

AGENDA

COMMITTEE OF THE WHOLE

Meeting: 10:00 a.m. Wednesday, November 15, 2006
Glenn S. Dumke Auditorium

Roberta Achtenberg, Chair
Jeffrey L. Bleich, Vice Chair
Herbert L. Carter
Carol R. Chandler
Moctesuma Esparza
Debra S. Farar
Kenneth Fong
Murray L. Galinson
George G. Gowgani
Melinda Guzman
William Hauck
Raymond W. Holdsworth
Ricardo F. Icaza
Andrew J. LaFlamme
A. Robert Linscheid
Lou Monville
Charles B. Reed, Chancellor
Jennifer Reimer
Craig R. Smith
Glen O. Toney
Kyriakos Tsakopoulos

Consent Items

Approval of Minutes of Meeting of September 20, 2006

Discussion Items

1. International Programs, *Information*

**MINUTES OF THE MEETING OF
COMMITTEE OF THE WHOLE**

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

September 20, 2006

Members Present

Roberta Achtenberg, Chair
Jeffrey L. Bleich, Vice Chair
Herbert L. Carter
Carol R. Chandler
Moctesuma Esparza
Debra S. Farar
Kenneth Fong
Murray L. Galinson
George G. Gowgani
William Hauck
Raymond W. Holdsworth
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Andrew J. LaFlamme
A. Robert Linscheid
Lou Monville
Charles B. Reed, Chancellor
Jennifer Reimer
Craig R. Smith
Glen O. Toney

Approval of Minutes

The Minutes of March 14, 2006 were approved as submitted.

Discussion Items

General Counsel's Report

Chair Achtenberg asked Christine Helwick, General Counsel, to present the item. Ms. Helwick stated that the General Counsel's Report was presented twice a year and as a

summary of significant cases and broad legal trends facing the CSU. Ms. Helwick directed attention to the report on the status of cases that have been identified as significant to the CSU. The cases are significant not in terms of their financial exposure, she stated, but for the implications that they raise on important policy issues within the CSU. Once introduced in the report, she continued, they remain on the report and are updated at each meeting until they are finally resolved. Ms. Helwick introduced a PowerPoint report that displayed an overview of all litigation activity, trends and benchmarks, and ways to measure system progress. The first slide, she reported, measured the number of cases that came in and were resolved during the last 6-month period. The second slide showed the number of active cases pending against the CSU over the years and depicted the continuous decent in the volume of CSU case activity. The third slide described the types of cases against CSU. She noted that the area percentages have stayed consistent over time. Ms. Helwick stated that employment continues to be CSU's biggest exposure area, both in terms of volume and actual cost. The last slide she presented described how CSU cases have been resolved.

Trustee Jeffrey Bleich commended staff on the reduced caseload over the last 5 years. He said he was unaware of any other institution that could demonstrate such progress and that such results could only be attributed to identifying trouble spots early, being proactive and being very thoughtful about when to fight and when to acknowledge that there could be improvement.

Report on Sarbanes-Oxley

Chair Achtenberg introduced the next item, an analysis of how the Sarbanes-Oxley Act applies to institutions of higher education. General Counsel Helwick stated that at the July meeting there had been discussion on how CSU fits in with the requirements of Sarbanes-Oxley. Although Sarbanes-Oxley is not an Act that is applicable to CSU, but is designed to deal with full-profit institutions where securities are traded. Nevertheless, she continued, the underlying principles of openness and accountability represented by the Sarbanes-Oxley Act are certainly applicable to all non-profit organizations, including CSU. There have been nationwide attempts to try to make the law more directly applicable to institutions such as CSU.

Ms. Helwick reported that there have been several analyses of how the Sarbanes-Oxley Act should be implemented in higher education. The agenda item lists the articles and journals reviewed by staff that specifically discuss the Sarbanes-Oxley Act in higher education. She directed trustees to the chart that lays out the Sarbanes-Oxley Act requirements and how they are applied at CSU, noting in particular the two areas where CSU will need to act in order to become consistent with the Act.

Chair Achtenberg called for questions. Trustee Galinson thanked the General Counsel for the helpful analysis. He commented that one of the requirements stated that one

member of the audit committee must have financial expertise, but that CSU did not appoint the committee. He asked if there was any rule specifically addressing independent committee appointments. Ms Helwick replied that there has been some conversation in general on what independence means, and some have interpreted independent to mean one must not be a member of the board. She noted, however, that that was not a requirement of the Sarbanes-Oxley Act. There has been no conversation in higher education to suggest that members of the audit committee cannot also be board members.

There being no further discussion, the meeting was adjourned.

COMMITTEE OF THE WHOLE

International Programs

Presentation By:

Charles B. Reed
Chancellor

Christine Helwick
General Counsel

Background:

In response to a concern raised by Trustee Kyriakos Tsakopoulos about agreements between San Diego State University and CSU Long Beach, and Eastern Mediterranean University (EMU) this information item will present background about international programs operations in the CSU. Through policies like the one creating “International Education Week” and programs such as the Fulbright Awards, the U.S. government has supported and encouraged international activity in higher education. The California State University also has a long history of providing international study opportunities for its students and currently sends more than 4,000 students abroad each year.

CSU policy states that study abroad programs should be designed to enrich the student’s degree objective. International programs can be offered at either the system level or by individual campuses. In either case they must undergo a normal development process, have academic offerings that are congruent with the curriculum, offer courses that satisfy graduation requirements, and have a plan for review and evaluation. The safety and well being of our students is also a primary concern and programs also must comply with CSU policies on risk management and air travel, and follow the direction of U.S. State Department Travel Warnings.

In order to administer international activity, the university presidents have delegated authority to enter into agreements to enhance international goodwill and understanding through study abroad and the exchange of students. Most CSU campuses have well-established international offices that coordinate and administer exchange activity on campus. These programs include exchanges with universities abroad, faculty-led programs to countries around the world, and travel study opportunities through self-support.

The Office of International Programs operates the systemwide study abroad programs and has served CSU students for 43 years. International Programs provides international academic opportunities in the framework of a California State University degree program. With a focus on

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academic year studies, it offers an array of study options related to specific degree and career objectives.

The San Diego and Long Beach campuses have entered into international educational exchange agreements with the Eastern Mediterranean University, which is located on the Turkish northern area of the divided island of Cyprus. EMU is one of seven major universities in Cyprus. In addition to San Diego and Long Beach, EMU has exchange agreements with seven other U.S. universities as well as with universities in Europe, Canada, the Middle East and Asia. The San Diego State University Cyprus Program is based in the honors program in International Security and Conflict Resolution. In the summer of 2006, 26 students and three faculty members participated in a program to Cyprus (both areas) for a six-week study session. CSU Long Beach has not sent any students to Cyprus but has hosted six students from EMU.

Attachment A is a letter from the U.S. Department of State. Attachment B is a series of questions posed by Mr. Michael Sarris, an attorney representing the Greek American community.



United States Department of State
Washington, D.C. 20520

October 20, 2006

Dr. Alan Sweedler
Assistant Vice President for International Programs
Office of International Programs
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-5102

Dear Dr. Sweedler:

I am responding to your query regarding U.S. policy towards Cyprus, and in particular, educational exchanges and San Diego State University's relationship with Eastern Mediterranean University.

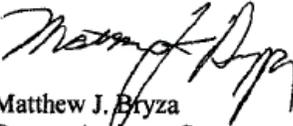
The United States recognizes the Republic of Cyprus; we do not recognize the "Turkish Republic of Northern Cyprus." Our overarching objective on Cyprus is to help foster a comprehensive settlement that reunifies the island into a bi-zonal, bi-communal federation. We support the easing of the economic and social isolation of Turkish Cypriots as a way to reduce disparities between the Greek Cypriot and Turkish Cypriot communities, and thereby facilitate reunification of the island.

The U.S. government also pursues reunification by encouraging educational and cultural exchanges with members of the Turkish Cypriot community. Journalists, academics and other Turkish Cypriot experts visit the United States on U.S. government-sponsored international visitor programs. Such efforts include the Cyprus American Scholarship program, funded through a cooperative agreement between the Cyprus Fulbright Commission and the Department of State, to provide scholarships for bachelor's and master's level study, as well as training and other inter-communal programs for members of both the Greek and Turkish Cypriot communities. Graduates of Eastern Mediterranean University and other universities on the island are key participants.

Eastern Mediterranean University is arguably the most prestigious university in the north of the island and one of only seven major universities in Cyprus. All of its rectors and vice rectors are U.S.-educated, and many faculty have degrees from American universities. There are at least a dozen American faculty members and students currently at Eastern Mediterranean University.

San Diego State University's exchange program with Eastern Mediterranean University makes an important contribution to these U.S. efforts by increasing educational and cultural exchanges with Cypriots across the entire island. San Diego State's direct work with Turkish Cypriots is helping to support a better future for all Cypriots on a reunified island.

Sincerely,



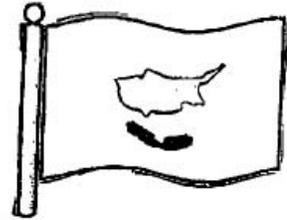
Matthew J. Bryza
Deputy Assistant Secretary



TURKEY



GREECE



CYPRUS

**U.S. DEPARTMENT OF STATE
OFFICE OF SOUTHERN EUROPEAN AFFAIRS (EUR/SE)**

FAX: 202-647-5087 - Telephone: 202-647-6113

FACSIMILE TRANSMISSION COVER SHEET

Date: 10-24-06

Time: 12:11

Pages (inc. cover): 3

TO: Dr. Alan Sweedler

Office of International Programs
Organization: San Diego University

Fax Number: 619-594-0178

Telephone Number: 619-594-1354

FROM: Melissa Clegg-Tipe

Telephone: 202-647-6112

COMMENTS:

Copy of letter signed by Deputy Assistant Secretary

Melissa Clegg

Questions by Michael Sarris, Esq.

- a) If they are indeed in accordance with U.S. law, please produce the specific, written and explicit U.S. Government direction or permission for CSU's two campuses, San Diego and Long Beach, to undertake these exchange programs (including disembarkation and embarkation from non-U.S. recognized ports of entry on the island of Cyprus) with "non-recognized" state are permitted under U.S. law.
- b) Does CSU policy sanction cooperation with institutions such as EMU – established on forcibly confiscated land in occupied territories that are not recognized by the U.S. Government and in violation of UN Security Council Resolutions 541 (1983) and 550 (1984) which call this territory ("TRNC") legally invalid and call upon all countries and their subordinate jurisdictions to refrain from assisting TRNC in any way?
- c) Does CSU policy sanction cooperation with institutions such as EMU – where the physical property used by the institution is the subject of litigation, on the grounds of theft and misappropriation of rightful title, by the rightful title holder who is seeking its return in the European Court of Human Rights (*Saveriades v. Turkey*), and where the same court established legal precedent as of May, 2001, affirming that Greek Cypriots who own properties in the forcibly occupied northern part of Cyprus remain the legal owners of such properties?
- d) Does CSU policy sanction cooperation with institutions such as EMU – which is neither licensed nor recognized by the Ministry of Education of the Government of Cyprus – the only sovereign entity on the island of Cyprus duly recognized by the U.S. Government and its subordinate jurisdictions?
- e) Does CSU policy sanction cooperation with institutions such as EMU when the entry point for CSU faculty, students and administrators is not a port of entry legally recognized by the U.S. Government in the Republic of Cyprus, and when such entry is deemed illegal by UN Resolutions, and directly violates the laws of the Republic of Cyprus, thereby putting participants at risk of being charged with illegal entry and of being tried in the courts of Cyprus?
- f) Does CSU policy sanction exchange programs, where – participating faculty and students alike – may expose themselves to be detained and be tried for trespassing on the Greek Cypriot owner's property being illegally and forcibly used by EMU, and that any judgments issued by the legitimate courts of Cyprus are enforceable in all its territories, including occupied northern Cyprus?

Attachment B

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- g) Has CSU ever received monies from the Turkish government or the Institute of Turkish Studies at Georgetown?
- h) Please provide the names and contact information for SDSU participants in the Exchange Program, full syllabus of the program, and instructional materials.
- i) Who/What entity stamps the passports of the US Students entering Cyprus?
- j) If one of the US students was injured due to the negligence of the so called northern Cypriot government while at the so called EMU, what recourse would they have? Have they been made aware that they may not have any ability to redress grievances suffered while in northern Cyprus? If their only recourse is the Turkish government have they been made aware of the risks given the Turkish government's human rights and civil rights record?