

**Regular Meeting of the University Senate
Manchester Conference Center, Hazard Board Room
September 20, 2007**

Attendance

Arts & Sciences: Pachence, Chair; Branch; Colombo; Ellis; Guerrieri; Lewis; Moran; Nadkarni; Otto; Pierson; Sheehan; Tsomo

Business: Gin; Schubert; Sumner

Education: Ammer

Law: Horton; Kelly

Nursing: Clark

Ex-Officio: Allen; Cordeiro; Healy

Student Representative: Nicole Cusack

Guest: Dobkin; Douglas; Herrinton

Pachence, Chair, opened the meeting at 12:15 p.m.

1. Announcements

A. Chair

1) Emeritus Status Policy: Through an oversight, the policy was not acted on by the President's Office. Pachence resubmitted it on September 13.

2) Senate Committees and Charges: The slate of committees and charges for the standing committees will be presented for Senate approval at the October 4 meeting.

3) New policies: The Cabinet has sent forward many new policies which will require Senate attention.

4) Executive Committee: The Executive Committee plans to refine the procedure for the first reading of policies, agreeing that, if it appears that a policy will not generate substantial controversy, the Chair would ask the Senate to entertain a motion to move the policy to an action item.

5) Policy Documents: Senators are asked to bring policy documents not yet addressed or completed to the following Senate meeting.

6) Calendar Committee: Nadkarni is the Senate representative to the Calendar Committee; any pressing issues in this regard can be addressed to her.

7) Board committee reports:

a) Athletic Committee of the Board: Moran explained that the Athletic Department requests the development of a missed-class policy and supports priority registration to help student athletes with scheduling. These issues become more urgent as the teams' continuing success leads to the need for more practices and pre-season games.

b) Finance Committee of the Board: Gin reported that the university had an \$18.1 million surplus last year after transferring \$17-18 million of the total surplus to the endowment. The recent 3-year increase in tuition contributed to the surplus. Tuition will now increase more slowly, however, based on a study showing that USD students perceive the tuition to be high in relation to the value they receive. Herrinton stated that some matters on the Finance Committee report should be kept confidential.

B. Provost's Office: 1) The School of Peace Studies will be inaugurated on October 17 at 12:15p.m. Ken Hackett will speak and Martin Sheen will read a poem; all are invited. 2) The address by Dr. Kabal, former president of India, is being rescheduled from September to October. 3) The new SOLES building, Mother Rosalie Hill Hall, will be dedicated on October 20 at 6p.m.

2. Approval of the Minutes of September 6, 2007

The minutes of September 6, 2007 were approved by unanimous consent.

3. Old Business

A. Media on Campus and Contact with the Media Policy, 2.6.1

Motion to amend by Colombo/Ellis to: ADD THE FOLLOWING CLAUSE, "EXCEPT THE PRESIDENT OR THOSE WHOM THE PRESIDENT EXPRESSLY AUTHORIZES," TO THE SECOND SENTENCE OF THE SECOND PARAGRAPH AFTER "STUDENT," TO READ: "No employee or student, except the president or those whom the president expressly authorizes, is authorized to speak on behalf of the university without first obtaining permission to do so through the Office of Public Relations."

Vote: 19 – Approve; 0 – Oppose; 0 – Abstain. The amendment passed.

Horton raised a point of information: Does the prohibition on an employee's or student's discussion of confidential information with the media without prior authorization (fourth paragraph of the policy) apply to information that is personal to the employee or student who is engaging in the discussion? Douglas responded that individuals are free to disclose their own personal information and, in response to a further question, she said that, for purposes of the university, one's own personal information includes one's mother's maiden name. Herrinton explained that, although the paragraph is not explicit, it is meant to be clear that the prohibition concerns the release of confidential information about somebody else; one may release one's own confidential information.

Motion to amend by Ellis/Schubert to: STRIKE THE WORD "CONFIDENTIAL" AND INSERT, AFTER THE WORD "INFORMATION" IN THE FOURTH PARAGRAPH, "WHICH SHOULD BE KNOWN TO BE CONFIDENTIAL," TO READ: "No employee or student is authorized to discuss with the media any information which should be known to be confidential, including but not limited to a student's educational records or private... ."

In response to the comment that individuals may not always know what is confidential, Clark stated that ignorance of the law is no excuse for violating confidentiality. Douglas offered the following examples of confidential information: student educational records, medical records, personnel information/records, university financial information and undisclosed business plans. Ellis voiced concern that penalties could be enforced in relation to such a broad range of confidential matters. Kelly recommended terminology stating that one is not authorized to reveal confidential information. The question arises

as to how an unwitting violation of confidentiality should be treated. The policy should not appear to authorize the release of confidential information simply because a person was unaware and had no reason to know it was confidential.

Horton noted that language throughout the policy could be considered problematic by anyone wanting to level punitive measures, since it refers to what employees are "not authorized" to do rather than what they are "prohibited from" doing, which are different concepts.

Vote: 5 – Approve; 11 – Oppose; 1 – Abstain. The motion failed.

Horton raised another point of information regarding the statement in the fifth paragraph of the policy: "However, permission to access the campus . . . may be denied or rescinded at any time in the university's sole and complete discretion." Who or what is the "university" for purposes of the statement on rescission of permission? Is there a designated person or office available on short notice where faculty and staff may request rescission of permission for a media intrusion on campus? Douglas stated that various people can act on behalf of the university in this situation depending on the circumstances.

Herrinton suggested that Public Relations would have authority to rescind the permission because they had the original authority to grant it. Douglas recommended not being too specific in this regard because it could create issues later.

Vote on policy as amended: 14 – Approve; 2 – Oppose; 1 – Abstain. The amended motion passed.

B. Filming on University Property Policy, 2.6.2

Pachence explained that the policy now before the Senate includes changes proposed by a Senate sub-committee.

Horton asked how this policy relates to the Media on Campus policy. For example, with regard to a news crew, do both policies apply, or does only the Media on Campus policy apply? Kelly responded that the Media on Campus policy would apply to news crews and that the Filming on University Property policy applies only to filming for commercial purposes.

Horton questioned the fourth paragraph statement: "The filming entity shall not use university logos, signs or other identifying marks... ." He noted that filming at the Immaculata is exempted from the policy and yet the Immaculata has become a university logo/identifying mark.

Noting that this policy is designed to permit the Office of Public Relations to grant permission for filming for commercial purposes, Horton asked if it even needed to be in the Policy and Procedure Manual.

Motion to amend by Horton/Clark to: DELETE FROM THE FILMING ON UNIVERSITY PROPERTY POLICY, FOR PURPOSES OF THE POLICY AND PROCEDURE MANUAL, THE FOLLOWING PARAGRAPHS: 3, 4, 5, AND 6.

Horton noted that paragraphs 3, 4, 5, and 6 contain useful information, but that they do not belong in the policy given its audience and purpose.

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

Motion to amend by Branch/Colombo to: CHANGE IN THE SEVENTH PARAGRAPH, SECOND SENTENCE, “THE IMMACULATA PARISH” TO “PREMISES OF THE IMMACULATA” AND CHANGE “ARE” TO “IS.” TO READ: “Filming of weddings and other religious events at Founders Chapel or on the premises of The Immaculata also is not covered by this policy.”

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

Motion by Kelly/Schubert to: EXTEND THE MEETING BY 5 MINUTES.

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

Vote on policy as amended: 13 – Approve; 1 – Oppose; 3 – Abstain. The motion passed.

The meeting adjourned at 1:50 p.m.

Submitted by,

Eren Branch
Secretary

Peggy Agerton
Recording Secretary

On the following pages is the text of the “Contact with the Media and Media on Campus” and the “Filming on University Property” policies as amended and approved by Senate on 9/20/07:

Approved by Cabinet, March 30, 2007
Amended by Senate, September 6 and 20, 2007
Approved by Senate, September 20, 2007

Contact with the Media and Media on Campus Policy, 2.6.1

The University of San Diego values creating and maintaining an open and collaborative relationship with the media. For the purpose of this policy, “media” includes but is not limited to print, television, radio, electronic, on-line and other means of mass communication, together with the people involved in their production.

- Employee and Student contact with the Media

All contact with the media on behalf of the University of San Diego must be directed to and will be managed by the university’s Office of Public Relations. No employee or student except the president or those whom the president expressly authorizes is authorized to speak on behalf of the university without first obtaining permission to do so through the Office of Public Relations.

An employee does not need prior permission to speak with the media if the employee is not speaking on behalf of the university. If the employee is responding to media requests for professional expertise, the employee is encouraged to contact the Office of Public Relations.

No employee or student is authorized to discuss with the media any confidential information, including but not limited to a student’s educational records or private personnel information, unless doing so has been approved in advance in writing by the president of the university in a manner consistent with applicable law.

- Media on Campus

A member of the media who wishes to come to the university campus to cover events and/or to interview university employees, students, on-campus speakers or on-campus guests must first contact the university’s Office of Public Relations in order to obtain prior permission for the coverage and/or interview. The university will accommodate reasonable requests by the media. However, permission to access the campus, buildings and facilities of the university may be denied or rescinded at any time in the university’s sole and complete discretion. Media representatives who are on campus in violation of this policy may be asked to leave and, if necessary, escorted off campus.

This policy does not apply to media who are on campus to cover non-university events on the premises of The Immaculata.

This policy also does not apply to media requests involving or relating to intercollegiate athletics. Any such requests should be directed to the university’s Athletics Media Relations Office.

Approved by Cabinet, March 30, 2007
Amended and approved by Senate, September 20, 2007

Filming on University Property Policy, 2.6.2

Only the Office of Public Relations is authorized to grant permission for any filming, photography, or video productions of any nature (collectively “filming”) on university property. All requests for filming must be directed to the Office of Public Relations. This policy applies only to filming that is taken or anticipated to be used for commercial purposes.

The university reserves the right for any reason to deny permission for filming, or to later rescind permission for continued filming. The university also reserves the right to review the entire shooting script for any production to be filmed in whole or in part on university property. The university shall be notified of the film and/or television industry rating the project expects or intends to receive. Permission will be refused and/or rescinded if the production is viewed by the university as inappropriate.

This policy does not apply to filming by employees or students for academic purposes or filming by USD TV. Filming of weddings and other religious events at Founders Chapel or on the premises of The Immaculata also is not covered by this policy. Requests for filming of intercollegiate athletics at the university are not covered by this policy, but rather should be directed to the university’s Athletics Media Relations Office.