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Appendix D: University of California Policy and Supplemental Guidelines on the On-Campus Marketing of Credit Cards to Students

(Compliant with California State Legislature AB 262 (Coto), the College Student Credit Protection Act, chaptered October 14, 2007)

The "California Student Financial Responsibility Act of 2001" requested that the University of California "adopt policies to regulate the marketing practices used on campuses by credit card companies." Pursuant to that legislation and consistent with the interest of the University in establishing minimum Universitywide standards (based on existing campus policies in this area) to regulate such activity, the following Policy applies to all banks and other commercial entities (including their third-party representatives) that engage in the on-campus marketing of credit cards to students through solicitation activities (hereafter referred to as "tabling" activities) in public campus areas of the University of California, except as provided in Section IX of this Policy.

The accompanying *Guidelines* are intended to provide supplemental guidance to campuses in their implementation of this *Policy*.

University of California Policy on the On-Campus Marketing of Credit Cards to Students

- I. All banks and other commercial entities (including their third-party representatives) shall be required to register with the campus administration before engaging in tabling activities for the purpose of the on-campus marketing of credit cards to students.
- II. Such tabling activities shall be restricted to specific sites and times designated by the campus administration as appropriate to such activities.
- III. At the discretion of the campus administration, all banks and other commercial entities (including their third-party representatives) engaged in such tabling activities may be assessed a daily or other periodic fee by the campus, at a level consistent with that charged to other commercial vendors.
- IV. In order to help ensure that students are provided the opportunity to make reasonably

informed decisions about both the general degree of credit indebtedness they are equipped to incur and the terms of a particular offer of credit, all banks and other commercial entities (including their third-party representatives) that have registered with the campus administration to engage in tabling activities as defined in Section I of this *Policy*:

A. Are permitted to solicit students by providing them with information on credit card offers, including credit card application materials and accompanying information relating to the terms and conditions of a particular offer of credit as required by law;

B. Are required, when requested by the campus, to display appropriate signage identifying the bank or other commercial entity they represent and verifying that they have registered with the campus, and also to display and make available a copy of this *Policy* as well as campus-supplied debt education materials promoting the responsible use of credit cards. Banks and other commercial entities (including their third-party representatives) that have available such debt education materials from a non-campus source that wish to provide those materials to students in lieu of campus-supplied materials may do so, as long as the materials are campus-approved;

C. Are prohibited, while on campus, from collecting personal information from students specifically for credit card application purposes (including, but not limited to, completed credit card application forms and similar materials), either at the time of solicitation or subsequently. Rather, such completed application materials may be mailed or hand-delivered by students, once they have read and considered the materials and are in a position to make an informed decision, to an off-campus office of the bank or other soliciting entity at a later time.

V. Banks and other commercial entities (including their third-party representatives) engaged in tabling activities that are found to be in material violation of any provision of this *Policy* may be denied access to the campus for the purpose of engaging in such activities for a specified period, depending on the nature and extent of the violation(s).

VI. Consistent with the above and other applicable provisions of University policy, campuses may develop such additional implementing regulations governing the time, place, and manner of the tabling activities of banks and other commercial entities (including their third-party representatives) for the purpose of the on-campus marketing of credit cards to students as are reasonable and appropriate.

VII. Campuses must annually disclose all exclusive arrangements, excluding propriety information, with banks or other commercial entities to engage in the on-campus marketing of credit cards to students through tabling activities.

VIII. Consistent with the applicable laws governing commercial free speech, nothing in this *Policy* shall preclude campuses from prohibiting outright the tabling and/or other solicitation activities of banks and other commercial entities (including their third-party representatives) for the purpose of the on-campus market of credit cards to students, as long as that prohibition is part of a blanket campus prohibition against the on-campus tabling and/or other solicitation activities of all categories of commercial vendors without consideration for the content or nature of the goods or services of any particular category of vendor. Campuses shall consult with the Office of the General Counsel in the development of any local campus regulations that are more restrictive than this *Policy*.

IX. Exemptions

A. Any bank or other commercial entity that occupies on-campus facilities, or that makes available on-campus automated teller machines, for the purpose of providing banking and other financial services to the campus community is exempted from compliance with any provision of this *Policy* that is in conflict with the current lease or other contractual agreement between the campus and said entity. This exemption applies only to the primary contractor in any such contractual agreement with the campus and may be held by the campus not to apply to any of the primary contractor's affiliates. Any lease or other contractual agreement negotiated after July 1, 2008 shall incorporate the provisions of this *Policy*.

B. Any bank or other commercial entity that has entered into an affiliation or similar agreement with the campus alumni association or any other campus entity is exempted from compliance with any provision of this *Policy* that is in conflict with the terms of the current affiliation or similar agreement. This exemption applies only to the primary contractor in any such contractual agreement with the campus alumni association or any other campus entity and may be held by the campus not to apply to any of the primary contractor's affiliates. Any affiliation or similar agreement negotiated after July 1, 2008 shall incorporate the provisions of this *Policy*.

Supplemental Guidelines for Implementing the University of California

Policy on the On-Campus Marketing of Credit Cards to Students

I. When restricting tabling activities to specific sites and times as provided by Section II of the *Policy*, campuses are strongly encouraged to give consideration to strictly limiting the number of such sites, as well as the times that such activities can take place, consistent with the provisions of the "California Student Financial Responsibility Act of 2001".

II.A. Further consistent with the provisions of the "California Student Financial Responsibility Act of 2001", campuses are strongly encouraged to provide credit-card and other debt education to all students. Although campuses may develop their own programs (see Section II.B of these *Guidelines*), they are encouraged to minimize workload by taking advantage of available third-party programs and materials that have been reviewed and approved by the campus and/or by providing referrals to high-quality programs, materials, and counseling available at no cost from third-party entities. Among the means to be considered by campuses are:

1. Using new student orientation programs to target education efforts particularly toward first-year students, many of whom have no previous experience managing personal credit;
2. Posting debt management information on a campus website that students commonly access; and
3. Encouraging cross-departmental sharing of credit card and other debt education materials.

II.B. Pursuant to Section II.A of these *Guidelines*, campuses that elect to charge tabling fees as provided by Section III of the *Policy* may wish to give consideration to applying the fee to the cost of developing new, or improving existing, campus debt counseling services and/or related credit-card education activities and programs that may be available through the Office of Student Financial Support and other campus departments.

III. To the extent financially feasible, campuses are further encouraged to examine their practices regarding the insertion of credit-card promotional materials into shopping bags that are used in their bookstore or other retail operations, and give consideration to either 1) phasing out that practice, or 2) requiring that such materials be accompanied by campus-approved debt-education materials promoting the responsible use of credit cards.

IV. The University recognizes that any *Policy* aiming at the stricter regulation of the on-campus credit card solicitation of students by banks and other commercial entities or their third-party representatives may have the effect of redirecting the focus of such solicitation efforts to students just outside the campus boundaries. Accordingly, campuses are encouraged to consider working with local municipalities to promote the enactment of new municipal time, place, and manner regulations and/or, where such regulations are already in existence, to support their more rigorous enforcement, consistent with the underlying public policy intent of the "California Student Financial Responsibility Act of 2001" to promote an environment actively supportive of the conditions for encouraging student financial responsibility.

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