

**Regular Meeting of the University Senate  
Manchester Conference Center, Hazard Board Room  
April 17, 2008**

**Attendance**

*Arts & Sciences:* Pachence, Chair; Branch, Colombo; Ellis, Guerrieri; Lewis; Nadkarni; Otto; Sheehan; D. Sullivan; Tsomo

*Business:* Barkacs; Gin; Sumner

*Education:* Ammer

*Law:* Horton; Kelly; McGowan

*Nursing:* Clark

*Ex-Officio:* J. Sullivan

*Student Representative:* Alex Owen

*Guest:* Douglas; Herrinton

Pachence opened the meeting at 12:20 p.m.

**I. Announcements**

**A. Chair**

**1. Campus Master Plan.** The April 30 workshop on the plan has been rescheduled to May 12. Sheehan, who will serve as Senate representative on the Campus Master Planning Task Force, will attend. Other senators are also encouraged to attend the workshop and to volunteer for the Task Force.

**2. Innovative Space Committee.** D. Sullivan will serve as the Senate representative.

**3. Mission and Vision Committee of the Board.** Report attached to the agenda.

**4. Emergency Management Committee:** Report attached to the agenda.

**5. Special Senate Meetings:**

May 8, 12:15-1:45 p.m. Location: Manchester Boardroom

May 15, 1-3:00 p.m.; Location: Manchester Boardroom. May 15 meeting will be cancelled if business is concluded at the May 8 meeting.

**6. Schedule of Senate meetings 2008-2009.** Attached to the agenda.

**II. Approval of the Minutes of March 13 and April 3**

The minutes of March 13, 2008 and of April 3, 2008 were approved by unanimous consent.

**III. Reports**

**1. Report: Ad Hoc ROTC Curriculum Committee**

**The Executive Committee moves adoption of the Curriculum Committee's recommendation (included with the agenda) regarding NAVS 101.**

Herrinton explained that the Ad Hoc Committee voted unanimously in favor of awarding credit for NAVS 101. The other universities in our consortium award three units of credit for this course, as do six other universities surveyed.

Senators asked to review the course description for NAVS 101 before considering the granting of academic credit.

Motion by Horton/Kelly to: POSTPONE CONSIDERATION OF THE EXECUTIVE COMMITTEE'S MOTION REGARDING THE AD HOC ROTC CURRICULUM COMMITTEE REPORT UNTIL THE SENATE'S NEXT REGULARLY SCHEDULED MEETING.

Vote: 14 – Approve; 2 – Oppose; 1 – Abstain. The motion passed.

**2. Report: Ad Hoc One-Stop Committee and e-mail to the chair from J. Sullivan regarding One-Stop planning (both included with the agenda).**

**The Executive Committee moves adoption of the report which shall be transmitted to the President.**

Sheehan presented background information, emphasizing the need to include faculty and other concerned parties during the planning process for new buildings and programs and urging that the Campus Master Planning Task Force include Senate and faculty representation.

J. Sullivan commented that, in response to faculty concerns, she and Herrinton met with faculty and reversed the decision to place the One-Stop Center in Serra Hall. This fall, a concierge model of One-Stop will open in vacated space in the University Center and its operation will be assessed over the first six months. If the assessment suggests that a full one-stop center is needed, then the task force will determine an appropriate location. Herrinton confirmed that matters are proceeding in a manner consistent with the Ad Hoc Committee’s recommendations, and he joined Sullivan in urging senators to be involved in the work of the task force.

Vote: 16 – Approve; 1 – Oppose; 0 – Abstain. The report is adopted.

The report of the Ad Hoc One-Stop Center Review Committee will be sent to the President to be made available to the Campus Master Planning Task Force.

**3. Honor Code Draft**

**The Executive Committee moves that:**

- a) the Senate has and should exercise jurisdiction over the Honor Code;**
- b) consideration of the Honor Code draft be placed on the agenda as the first item of business after the policies currently on the agenda have been discussed and acted upon.**

Pachence recently received the draft of the Honor Code from Dr. Cosgrove, who requested Senate input before the end of April, at which time a status report will be made to the Student Affairs Committee of the Board. Given the importance of this document and the responsibilities it assigns to faculty, the Executive Committee determined that it merits close Senate review and should be taken up this semester.

Vote: 16 – Approve; 0 – Oppose; 1 – Abstain. The motion passed.

**IV. Continuing Business**

**A. Policies on:**

- 1. Holidays**
- 2. Vacations**
- 3. Sick Leave**

**The Executive Committee moves that policies numbered 1-3 above be considered and voted upon as a single action item.**

Vote: 17 – Approve; 0 – Oppose; 0 – Abstain. The motion passed.

The Senate turned attention to the Sick Leave Policy.

Motion to amend by Horton/Clark to: MAKE THE FOLLOWING CHANGES IN TWO LOCATIONS: 1) FIRST PARAGRAPH, END OF SECOND SENTENCE UNDER “USE OF SICK LEAVE” AND 2) FIRST PARAGRAPH, LINE 3 UNDER “NOTIFICATION”: REMOVE “REGISTERED,” ADD COMMA (,) AT END OF SENTENCE AND ADD “AS THESE RELATIONAL TERMS ARE DEFINED IN CALIFORNIA LABOR CODE, SECTION 233.”. ELIMINATE THE LAST SENTENCE UNDER “USE OF SICK LEAVE” TO READ: “For any 12 month period, up to half of the amount that the employee accrues in one year is available to be used to attend to illness, injury, disability, or medical appointments of the employee’s child, parent, spouse or domestic partner.”

Horton explained that California Labor Code does not refer to registered domestic partners, but rather to domestic partners. The code defines child as defined in the last sentence of the first paragraph under “Use of Sick Leave,” but it also defines parent to mean biological, foster or adoptive parent, stepparent or legal guardian. Therefore to define child and to insert “registered” in that phrase brings it into contradiction with at least the statutory part of the Labor Code. Douglas said that domestic partner is defined in another Labor Code to apply to domestic partners who are registered with the State of California which is the effect of the labor code provision; she noted the importance of assuring that the language in the policy tracks that requirement.

Douglas noted that it would be a major change in the policy to expand the definition to include those domestic partners who are not registered. Horton responded that the amendment was meant simply to comport with the Labor Code provision and that whatever was the Code’s definition of “domestic partner” should be the policy’s definition as well.

Vote: 17 – Approve; 0 – Oppose; 0 – Abstain. The amended Use of Sick Leave policy passed.

Vote: 16 – Approve; 0 – Oppose; 1 – Abstain. Policies 1-3 passed as amended.

**B. Policies on:**

- 4. Voting**
- 5. Judicial Proceedings Leave**
- 6. Bereavement Leave**
- 7. Military Leave**
- 8. Military Spousal Leave**
- 9. Children’s School Activities**

**The Executive Committee moves that policies numbered 4-9 above be considered and voted upon as a single action item.**

Vote: 14 – Approve; 0 – Oppose; 2 – Abstain. The motion passed.

Senate discussion then turned to the Voting policy.

Motion to amend by Horton/Lewis to: ADD AT THE END OF THE SECOND SENTENCE “; BUT ABSENTEE VOTING IS ENCOURAGED.” TO READ: “... employee may take up to two hours of leave with pay to do so; but absentee voting is encouraged.”

Senators expressed concern that the added wording suggests an intrusion on employees’ right to vote in person.

Vote: 2 – Approve; 14 – Oppose; 2 – Abstain. The motion failed.

Vote: 16 – Approve; 0 – Oppose; 1 – Abstain. Policies 4-9 passed.

### **C. Policy 10: Employment of Relatives and Household Members**

Douglas noted that, although the Individual Conflicts of Interest policy and the Employment of Relatives policy are related and cover some of the same issues, the Employment of Relatives policy is more specific and outlines ways by which particular personnel situations can be managed.

Motion to amend by Horton/Clark to: BEGIN THE SECOND PARAGRAPH WITH: EXCEPT IN ACCORDANCE WITH THE INDIVIDUAL CONFLICTS OF INTEREST POLICY,” TO READ: “Except in accordance with the Individual Conflicts of Interest Policy, an employee may not directly supervise...”

Horton explained that either the present policy is excepted from the Individual Conflicts of Interest policy, in which case that exception should be stated, or the present policy is an illustration of or governed by the Individual Conflicts of Interest policy, in which case it should make reference to the latter policy.

Guerrieri stated that the Individual Conflicts of Interest policy is the broader policy and that its main thrust is to urge that potential conflicts of interest be disclosed and that the Employment of Relatives policy gives recommendations for resolving such issues.

Clark said that the amendment confuses the penultimate paragraph of this policy and, by making reference to the other policy, the amendment could introduce ambiguities regarding mechanisms for managing situations involving employees who are relatives or members of the same household.

Vote: 1 – Approve; 15 – Oppose; 0 – Abstain. The amendment failed.

Motion to amend by Kelly/Ellis to: ADD AT THE BEGINNING OF THE SECOND PARAGRAPH “EXCEPT AS PROVIDED BELOW,” AND, AT THE BEGINNING OF THE PENULTIMATE PARAGRAPH, THE PHRASE “NOTWITHSTANDING THE INDIVIDUAL CONFLICTS OF INTEREST POLICY,”.

Douglas responded that this wording suggests that there is a disagreement between this policy and the Individual Conflicts of Interest. There is no disagreement, since this policy provides a more specific method by which the appropriate vice president can manage a conflict, thereby furthering the overall objective of the Individual Conflicts of Interest policy.

Horton responded that, although there is no substantive conflict between the two policies, there is a procedural and administrative conflict, namely that the Individual Conflicts of Interest policy invokes the Vice President for Finance and Administration, while the Employment of Relatives policy does not.

Kelly noted that, because “notwithstanding” implies a possible conflict between the two policies, this policy should identify which policy takes precedence.

Clark suggested that it would be better for the Individual Conflicts of Interest policy to state that, when relatives or members of the same household are employed in the same department, reference should be made to the Employment of Relatives policy.

Vote: 12 – Approve; 0 – Oppose; 4 – Abstain. The amendment passed.

It was suggested that, in light of this discussion, the Senate revisit the Individual Conflicts of Interest policy.

Vote: 16 – Approve; 0 – Oppose; 0 – Abstain. The amended policy on Employment of Relatives and Household Members passed.

The meeting adjourned at 1:45 p.m.

Submitted by,

Eren Branch  
Secretary

Peggy Agerton  
Recording Secretary

## **Sick Leave**

[APPROVED BY WORKING COMMITTEE – June 26, 2007]

[APPROVED BY OVERSIGHT COMMITTEE – September 18, 2007]

[APPROVED BY CABINET – October 31, 2007]

**[Amended and passed by Senate – April 14, 2008]**

Administrators and staff employees in benefit-based positions are eligible to receive paid sick leave under this policy. Employees who are not in benefit-based positions and faculty are not eligible to receive paid sick leave.

### **Use of Sick Leave**

Sick leave is to be used for absences due to illness, injury, disability, or medical appointments that cannot be scheduled to occur outside regular work hours. For any 12 month period, up to half of the amount that the employee accrues in one year is available to be used to attend to illness, injury, disability, or medical appointments of the employee's child, parent, spouse or domestic partner, as these relational terms are defined in California Labor Code, section 233.

Sick leave may not be used as vacation time or for purposes other than those described in this policy. Sick leave will be paid at the employee's base rate of pay as of the time the sick leave is taken.

### **Accrual of Sick Leave Pay**

Full-time staff employees accrue paid sick leave at the rate of .046 hours per hour paid, up to 80 paid hours per pay period (which equates to approximately 12 days per year). Part-time staff employees in benefit-based positions accrue paid sick leave on a pro rata basis. The maximum sick leave accrual for eligible staff employees is 960 hours. Paid sick leave may not be used before it is accrued.

A staff employee does not accrue paid sick leave when the employee is on a leave of absence that is unpaid by the university. When a staff employee is on a leave of absence that is paid in part by the university, the employee will accrue paid sick leave based on hours paid per pay period (see accrual rate above).

Although administrators do not accrue specific amounts of paid sick leave, administrators are eligible to receive paid sick leave for short-term absences under this policy. An administrator's use of sick leave under this policy may not be excessive.

For absences that exceed 5 consecutive work days, the university's applicable leave of absence policies will apply.

## **Notification**

When a staff employee is unable to report to work or will be tardy due to the employee's illness, injury, disability or medical appointment, or that of the employee's child, parent, spouse or domestic partner, the staff employee is responsible for notifying his or her supervisor or other designated employee as soon as possible, and generally no later than within the first hour of the work day. When an administrator is unable to report to work due to the employee's illness, injury, disability, or medical appointment, or that of the employee's child, parent, spouse or registered domestic partner, the administrator should notify as soon as possible either his or her supervisor or other designated employee within his or her department. When possible, employees should provide advance notice before the day of the absence.

Upon the request of the university, the employee will be required to submit a certification from his or her health care provider in connection with any days for which sick leave is claimed, where the employee is absent for 5 consecutive work days or less. When an employee is absent for more than 5 consecutive work days due to his or her own illness, injury or disability, the employee must submit a certification from his or her health care provider in connection with the days for which sick leave is claimed, and may be required to submit a release from his or her treating physician before returning to work.

## **Separation From Employment**

Employees are not paid for accrued but unused paid sick leave upon separation from employment.

## **Violations**

Violation of this policy, including but not limited to abuse of sick leave, may result in disciplinary action up to and including termination from employment.

## **Employment of Relatives and Household Members**

**[Amended and passed by Senate – April 14, 2008]**

Subject to the limitations of this policy, relatives and household members of university employees will be considered for employment as would any other individual, on the basis of qualifications and experience. Being a relative or household member of a university employee is neither an aid nor an impediment to employment.

Except as provided below, an employee may not directly supervise any relative or any member of the employee's household. An employee shall not participate in nor be involved in performance evaluations of or personnel-related decisions concerning the employee's relative or household member. If a personnel-related decision or recommendation about an employee is made by a vote, any relative or household member of that employee shall abstain from any discussion, vote, or other participation leading up to the vote concerning the employee.

For business reasons of supervision, security or morale, the university may refuse to place individuals who are related to one another or who are members of the same household in the same department or division if the work involves potential conflicts of interest or other hazards greater for related employees or employees of the same household than for other persons.

If co-employees become relatives or members of the same household, the university will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, morale or conflicts of interest.

Notwithstanding the Individual Conflicts of Interest Policy, if the university has a need to hire an individual into, assign an employee to, or maintain an employee in a position in which the employee would come under the direct or indirect supervision of a relative or household member, the vice president of the appropriate division shall appoint another employee who is not a relative or household member to supervise the employee. The employee and the appropriate work unit will be notified of the designated supervisor. For the purpose of this policy, a relative is broadly construed to refer to any relative by blood or marriage, including but not limited to an employee's spouse, parent, child, sibling, in-law and step-relation. A relative also includes a registered domestic partner and anyone related by blood or marriage to the registered domestic partner. A household member shall include any person who lives in the same household with the employee.