

Regular Meeting of the University Senate

February 25, 2005-02-26

IPJ, Room A

Attendance

Arts & Sciences: Dobkin, Chair; Branch; Jubran; Lewis; Meter; Nadkarni; Nelson; Otto;

Pachence; Pierson; Sullivan; Walsh; Williams

Business: Gin; Schubert

Education: Monroe

Law: Kelly; Lazerow

Nursing: None

Ex-Officio: Donnellan; Drinan; Hardin

Representative: Franz

Guest: Paul Horton; Tom Herrinton

Dobkin called the meeting to order at 12:20 p.m.

1. Announcements

a) Update on University Center addition and remodel. Dobkin said a Finance & Administration representative will be at the March 10 Senate meeting to discuss the proposed changes to the UC and a draft report from Student Affairs, "Transforming the USD Campus Culture" (attached to the agenda). These proposals will be presented to the Board of Trustees later today.

Lazerow expressed concern that this project, which greatly impacts the academic aspects of the campus, has gone forward without Senate involvement. Herrinton said the academic administration was not involved and there was insufficient work on the proposal. The section of the report headed "Sophomore Slump" is inaccurate when applied to USD. USD loses about 15% of the first-year class, but loses only 10% of sophomores and juniors combined. The median GPA for sophomores for the last five semesters was .22 higher than for freshmen. It is not true that USD sophomores are leaving USD and doing poorly academically. The sentence about "disappointed with the academic experience" is also not true. The Retention Committee conducted a study last semester with the freshman class which showed that USD freshmen are quite satisfied with their academic experience and less satisfied with their social experience. The top responses to the question "What things at USD have been least satisfying for you" were: 1) residence hall/roommate; 2) food quality and variety; 3) Public Safety; 4) limited hours and locations for foodservices, gyms, etc.; 5) lack of social life; 6) parking; 7) dead on weekends; and 8) rules too rigid/strict.

Lewis expressed concern for what the plan will do to economic diversity on campus. Many students may not be able to afford to live on campus a second year at a time when USD is giving less aid to students.

Herrinton said the residential learning communities could have a tremendous impact on the academic side. Learning communities cluster students and classes together and may have three classes in common. Four of the five activities in the second year involve Academic Affairs' areas: deciding on a major, focusing on career development, learning to secure internships, and exploring study abroad. Will these activities supplement or supplant what is already done. Data are needed to determine whether a two-year residency requirement will improve retention. In the WCC conference, Santa Clara, Loyola Marymount, and St. Mary's have no residency requirement; USD, USF, and Portland have a one-year requirement; Gonzaga and Pepperdine have a two-year requirement. He recommends a study of the comparative retention rates of these schools to determine whether the plan is a good investment of \$80 million.

Senators discussed their concerns that the proposal is moving forward without the active participation of the academic side of the University.

Drinan said the Provost and deans will explain to the Trustees' Academic Affairs Committee that meets later today that the proposal to come before the full Board didn't receive attention from the appropriate academic bodies, including the Senate.

b) Cabinet meeting update. Dobkin reported on the Cabinet meeting of Feb. 22, 2005. The School of Education is changing its name to the School of Leadership and Education Sciences. Lyons noted that tuition remission is beginning to exceed the 1% cap and she recommended that priorities be determined for tuition remission. Dobkin said that the Senate had passed a list of priorities, which will be resubmitted.

c) Report of the Senate Jurisdiction Committee. Postponed.

2. Approval of the minutes of February 10, 2005

Motion by Pachence, seconded by Walsh, to: APPROVE THE MINUTES OF FEBRUARY 10, 2005 WITH THE FOLLOWING CHANGE: p. 4, third paragraph, end of fourth sentence add: "after the books have been returned."

Vote: Passed by voice vote.

3. New business

Motion to accept amendments to the University's policy on *Appeals from ARRT Decisions* made as recommendations in the Faculty Status Committee Report. (The Executive Committee has placed these recommendations on the agenda as individual amendments to the existing policy. The language to which each amendment refers is provided in the Faculty Status Report.)

1. Add/strike language to the first paragraph in Section D as indicated.
2. Add language to Section D.2 as indicated.
3. Add a final paragraph of Section D as indicated
- 3a. Amend Section E1, introductory paragraph and subsec. D, as indicated.
4. Renumber Section #.2.e, and add to Section E.2 as indicated.
5. Divide current Sections E.4 into new Sections E.3 and E.4, and add language to a new Section E.3 as indicated.
6. Divide current Sections E.4 into new Sections E.3 and E.4, and add language to a new Section E.4 as indicated.
7. Amend Section E.4.c through E.4.g as indicated.
8. Amend Section E.5 as indicated.
9. Amend the first paragraph of Section E.6 as indicated.

Horton, Faculty Status Committee chair, presented the committee's report and recommendations and gave a history of the policy. The Committee proposed amendments to three general areas of problems: 1) the policy's lack of clarity in identifying the division between the appeals process and the rank and tenure process of the unit involved in the decision; 2) when and how the ARRT Appeals Committee ought to receive or obtain information; and 3) how the appeals process should proceed. The amendments attempt to address the three problem areas.

Horton noted two changes to the Report: 1) p. 3, first paragraph, delete the second sentence; and 2) p. 3, 4. add **c.** transmit a copy of the faculty grievant's **entire** written submission **described in Section E.1 of these rules** to each of the persons identified in response to Section E.1.b of these rules.

Drinan asked for clarity on page 4, first paragraph, which reads: “If the ARRT Appeals Committee determines that the grievant has not alleged a ground for appeal under Section D, then it will dismiss the appeal and provide a written explanation of the reason for dismissal to the Provost and grievant.” Drinan also asked for further clarification of Section 3.A.d., referring to “...and the grievant’s explanation of why the appeal has merit.” He asked if an appeals committee can say at this point that there are no grounds for appeal and decide whether there is sufficient merit to proceed. Clarity is needed for the appeals committees. There are advantages at this point in the process of spelling out what the committee may or may not do. Horton responded it would depend on the appeal and the grounds for the appeal. The committee may not have all the information at the first meeting to determine the merit of an appeal or responses to allegations. If all the information were available at the first meeting, the committee could go forward. The notion behind the proposal is that the committee would be able to determine whether on the basis of the grievance or appeal there were no grounds that were alleged that would permit it going forward, or whether appropriate grounds were made and the appeal would forward for the accumulation of additional information.

Kelly said that even if everything the grievant says is true it would still not be enough to justify a decision. It is only when the grievant has said something that, if true, would be grounds for overturning that the appeals committee would need to find out if the claim is true and go forward. Drinan said the proposed language doesn’t make it clear that the committee could make a determination on that basis. It seems to say that an appeal can’t be dismissed if there is a ground for appeal under section D.

Kelly said the grievant must allege a ground for appeal and provide the facts and tell what the problem was. To clarify the policy one could add the words “facts sufficient to establish” between “not alleged” and “grounds for appeal.”

Horton said the current policy does not support the ability of an ARRT appeals committee to dismiss an appeal at its first meeting. Under the proposed policy, the appeals committee would, on narrow and limited grounds, have the ability to dismiss the appeal. If grounds for appeal are stated, then people need to be notified, ARRT files need to be obtained, etc. A process could be developed where the ARRT committee and chair are selected, review all the evidence, contacts all the participants, considers additional arguments, and a decision is made at the first meeting. The notion behind the process of both the original and proposed policy is to convene the committee and select a chair who will gather the information that is needed to resolve the appeal on its merits and identify if there are merits.

Drinan recommended that there be a time when the committee can say that there is insufficient merit and stop the process. It is important to get clarity in a one-page summary of what needs to be done and refer to the policy and what the committee can do at certain points in the process.

Dobkin said discussion of whether the language is sufficiently clear will continue at the next Senate meeting.

The meeting adjourned at 1:45 p.m.

Submitted by,

David Sullivan
Secretary

Peggy Agerton
Recording Secretary