COMMITTEE ON RULES AND JURISDICTION

REPORT TO THE RIVERSIDE DIVISION
May 24, 2011

To Be Adopted

Proposed Changes to Regulation 6 – Campus Graduation Requirement

<table>
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<tr>
<th>PRESENT</th>
<th>PROPOSED</th>
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<tbody>
<tr>
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<td>R6.14 (for undergraduates)</td>
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<td>In cases of student misconduct, the student’s College Executive Committee may defer or withhold his or her degree for a specified period of time. The Dean of Students may recommend such an action to the College Executive Committee.</td>
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Justification: At present the university does not have a policy that allows for deferral or withholding of degree. Students who are involved in serious violations of university policy in their final quarter of enrollment, academic or social, typically face no disciplinary consequences for their misconduct as they are able to complete their degree and leave the University before the disciplinary issue can be resolved. Through the Committee on Educational Policy, the Dean of Students and Director of Student Conduct & Academic Integrity Program propose amendment to Regulation 6 to provide a mechanism for the University to respond to serious violations of University policy in a student’s final quarter in a manner that is parallel to the response with students who are at a different point in their academic career. Similar policies are in place at several sister UC campuses.

Approved by the Executive Committee of CHASS: September 29, 2010
Approved by the Executive Committee of CNAS: June 15, 2010
Approved by the Executive Committee of COE: October 27, 2010
Approved by the Executive Committee of SoBA: October 11, 2010
Approved by the Executive Committee of the GSOE: October 5, 2010
Approved by the Executive Committee of the Division of Biomedical Sciences June 11, 2010

The Committee on Rules and Jurisdiction finds the wording to be consistent with the code of the Academic Senate: April 21, 2011
Approved by the Committee on Educational Policy: March 30, 2011
Endorsed by the Executive Council: May 9, 2011
April 22, 2011

To: Mary Gauvain, Chair
    Academic Senate

From: Kambiz Vafai, Chair
      Committee on Rules and Jurisdiction

Re: Degree Delay Legislation – R6.14

The committee on Rules & Jurisdiction has reviewed the revised language from CEP and
has no objection to the proposed new language.
March 31, 2011

TO: SUSAN ALLEN ORTEGA
    DEAN OF STUDENTS

FR: JOSE WUDKA, CHAIR
    COMMITTEE ON EDUCATIONAL POLICY

RE: DEGREE DELAY LEGISLATION

During its March 30 meeting, the CEP reviewed the proposed changes to Regulation 6. The Committee was supportive of the proposal, and saw merits in both of the proposed wordings. After some discussion the CEP agreed on the following alternative:

In cases of student misconduct, the student’s College Executive Committee may defer or withhold his or her degree for a specified period of time. The Dean of Students may recommend such an action to the College Executive Committee.

The Committee approved this version with a vote of 9 in favor, 0 against and no abstentions.

cc: Mary Gauvain, Chair, Division
Date: October 27, 2010

To: Mary Gauvain
   Chair of the Academic Senate
   University of California, Riverside

From: Jay A. Farrell
   Chair of the Faculty
   Bourns College of Engineering
   University of California, Riverside

RE: Reg 6.13

R&J makes several good points which the BCOE Executive Committee agrees with. We prefer reverting to text closer to the original text, but with minor adjustments.

   A student's degree may be deferred or withheld as part of the student conduct process for serious academic or non-academic violations, with approval by the student's College Executive Committee. The Dean of Students may recommend such an action to the College.
October 11, 2010

TO: MARY GAUVAIN, CHAIR
    RIVERSIDE DIVISION

FM: ERIK ROLLAND, CHAIR, Executive Committee
    SCHOOL OF BUSINESS ADMINISTRATION/AGSM

RE: Regulation 6, Campus graduation requirement changes

During its October 1 meeting of the Fall Quarter 2010, the Executive Committee of the A. Gary Anderson Graduate School of Management/School of Business Administration met and discussed Regulation 6 changes. The committee voted unanimously for the changes.

Erik Rolland
From: Melanie Sperling [melanie.sperling@ucr.edu]
Sent: Wednesday, October 06, 2010 12:10 PM
To: 'UCR Academic Senate, Sellyna Ehlers'
Cc: melanie.sperling@ucr.edu
Subject: RE: tracking log

Sellyna

The GSOE Executive Committee approved changes to Regulation 6 13 on October 5, 2010.

Melanie Sperling
Professor
Chair of GSOE Executive Committee
Hi Sellyna,

I hope you are well. I have included the Conflict of Interest memo for the CHASS Executive Committee and Regulation 6 (also approved by the faculty) with this email. Please let me know if you need anything else.

Thank you,
Gabrielle
June 15, 2010

To:  Anthony W Norman
     Chair, Academic Senate, Riverside Division

From: Marylynn V. Yates
      Chair

RE: Review Proposed Changes to Regulation 6 – Campus Graduation Requirement

The CNAS Executive Committee discussed the proposed language for Regulation 6.13 at its meeting of June 10, 2010. After considerable discussion, the Executive Committee voted unanimously to deny the proposed regulation as written.

The Executive Committee agrees with the Committee on Rules & Jurisdiction’s assessment that the regulation is inconsistent with Bylaw 9.5, which allocates the decision-making authority over awarding of degrees to the college executive committees and the Deans of the faculty. We believe that the regulation should be re-written to include language that allows an executive committee to review and countermand the Dean of Students’ placing of a hold on a student’s records and degree (when that hold is for academic reasons), where they determined that this sanction is unwarranted.

cc: Jose Wudka, Chair, Educational Policy
June 11, 2010

TO: Anthony W. Norman, Chair
    Riverside Division

FR: Daniel S. Straus
    Professor of Biomedical Sciences

RE: Proposed Changes to Regulation 6

The Biomedical Sciences Executive Committee reviewed the proposed change to Regulation 6, Graduation Requirement. I am substituting on the committee for Prof. Ameae Walker, who is out of town until June 18. We concur with the concerns raised by the R & J Committee in their memo of June 1. Therefore, we recommend that the proposal be sent back to its original author for revision in response to the concerns of R & J.
JUNE 1, 2010

TO: ANTHONY W. NORMAN, CHAIR
RIVERSIDE DIVISION

FR: JOHN CIOFFI, CHAIR
RULES AND JURISDICTION COMMITTEE

RE: R & J Response to Regulation 6 (language change after college/school approvals).

The Committee on Rules and Jurisdiction has reviewed the proposed amendment of Division Regulation 6 to require withholding degrees pending the resolution of disciplinary charges. We have some additional concerns that we would like to bring to the attention of those considering the amendment. Bylaw 9.5 governs the award of degrees and thus the subject matter of the proposed regulation:

9.5 The executive or other appropriate committee and the Dean or other appropriate academic administrative officer of each of the colleges and schools, and of the Graduate Division, under the jurisdiction of the Riverside Division shall act finally for the Riverside Division (a) in the award of all degrees and certificates to students of the college, school or Graduate Division concerned, in all cases that do not involve the suspension of a regulation or that involve only minor adjustments in the curriculum . . .

The Bylaw allocates decision-making authority over the awarding of degrees to both the college/school executive committee and the Dean of that faculty. This raises the issue of whether the proposed regulation's delegation of enforcement power to the Dean of Students is consistent with Bylaw 9.5. Accordingly, the justification accompanying the proposed amendment should explain why this delegation from academic personnel to an administration official is advisable as policy and proper under the bylaws. One question that the proposed delegation raises is why delegation of non-discretionary enforcement authority is superior to enforcement by the Deans of the colleges and schools who already have a formal role in the awarding of degrees. An explanation of the reasons supporting the proposed enforcement role of the Dean of Students is also in order because the wording effecting this delegation, added after all but one of the college/school executive committees had approved the original proposal, is the central issue in the reconsideration and approval process.

R&J has several additional policy concerns regarding the potential consequences of the proposed regulation that we would like to raise for the benefit of those considering it:
1. The colleges and schools may be locking themselves in to this delegation of enforcement authority, even if one or more of them later decides this was an ill-advised policy. By adopting a Division regulation approved by all executive committees, all the ECs may have to approve an amendment and get it adopted to restore their prior independent authority. An executive committee would not have the power to review and countermand the Dean of Students' placing of a hold on a student's records and degree where they determined that this sanction is unwarranted (at least on the face of the proposed regulation). These effects of the proposed regulation should be considered, if they have not been to date.

2. The CEP's rejection of the term "serious violations" does indeed avoid the possible arbitrariness of application that accompanies ambiguous terms and the difficulties inherent in trying to specify what is a "serious violation" in advance. However, this may have traded one problem for another: the current language lowers the threshold for placing a hold on a degree and may result in a sanction that is both rigid and too broadly imposed. Do the amendment's proponents want to withhold degrees for pending but trivial matters—and eliminate discretion in doing so? Is this procedure appropriate if the final sanction for a student infraction does not include withholding of a degree? In such a case, the procedure in the proposed regulation may impose a more severe penalty than called for by the academic integrity and discipline policy (as withholding degrees may threaten post-grad jobs, enrollment in grad programs, etc.). Because the Dean of Students is given no discretion in the matter and there is no authority granted to the college/school executive committees or Deans to grant the degree or withdraw the hold, the proposed regulation creates potential problems of rigidity, overinclusiveness, and fairness that should be considered.

These problems could be addressed by including language, currently lacking, that allows an executive committee to review the Dean of Students' withholding of a degree. This would also be consistent with the allocation of authority under Bylaw 9.5 and the language of the proposal's justification emphasizing the retained authority of the executive committees and the narrow delegation of enforcement powers to the Dean of Students.

Another way to avoid these problems would be to limit the non-discretionary withholding of degrees to cases in which the sanction for the violation would or could result in the degree not being awarded at that time (e.g., either due to expulsion, suspension, or insufficient credits). For lesser violations, the degree would be granted, though a provision could be adopted requiring a notation on the student's transcript stating that disciplinary charges are pending.

3. Finally, because Bylaw 9.5 gives them a role in approving the award of degrees, the Deans of the colleges and schools should be consulted during the consideration of the proposed amendment to Regulation 6.

R&J