

AGENDA

COMMITTEE ON EDUCATIONAL POLICY

Meeting: 4:30 p.m., Tuesday, November 8, 2005
Glenn S. Dumke Auditorium

8:30 a.m., Wednesday, November 9, 2005
Glenn S. Dumke Auditorium

Roberta Achtenberg, Chair
Herbert L. Carter, Vice Chair
Carol R. Chandler
Moctesuma Esparza
Debra S. Farar
Robert G. Foster
George G. Gowgani
Melinda Guzman Moore
William Hauck
Corey Jackson
Craig R. Smith
Kyriakos Tsakopoulos

4:30 p.m., Tuesday, November 8, 2005
Glenn S. Dumke Auditorium

Discussion Item

1. Recognition of State Senator Jack Scott, *Information*

8:30 a.m., Wednesday, November 9, 2005
Glenn S. Dumke Auditorium

Consent Items

- Approval of Minutes of Meeting of September 20, 2005
2. Proposed Title 5 Revision of Student Conduct Code, *Action*

Discussion Items

3. Campus Actions to Facilitate Graduation, California State University Chico, *Information*
4. Pilot Evaluation of the Early Assessment Program, *Information*

**MINUTES OF THE MEETING OF
COMMITTEE ON EDUCATIONAL POLICY**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

September 20, 2005

Members Present

Roberta Achtenberg, Chair
Herbert L. Carter, Vice Chair
Carol R. Chandler
Moctesuma Esparza
Debra S. Farar
Bob Foster
Murray L. Galinson, Chair of the Board
George Gowgani
Melinda Guzman Moore
William Hauck
Corey Jackson
Craig Smith
Charles B. Reed, Chancellor

Chair Roberta Achtenberg called the meeting to order.

Approval of Minutes

The minutes of July 20, 2005 were approved by consent as submitted.

Proposed Title 5 Revision of Student Conduct Code

Christine Helwick, General Counsel, presented for discussion a revised item that responded to questions and concerns raised by trustees, faculty, and students at the Board of Trustees meeting in July. Trustees, Chancellor Reed, and members of the California State Student Association expressed broad appreciation to Ms. Helwick, Elizabeth Walter, University Counsel, and Allison Jones, Assistant Vice Chancellor, Student Academic Support, for their willingness to work with all constituent groups and develop a final document that effectively addressed a number of concerns.

Chair Achtenberg, at the suggestion of Trustee Guzman-Moore, asked the Office of General Counsel to provide the Board with periodic reports on student conduct. The item returns to

the trustees for final action in November. Ms. Helwick agreed to suggest at that time when and how information regarding student conduct might be reported at future Board meetings.

Academic Plan Update for Fast-Track Program Development

Keith Boyum, Associate Vice Chancellor, Academic Affairs, presented a resolution that would approve an updated academic plan for California Polytechnic State University, San Luis Obispo to include the projection of a new degree program in Comparative Ethnic Studies. Warren J. Baker, President of CPSU San Luis Obispo, briefly described how the proposed program evolved from a minor to a new major.

The resolution was adopted (REP 09-05-06).

Graduation Initiative Update

Dr. Boyum provided an update on the three programs that have emerged from the graduation initiative the trustees adopted in Fall 2003. These programs include the Early Assessment Program (EAP), which is designed to increase high school students' academic preparation for college; the Lower-Division Transfer Patterns (LDTP) Program, which is designed to improve the community college transfer process; and Campus Actions to Facilitate Graduation (CAFG), which is designed to identify a clear path to the degree for matriculated students.

The EAP generated discussion among trustees, Chancellor Reed, and the presidents. Chair Achtenberg asked staff to provide the Board with additional evidence of the EAP's impact. She said that useful measurements might include the number of teachers who have taken advantage of the EAP's professional development opportunities, and the number of schools that have added courses specifically designed to address the skills gap in light of EAP test results. Chancellor Reed said it would be instructive to look also at how many students sign up for the EAP's online interactive programs in English and mathematics.

Trustee Esparza asked staff to look at the percentage of 11th graders who demonstrate college level proficiency on the EAP tests and to base their findings on the following: the total number of 11th grade-age children in California, the total number of children enrolled in 11th grade in the state, the total number of 11th graders who are qualified to take the tests (for mathematics, have taken Algebra II), and the total number of 11th graders who actually took the tests.

Trustees expressed concern that information about the EAP might not be reaching certain constituencies, in particular inner-city high schools and high schools with large African American and Latino populations. It was generally agreed that more needed to be done to ensure that promotional materials were being distributed.

Associate Vice Chancellor Boyum said that staff would look into these issues and provide a supplemental report to trustees that specifically addressed these issues.

Chair Achtenberg adjourned the meeting.

COMMITTEE ON EDUCATIONAL POLICY

Recognition of State Senator Jack Scott

Presentation By

Roberta Achtenberg
Chair, Committee on Educational Policy

Charles B. Reed
Chancellor

Summary

California Senator Jack Scott will be recognized for sponsoring SB 724, the legislative bill that authorizes the California State University to offer the education doctorate (Ed.D.) degree.

COMMITTEE ON EDUCATIONAL POLICY

Proposed Title 5 Revision of Student Conduct Code

Presentation By

Keith Boyum
Associate Vice Chancellor
Academic Affairs

Christine Helwick
General Counsel

Summary

This item proposes a modernization of the CSU Student Conduct Code, which has not been updated in many years. An initial draft was presented for information and discussion in July. The current version has been significantly revised in response to various comments and suggestions received from students, faculty, administrators and Trustees. It was presented for discussion in September and received several statements of support at that time. It is now being presented for action.

The substantive content of the revised draft is not radically different from the substance of the existing code. But it is a clearer expression of the university's positive expectations of students and the specific grounds that can form the basis for discipline. There are some new bases for discipline that did not exist when the original code was drafted (e.g., computer misuse). The proposed new code also clarifies for the first time the limits of the legal reach of the university to off-campus behavior, and states that discipline is only appropriate when the student misconduct results in a direct harm to the campus or the campus community. The new language is intended to give clearer guidance to campus judicial officers who had expressed some confusion about some aspects of the existing code.

If the proposed new code is adopted, a new Executive Order will follow that will set out the due process requirements that must accompany every student discipline charge.

Background

The Student Conduct Code provides notice regarding what is expected and unacceptable behavior for CSU students. Because student behaviors change over time, best practice calls for an update of university conduct codes every few years. The CSU Student Conduct Code has not been fully reviewed in many, many years. It needs to be updated.

The proposed new code sets out the expectations for student conduct and a listing of unacceptable behaviors in plain English. It addresses modern problems that were not issues at the time the original code was drafted (e.g. computer misuse). It states clearly for the first time the legal limit of the reach of the university into off-campus behaviors; discipline is appropriate only where there is a substantial disruption of the functions or operation of the university, or a threat to the safety or security of the campus community.

In preparing the proposed new code, input has been solicited from Presidents, the Academic Senate, CSSA, Provosts, Vice Presidents of Student Affairs, Student Judicial Officers, and Trustees, all of which has shaped the current version. Most issues and concerns have been resolved. There have been lively discussions about the First Amendment, off-campus jurisdiction, parallel criminal proceedings, and various aspects of due process. If the proposed new code is adopted by the Board, a new implementing Executive Order will be issued by the Chancellor that will contain direction for the campuses on the due process requirements that must accompany every disciplinary charge. They include a right to a hearing on the merits before a neutral hearing officer whenever a student challenges a proposed disciplinary sanction.. The Chancellor has pledged his full support to ensure that this new code is implemented appropriately on the campuses.

The following resolution is presented for approval:

RESOLVED by the Board of Trustees of the California State University that Sections 41301, 41303, and 41304 of Title 5 of the California Code of Regulations be deleted, and replaced with a new Section 41301 (attached) the text of which is set forth in attachment A to agenda item 2 in the November 8-9, 2005 agenda for the Educational Policy Committee.

PROPOSED NEW CODE

Article 2. STUDENT CONDUCT

§ 41301. Standards for Student Conduct

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community must choose behaviors that contribute toward this end. Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences.

(a) Student Responsibilities

Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and university life.

(b) Unacceptable Student Behaviors

The following behavior is subject to disciplinary sanctions:

(1) Dishonesty, including:

- (A) Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
- (B) Furnishing false information to a University official, faculty member, or campus office.
- (C) Forgery, alteration, or misuse of a University document, key, or identification instrument.
- (D) Misrepresenting oneself to be an authorized agent of the University or one of its auxiliaries.

(2) Unauthorized entry into, presence in, use of, or misuse of University property.

(3) Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.

(4) Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.

- (5) Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University related activity.
- (6) Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.
- (7) Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
- (8) Hazing, or conspiracy to haze, as defined in Education Code Sections 32050 and 32051: “Hazing” includes any method of initiation or pre-initiation into a student organization, or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm, to any student or other person attending any school, community college, college, university or other educational institution in this state; but the term “hazing” does not include customary athletic events or other similar contests or competitions.
A group of students acting together may be considered a ‘student organization’ for purposes of this section whether or not they are officially recognized. Neither the express or implied consent of a victim of hazing, nor the lack of active participation while hazing is going on is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.
- (9) Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.
- (10) Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.
- (11) Theft of property or services from the University community, or misappropriation of University resources.
- (12) Unauthorized destruction, or damage to University property or other property in the University community.

- (13) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.
- (14) Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
- (15) Misuse of computer facilities or resources, including:
 - (A) Unauthorized entry into a file, for any purpose.
 - (B) Unauthorized transfer of a file.
 - (C) Use of another's identification or password.
 - (D) Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University Community.
 - (E) Use of computing facilities and resources to send obscene or intimidating and abusive messages.
 - (F) Use of computing facilities and resources to interfere with normal University operations.
 - (G) Use of computing facilities and resources in violation of copyright laws.
 - (H) Violation of a campus computer use policy.
- (16) Violation of any published University policy, rule, regulation or presidential order.
- (17) Failure to comply with directions of, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.
- (18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well-being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.
- (19) Violation of the Student Conduct Procedures, including:
 - (A) Falsification, distortion, or misrepresentation of information related to a student discipline matter.
 - (B) Disruption or interference with the orderly progress of a student discipline proceeding.
 - (C) Initiation of a student discipline proceeding in bad faith.
 - (D) Attempting to discourage another from participating in the student discipline matter.
 - (E) Attempting to influence the impartiality of any participant in a student discipline matter.

(F) Verbal or physical harassment or intimidation of any participant in a student discipline matter.

(G) Failure to comply with the sanction(s) imposed under a student discipline proceeding.

(20) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

(c) Application of this Code

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus. Nothing in this Code may conflict with Education Code section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

(d) Procedures for Enforcing this Code

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code.

EXISTING CODE

[Will be deleted and replaced in entirety]

Article 2. Student Discipline

§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) Willful, material, and substantial 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) Unauthorized recording, dissemination, and publication of academic presentations for commercial purposes. This prohibition applies to a recording made in any medium, including, but not limited to, handwritten or typewritten class notes.

(1) The term “academic presentation” means any lecture, speech, performance, exhibition, or other form of academic or aesthetic presentation, made by an instructor of record as part of an authorized course of instruction that is not fixed in a tangible medium of expression.

(2) The term “commercial purpose” means any purpose that has financial or economic gain as an objective.

(3) “Instructor of record” means any teacher or staff member employed to teach courses and authorize credit for the successful completion of courses.

(o) For purposes of this Article, the following terms are defined:

(1) The term “member of the campus community” is defined as meaning California State University 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

(B) all campus feeding, retail, or residence facilities whether operated by a campus or by a campus auxiliary organization.

(3) The term “deadly weapons” 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 term “hazing” does not include customary athletic events or other similar contests or competitions.

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

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

(q) 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.

§41303. Conduct by Applicants for Admission.

Notwithstanding any provision in this Chapter 1 to the contrary, admission or readmission may be qualified or denied to any person who, while not enrolled as a student, commits acts which, were he enrolled as a student, would be the basis for disciplinary proceedings pursuant to Sections 41301 or 41302. Admission or readmission may be qualified or denied to any person who, while a student, commits acts which are subject to disciplinary action pursuant to Section 41301 or Section 41302. Qualified admission or denial of admission in such cases shall be determined under procedures adopted pursuant to Section 41034.

§41304. Student Disciplinary Procedures for the California State University and Colleges

The Chancellor shall prescribe, and may from time to time revise, a code of student disciplinary procedures for the California University and Colleges. Subject to other applicable law, this code shall provide for determinations of fact and sanctions to be applied for conduct which is a ground of discipline under Sections 41301 or 41302, and for qualified admission or denial of admission under Section 41303; the authority of the campus President in such matters; conduct related determinations on financial aid eligibility and termination; alternative kinds of proceedings, including proceedings conducted by a Hearing Officer; time limitations; notice; conduct of hearings, including provisions governing evidence; a record, and review; and such other related matters as may be appropriate.

The Chancellor shall report to the Board his actions taken under this section.

COMMITTEE ON EDUCATIONAL POLICY

Campus Actions to Facilitate Graduation: California State University, Chico

Presentation By

Paul J. Zingg
President
California State University, Chico

Summary

A major component of Campus Actions to Facilitate Graduation is the development of strong and clear roadmaps for all academic degree programs. These maps allow faculty, advisers, and students to know with certainty what courses students should enroll in, term-by-term, during the course of their academic careers leading to the baccalaureate degree.

California State University, Chico has emerged as a systemwide leader in the area of web-based roadmaps. More than 150 roadmaps leading to the baccalaureate degree have been posted on the campus' Major Academic Plan (MAP) site, which receives almost 750,000 "hits" annually. Each roadmap includes a sample 8-semester class schedule. Soon, students visiting the MAP site will be able to click on any one of the courses offered within the major and get a full catalog description of that course.

California State University, Chico personnel will describe and demonstrate their MAP web site.

COMMITTEE ON EDUCATIONAL POLICY

Pilot Evaluation of the Early Assessment Program

Presentation By

Keith O. Boyum
Associate Vice Chancellor
Academic Affairs

Summary

The Early Assessment Program (EAP) takes as its ultimate goal a higher proportion of students who are fully proficient and do not require remediation in English and/or mathematics. Rates of proficiency and remediation in English have proven especially resistant to change. As of Fall 2004, nearly 47 percent of first-time freshmen at California State University required remedial instruction in English.

To help address the problem of low proficiency rates in English, the EAP program has taken several important steps, including developing a 12th Grade Expository Reading and Writing Course (ERWC). This course, developed by CSU faculty, high school teachers, and content specialists, is intended to prepare students for college-level English. It is coupled with professional development opportunities for high school English teachers that focus primarily on effective teaching using the ERWC curriculum. ERWC curriculum materials and professional development opportunities were made available for the first time in 2004-05. Approximately 660 high school English teachers across the state participated in 2004-2005.

At the request of the California County Superintendents Educational Services Association, the Teacher Education and Public Schools Programs unit in Academic Affairs conducted a pilot evaluation of the ERWC. Specifically, researchers examined the efficacy of the course curriculum and the potential impact of the curriculum on the proficiency rates of incoming freshmen that are identified through the EAP assessment as not yet proficient in English. High school English teachers who participated in the professional development component were surveyed. From among these teachers, a representative sample of 10 teachers and their students were studied in detail.

Researchers found clear indicators that the new ERWC curriculum makes strong and positive differences. Academic Affairs staff will provide a summary of the study's findings and its implications for the EAP program.