

## AGENDA

### COMMITTEE ON EDUCATIONAL POLICY

**Meeting: 8:00 a.m. Wednesday, January 28, 2004**  
**Closed Session: Munitz Conference Room**

Roberta Achtenberg, Chair  
Shailesh J. Mehta, Vice Chair  
Robert G. Foster  
Murray L. Galinson  
Kathleen E. Kaiser  
M. Alexander Lopez  
Ralph Pesqueira

#### **Closed Session – Munitz Conference Room**

1. Review and Recommendation of Nominees for Honorary Degrees, *Action*

#### **8:30 a.m. Open Session – Glenn S. Dumke Auditorium**

##### **Consent Items**

Approval of Minutes of Meeting of November 19, 2003

##### **Discussion Items**

- 2 Remedial Education Policy Implementation: Eighth Annual Report, *Information*
3. Revision of Title 5—Student Discipline and Intellectual Property, *Action*
4. Revision of Title 5—Nonvehicular Transportation and Animals on Campus, *Action*

**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**

**November 19, 2003**

**Members Present**

Roberta Achtenberg, Chair  
Shailesh J. Mehta, Vice Chair  
Debra S. Farar, Chair of the Board  
Murray L. Galinson  
Kathleen E. Kaiser  
M. Alexander Lopez  
Ralph R. Pesqueira  
Charles B. Reed, Chancellor

**Members Absent**

Robert G. Foster

**Other Trustees Present**

Eric Guerra  
William Hauck  
Frederick W. Pierce IV  
Kyriakos Tsakopoulos

**Chancellor's Office Staff**

David S. Spence, Executive Vice Chancellor and Chief Academic Officer  
Richard P. West, Executive Vice Chancellor and Chief Financial Officer  
Christine Helwick, General Counsel  
Jackie R. McClain, Vice Chancellor, Human Resources  
Allison G. Jones, Assistant Vice Chancellor, Academic Affairs

Chair Achtenberg called the meeting to order on November 19 at 11:15 a.m.

**Approval of Minutes**

The minutes of September 17, 2003 were approved by consent as submitted.

### **Review and Recommendation of Nominee for an Honorary Degree**

Chair Achtenberg reported that action was taken in closed session on the item on the review and recommendation of a nominee for an honorary degree.

### **Community Service Learning in the California State University**

Chair Achtenberg said that in March 2000, the Trustees passed a landmark resolution calling for the chancellor and each California State University campus president “to ensure that all students have opportunities to participate in community service, service learning, or both.” Chair Achtenberg introduced Executive Vice Chancellor David Spence to present the 2002-03 academic year report on campus service-learning opportunities for students.

Executive Vice Chancellor David Spence reported that the CSU is a national leader in community service learning. He said that the CSU’s 2002/03 budget included \$1.1 million to support creation or expansion of service learning on all 23 campuses to be matched with investments from outside resources. During the 2002-03 academic year, 198 new courses with service learning components were developed and over \$2 million was secured from external sources matching the state’s investment to support service learning. Dr. Spence emphasized that the impact of CSU’s community service learning commitments on students, faculty, and communities in California is impressive. He introduced Humboldt State University President, Rollin C. Richmond, to describe the value of community service learning to students at his campus. Dr. Spence stated that under his leadership, service learning and civic engagement have thrived.

Dr. Richmond described several HSU community service-learning programs and shared comments from participants. Youth Educational Services (YES), a co-curricular program involving 200-300 students in staffing and development, provides tutoring and mentoring services for young people, nonviolent games, senior citizen assistance, ESL classes, and networking and coordination of local services. Three Service Learning Center programs were also described: (1) the Faculty Fellows Program, (2) a student intern program, and (3) the Community Partners Program. Dr. Richmond added that with funding from the California Campus Compact, the National Campus Compact, and the Pew Charitable Trust, Humboldt was one of seven campuses in California in the national Raise Your Voice Campaign and he also described a regional civic engagement retreat held in the community as part of the student initiative sponsored by California Campus Compact.

Dr. Spence thanked Dr. Richmond and concluded the presentation by summarizing CSU’s accomplishments since the Trustees passed the resolution in 2000. In 2003-04, over 60,000 students (14.4 percent) will have the opportunity to participate in service-learning courses, more than doubling the number of opportunities since 2000. Combined with the number of students

volunteering without enrolling in specific community service-learning courses, over 185,000 students (45 percent) participate in community service and service-learning activities annually. Dr. Spence also stated that a recent systemwide federal grant of \$1.2 million to support service learning and civic engagements further underscores CSU's leadership role. He said that CSU's efforts and commitment are to be commended.

Trustee Kaiser commented that students involved in community service learning are strong contributors to the state economy. She further commented that program cuts would negatively impact the state economy, and this might interest the Legislature. Chancellor Reed said those figures could be provided.

Ms. Caitlin Gill, CSSA Internal Vice Chair, affirmed the value of service learning and civic engagement to students and thanked the Trustees for their recognition of this important issue.

Trustee Galinson emphasized his deep respect for student participation in community service learning and expressed pride in the level of involvement and accomplishments of community service-learning programs on CSU campuses.

Chair Achtenberg thanked and complimented Dr. Richmond for his presentation and on the successes of the community service-learning programs at his campus. She reiterated that the Board is very proud of the community service-learning program across the CSU system.

### **Proposed Revision of Title 5: Student Discipline and Intellectual Property**

Chair Achtenberg reported that revisions to the State Education Code by the State Legislature in 2000 called for the Trustees to develop policies, in consultation with faculty, to prohibit any unauthorized recording, dissemination, and publication of academic presentations for commercial purposes. The Academic Senate of the CSU has been consulted and concurs with the proposed amendment to Title 5. She stated that it would be brought to the Trustees in January for adoption and introduced Executive Vice Chancellor Spence.

Dr. Spence said that AB 1773 requires CSU to amend Title 5 to prohibit the unauthorized publication of academic presentations for commercial purposes. He stated that students were being paid by commercial companies to post class notes online without the permission of their instructors, in effect stealing intellectual property. In order to comply with AB 1773, the CSU must (1) revise Title 5 to prohibit the practice, (2) identify via Executive Order 628 on Student Disciplinary Procedures that unauthorized publication will be penalized appropriately, and (3) inform students via campus catalogs and class schedules. Dr. Spence stated that the Academic Senate of the CSU supports the change in Title 5.

Academic Senate Chair Robert Cherny affirmed that the Academic Senate Executive Committee had reviewed the changes and was in support of the change in Title 5.

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Trustee Galinson asked whether taping lectures was a normal practice. Trustee Kaiser said that it is quite normal for many students, including the disabled student population, to tape lectures. Dr. Spence clarified that it was the commercial use of the tapes and notes that was prohibited by the legislation.

Chair Achtenberg said that the Title 5 changes would be presented for adoption in January.

Chair Achtenberg adjourned the meeting at 11:47 a.m.

**COMMITTEE ON EDUCATIONAL POLICY**

**Review and Recommendation of Nominees for Honorary Degrees**

**Presentation By**

Roberta Achtenberg  
Chair, Committee on Educational Policy

David S. Spence  
Executive Vice Chancellor  
and Chief Academic Officer

**Summary**

Recommendation from the Committee on Educational Policy, Subcommittee on Honorary Degrees, will be addressed in closed session pursuant to Government Code Section 11126 (c) (5) [closed session “to consider the conferring of honorary degrees”].

**COMMITTEE ON EDUCATIONAL POLICY**

**Remedial Education Policy Implementation: Eighth Annual Report**

**Presentation By**

David S. Spence  
Executive Vice Chancellor  
and Chief Academic Officer

**Summary**

The CSU Board of Trustees adopted in January 1996 a policy designed to reduce the need for remediation in English and mathematics at the college level. This annual report provides information about systemwide implementation activities, the effectiveness of campus efforts to remediate students during their first year of enrollment, and campus plans for reducing the proportions of regularly-admitted freshmen needing a second year of remedial education.

The percentage of incoming freshmen proficient in English and mathematics upon entry and the percentage and the extent to which students who are not proficient are remediated by the end of the first academic year will be provided at the meeting.

## **COMMITTEE ON EDUCATIONAL POLICY**

### **Revision of Title 5—Student Discipline and Intellectual Property**

#### **Presentation By**

David S. Spence  
Executive Vice Chancellor  
and Chief Academic Officer

#### **Summary**

This item presents and recommends revising Title 5, *California Code of Regulations*, to meet the requirements set forth in Assembly Bill 1773, which was enacted into law in September 2000 and added as Education Code Sections 66450 through 66452. The revision to Title 5, Section 41301, would as specified in California Education Code Section 66452, prohibit any unauthorized recording, dissemination, and publication of academic presentations for commercial purposes.

#### **Background**

This revision of Title 5, California Code of Regulations Section 41301 is proposed in order to satisfy the requirements of Assembly Bill 1773, which was enacted into law in September, 2000, adding Sections 66450 through 66452 to the Education Code. The revision to Title 5, Section 41301, would prohibit any unauthorized recording, dissemination, and publication of academic presentations for commercial purposes.

Section 66450 states that: "... no business, agency, or person, including, but not necessarily limited to, an enrolled student, shall prepare, cause to be prepared, give, sell, transfer, or otherwise distribute or publish, for any commercial purposes, any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction by an instructor of record. This prohibition applies to a recording made in any medium, including, but not necessarily limited to, handwritten or typewritten class notes."

Section 66452(a) states that: "... the Trustees of the California State University shall, ... in consultation with faculty, ... develop policies to prohibit the unauthorized recording, dissemination, and publication of academic presentations for commercial purposes." To satisfy Section 66452(a), it is proposed that the Board of Trustees amend Title 5, Section 41301, to include the following cause for student disciplinary action:

- (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.

The Academic Senate, CSU, has been consulted as directed by Education Code Section 66452(a) and concurs with the proposed amendment to Title 5.

California Education Code Section 66452(b) states that: “...the Trustees of the California State University shall, ...adopt or provide for the adoption of specific regulations governing a violation of this chapter by students, along with applicable penalties for a violation of the regulations.” The penalty requirement of this code section is already satisfied by Title 5, *California Code of Regulations*, Section 41301, which specifies that a student may be “expelled, suspended, placed on probation or given a lesser sanction” as penalty for any of the behaviors listed therein. Executive Order 628, the Student Disciplinary Procedures for the California State University, satisfies the Education Code Section 66452(b) requirement that regulations be adopted governing a violation of the chapter by students. E.O. 628 establishes procedures that are to be followed on the campuses, and it designates that probation, suspension, and expulsion are the possible sanctions for violation of the Student Code, that is, the behaviors listed in Title 5, Section 41301.

Finally, Education Code Section 66452(b) states that: “...the trustees shall, ...adopt procedures to inform all students of those regulations, with applicable penalties, and any revisions thereof.” Upon the amendment of Title 5 recommended in this item, the Chancellor will issue an advisory memorandum to campus presidents, vice presidents for academic affairs/provosts, and vice presidents for student affairs, requiring that the revised Student Code and its associated penalties for violations be included in mandatory catalog copy and campus class schedules.

The following resolution is recommended for adoption:

**RESOLVED**, By the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the

Education Code, that the Board hereby amends Section 41301 of Article 2, Subchapter 4, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

**§ 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) 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 the 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.

"Instructor of record" means any teacher or staff member employed to teach courses and authorize credit for the successful completion of courses.

~~(n)~~(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 ~~and Colleges~~-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 Colleges~~, 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.

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

~~(p)~~(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.

Note: Authority cited: Sections 66300, ~~66600, 66452, and 89030 and 89035~~, Education Code. Reference: Sections ~~66017, 66300, and 66450 et seq. 66600, 69810-69813 and 89030~~, Education Code; ~~and Section 626.2, Penal Code.~~

And be it further

**RESOLVED**, That the Board of Trustees has determined that the adoption of the proposed revision to Title 5 will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any nondiscretionary cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts;

And be it further

**RESOLVED**, That the Board of Trustees delegates to the Chancellor of the California State University authority to further adopt, amend, or repeal this revision if further adoption, amendment or repeal is required and is nonsubstantial

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or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

**COMMITTEE ON EDUCATIONAL POLICY**

**Revision of Title 5—Nonvehicular Transportation and Animals on Campus**

**Presentation By**

David S. Spence  
Executive Vice Chancellor  
and Chief Academic Officer

**Summary**

Subdivision (a) of proposed Section 42353.1 would authorize the president of a California State University (CSU) campus to regulate the use of nonvehicular transportation on CSU campuses. This includes the regulation of bicycles, scooters, skateboards, and roller skates. Subdivision (b) would authorize the president of a CSU campus to regulate animals on campus considering such factors as safety, cleanliness, and owners' needs in the case of service animals.

**Background**

The regulation of bicycles, scooters, skateboards, and roller skates as well as animals on CSU campuses has been a matter of increasing concern. As enrollments have swelled, the walkways and lawn areas have increased in use and congestion. The safety of pedestrians as well as mechanical traffic, safe and appropriate use of buildings and grounds, and the cleanliness of buildings and grounds have resulted in a need to expressly delegate authority to the campus presidents to regulate these uses.

Vehicle Code Section 21113(f) allows the Trustees of the California State University to “adopt rules or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, and roller skates on public property.” Further, Education Code Section 89031 authorizes the Trustees to “establish rules and regulations for the government and maintenance of the buildings and grounds of the California State University.” Section 89031 further provides that “[e]very person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.” Section 89035 permits delegation of this authority.

As an area under the jurisdiction of the State of California, local ordinances are enforceable if the state makes them operative on the campus. These ordinances where operative are not always tailored to the state university environment. Providing authority in the president to prescribe appropriate use of the campus by nonvehicular forms of transportation and animals will permit a more thoughtful and tailored effort at balancing the varying interests of campus community and the state.

**REVISED**

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The following resolution is recommended for adoption:

**RESOLVED**, By the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the Board hereby adopts Section 42353.1 and amends Section 42354 of Article 9, Subchapter 5, Chapter 1, Division 5 of Title 5 of the *California Code of Regulations* as follows:

**§ 42353.1. Bicycles, Skateboards, Roller Skates, and Animals.**

(a) The president of the campus may permit forms of transportation on the campus in accordance with reasonable directives issued by the campus president. No person shall use forms of transportation upon the campus driveways, pathways, parking facilities or grounds except in accordance with directives issued by the campus president. The campus president may designate the campus areas that shall be open to use of forms of transportation, and shall place appropriate signs indicating the time and the conditions for their use. "Forms of transportation," shall include bicycles, motorized bicycles, scooters, motorized scooters, skateboards, roller skates including inline skates, and other forms of transportation that are not motor vehicles.

(b) No person shall bring an animal onto the grounds or into the buildings of a campus except in accordance with directives issued by the campus president. The president of the campus may permit animals on campus in accordance with reasonable directives issued by the campus president. The president shall consider such factors as the safety of the campus community, cleanliness of the buildings and grounds of the campus, and the needs of the animal's owner as in the case of service animals.

Note: Authority cited: Sections 89030 and 89031, Education Code; Section 21113, Vehicle Code. Reference: Section 89031, Education Code; Section 21113, Vehicle Code.

**§ 42354. Notice.**

Notice shall be posted at or near the principal entrances of each campus calling attention to the existence of regulations relating to ~~soliciting handbills and circulars, and to public meetings, performances, rallies and similar public events,~~ use of CSU buildings and grounds ~~citing by the number the sections in this Article~~

and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.

Note: Authority cited: Sections ~~66600~~, 89030, ~~and 89031 and 89035~~, Education Code. Reference: Section 89031, Education Code; Section 21113, Vehicle Code.

And, be it further

**RESOLVED**, That the Board of Trustees has determined that the adoption of the proposed revision to Title 5 will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any nondiscretionary cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts;

And be it further

**RESOLVED**, That the Board of Trustees delegates to the Chancellor of the California State University authority to further adopt, amend, or repeal this revision if further adoption, amendment or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.