generally accepted auditing standards and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee, by a certified public accountant selected by the alumni association.
- (c) A campus alumni association with annual gross revenues in excess of \$500 thousand and less than \$1 million shall have an annual review of its financial statements performed by a certified public accountant selected by the alumni association in accordance with standards for accounting and review services and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee.

- (d) A campus alumni association with annual gross revenues less than \$500 thousand shall have its financial statements compiled by a certified public accountant selected by the alumni association in accordance with standards for accounting and review services and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee.
- (e) A campus alumni association whose assets and records are in the custody of an auxiliary organization shall present its financial position through supplemental schedules attached to the audited financial statement of the auxiliary organization in sufficient detail to fully represent the financial position and activities of the alumni association. These schedules shall be subjected to the same procedures as the auxiliary's statements and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee.
- (f) When completed, the campus alumni association's financial statements shall be furnished to the campus president or designee on the date designated by the campus president or designee.
- (g) A campus alumni association shall make its financial statements available upon request for public inspection within a reasonable period of time.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.6. Organization of Constituency Alumni Groups.

- (a) A constituency alumni group organized after the effective date of this article shall be organized within and as part of the campus alumni association.
 - (1) A constituency alumni group representing a school, college, department, or other unit shall secure the endorsement of the school, college, department, or other unit. The administrative head of the represented unit or designee shall periodically review and provide advice concerning the planned activities of the constituency alumni group.
 - (2) A constituency alumni group, as part of the campus alumni association, shall comply with all applicable campus policies and campus alumni association policies.
- (b) A constituency alumni group separately organized prior to the effective date of this article shall be organized within and become a part of the campus alumni organization and shall comply with subdivision (a), unless the campus president enters into an agreement with the constituency alumni group which provides as follows:
 - (1) The separate constituency alumni group agrees to the following characteristics:
 - (a) is organized and operated solely for the benefit of the campus and the alumni of a school, college, department, or other campus administrative, academic, geographic, or other constituent unit;
 - (b) has as its purpose providing service and support to its members, the alumni of a constituent unit, and to the university;

- (c) does not restrict membership or benefits of membership on the basis of race, religion, national origin, gender, or sexual orientation;
 - (d) recognizes the unique role of the campus president or designee in setting campus or campus unit priorities; and irrevocably dedicates its assets for the benefit of the campus or appropriate unit of the campus. In the event of the group's dissolution, its assets shall be transferred to the campus alumni association, the campus, an appropriate unit of the campus, or an auxiliary organization designated by the campus for purposes consistent with the purposes of the group and the terms of any individual gifts that are part of its assets, and, if a corporation, in conformance with the California Nonprofit Corporation Laws.
 - (e) A constituency alumni group representing a school, college, department, or other unit shall secure the endorsement of the school, college, department, or other unit. The administrative head of the represented unit shall periodically review and provide advice concerning the planned activities of the constituency alumni group.
- (2) The separate constituency alumni group agrees to obtain and maintain recognition, as a separate constituency alumni group by submitting the following to the campus president or designee on an annual basis or otherwise as specified by the campus president:
- (a) a current list of officers, members of the governing body, and the principal contact person for the group;
 - (b) a statement of the group's purpose and goals consistent with subsection (a) and copies of the current enabling documents of the group (*i.e.*, bylaws, constitution, articles of incorporation, or other governing document);
 - (c) a current roster of names and addresses of donors and members, unless such records are otherwise maintained by the campus;
 - (d) a statement signed by the officers/representatives of the group that the governing body has read and formally voted that it will comply with this article and the agreement;
 - (e) a copy of the group's annual financial statements;
 - (f) for a group with accounts at a financial institution, a list identifying all such accounts, including the institution's name and address, the group's account numbers, and a statement signed by an appropriate officer or representative of the group authorizing the campus to obtain upon request from the financial institution information, records, or photocopies of transactions relating to the accounts;
 - (g) for an incorporated, tax-exempt organization, (A) a copy of the organization's state and federal tax-exempt status determination letter; (B) a copy of the organization's most recent Internal Revenue Service Form 990; and (C) a list of

the types of activities, including fundraising and membership drives, the organization intends to undertake and how the organization intends to financially support these activities.

- (3) The provisions of this article shall be incorporated by reference;
- (4) The exchange of value between the campus and the constituency alumni group shall be expressed and may include provision of facilities and other tangible as well as intangible exchanges;
- (5) A license agreement for use of the campus name and symbols; and
- (6) The term of the agreement.
- (7) Privileges granted including authorization to use the name of the campus or other institutional unit. Without authorization, no group may:
 - (a) represent itself as raising funds or otherwise providing support on behalf of or for the benefit of the campus, or any part of it, including its alumni;
 - (b) use the name of the campus or any of its facilities or programs either expressly or by implication in connection with its activities; or
 - (c) use campus facilities or resources in connection with its activities.
- (8) If a separate constituency alumni group does not comply with this article, the campus president or designee shall by written notice require the constituency alumni group to comply within 90 days or recognition as a constituency alumni group will be withdrawn.
 - (a) In the event the group fails to comply within this time period, the campus president or designee may withdraw the constituency alumni group's recognition. In appropriate circumstances, the campus president may extend the period for compliance when action to remedy noncompliance is in progress.
 - (b) Upon withdrawal of recognition, the assets of the constituency alumni group shall be transferred to the campus alumni association, the campus, or the designated campus auxiliary organization for purposes consistent with the purposes of the group and the terms of any individual gifts that are part of the assets.
- (9) Use of the campus or unit name and symbols, including mascot or other identifying mark by a separate constituency alumni group after July 1, 2003, is prohibited unless the group has entered into an agreement and has been recognized by the campus under the provisions of this article.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.7. Fundraising by Constituency Alumni Groups.

Fundraising activities of constituency alumni groups shall be governed by the fundraising provisions of this article applicable to campus alumni associations.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.8. Financial Activities of Constituency Alumni Groups.

Financial activities of constituency alumni groups shall be governed by the financial activities provisions of this article applicable to campus alumni associations.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.9. Audit of Constituency Alumni Groups.

The audit requirements of constituency alumni groups shall be governed by the audit provisions of this article applicable to campus alumni associations.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.10. Waiver.

For good cause and to address circumstances unique to a campus, a campus president may request that the Chancellor waive certain provisions of this article for a particular group or groups on that campus. Such waiver shall be in writing and shall specify the reasons for the waiver. Any waiver shall be subject to such terms and conditions as deemed advisable by the Chancellor.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

Section 42397.11. CSU Alumni Council and Systemwide Constituency Alumni Groups.

- (a) The Chancellor may recognize a CSU Alumni Council having systemwide jurisdiction and possessing rights to represent the CSU alumni organizations before the Trustees. The Council shall be governed by the provisions of this article applicable to campus alumni associations with the system and the Chancellor replacing the campus and the campus president in those provisions. Systemwide constituency alumni groups may be recognized and regulated by the Chancellor as provided in the provisions of this article relating to campus constituency alumni groups.
- (b) Systemwide constituency alumni groups shall relate to the CSU Alumni Council as provided in the provisions of this article addressing campus constituency alumni groups and their relationship to the campus alumni associations. The provisions of the campus constituency

alumni groups shall apply to systemwide constituency alumni groups with the Chancellor or designee assuming the rights and responsibilities of the campus president or designee.

Note: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.