

**Regular Meeting of the University Senate**  
Manchester Center, Hazard Board Room  
November 9, 2006

**Attendance**

*Law:* Lazerow, Chair; Horton; McGowan

*Arts & Sciences:* Branch; Guerrieri; Lewis; Meter; Moran; Nadkarni; Otto; Pachence; Pierson; Sullivan; Tsomo

*Business:* Gin; Schubert; Sumner

*Education:* Hubbard

*Nursing:* Clark

*Ex-Officio:* Allen; Cordeiro

*Student Representatives:* Jones; Vincent

*Guests:* Dobkin; Douglas; Herrinton; Norton

Lazerow opened the meeting at 12:15 p.m.

**1. Announcements**

**A. President Lyons' Senate address.** Dr. Lyons' visit with the Senate will be rescheduled to a later time than Nov. 30 due to a scheduling problem.

**2. Approval of minutes**

Herrinton noted that parliamentary procedure requires that a motion on the floor must be dealt with formally – via, for example, a vote or a motion to table – before the body moves on to other business. This procedure was not followed during the Senate's Oct. 26 discussion of the Adoption Policy motion.

Motion by Clark/Branch to approve the Minutes of Oct. 26, 2006 with the following changes: 1) p. 1, Motion, line 3, change "domestic" to "domestic."; 2) p. 2, last paragraph, line 6, change "identity" to "identify."

Vote: Passed by voice vote.

**3. Committee reports**

**A. Executive Committee: Policies on Equal Opportunity and Anti-Discrimination (2.2.1. and 2.2.2)** The Executive Committee added the first sentence of paragraph 4 of 2.2.1 to assure that USD could, to the extent permitted by law, take into consideration characteristics such as religion, sex, and race in admissions, financial aid, and employment decisions.

Making a point of order, Herrinton stated that according to the Senate Constitution the Executive Committee doesn't have the authority to amend reports of other groups prior to reaching the full Senate. According to the constitution, the Executive Committee shall "facilitate Senate business and communication with the University." The agenda states that the Executive Committee added the first sentence of paragraph 4 of 2.2.1.

Motion to amend by Pachence/Allen to: INCLUDE AS THE FIRST SENTENCE OF PARAGRAPH 4 OF 2.2.1, THE SENTENCE "The University may take affirmative steps in a manner consistent with applicable law to advance its mission and to promote equal opportunities for its students, faculty, staff and applicants."

Vote: 20 – Approve; 0 – Oppose; 0 – Abstain. The motion passed.

Branch, noting that staff may feel uncomfortable bringing a complaint under the Discrimination and Harassment policy, asked whether the group that reviewed the policy had considered including an ombudsperson role. Douglas said there has been discussion about an ombudsperson

function, but noted that there is no ombudsperson position per se. The proposed policy is more open about various people and departments to whom complaints may be reported.

McGowan asked whether a faculty member, as an agent of the University, is identified in the policy language as a supervisor or manager. Douglas said that the policy definition of a supervisor or manager is consistent with California law and that it hasn't been determined whether a professor who doesn't supervise would be considered an agent for purposes of harassment or discrimination liability. She further commented that harassment training for supervisors will help to identify harassment situations and when to respond proactively.

Vote: 20 – Approve; 0 – Oppose; 0 – Abstain. The motion passed.

#### **B. Benefits Policy and Executive Committee: Adoption Reimbursement Policy**

Herrinton said that it isn't clear whether an eligible employee who adopts in month 3 of employment would need to wait until month 12 to be paid. The policy should be explicit on that point.

Motion to amend by Clark/Schubert to: ADD AT THE END OF THE LAST SENTENCE OF THE FIRST PARAGRAPH “AND ONCE THE EMPLOYEE HAS BEEN EMPLOYED IN A FULL-TIME, BENEFITS-BASED POSITION FOR 12 MONTHS.”

Douglas suggested as a substitute for the second paragraph: “An employee is eligible to receive the reimbursements under this policy after 12 months of employment in a full-time, benefits-based position at the University. The request for reimbursement must be made in connection with a legal adoption finalized after this policy was implemented and while the individual was in a full-time, benefits-eligible position at the University.”

Clark rescinded her motion.

Horton suggested the following language: “An eligible employee is a current University employee who 1) who is in a full-time, benefits-based position at the time the adoption is finalized, and 2) has been in a full time, benefits based position for at least 12 months regardless of when the legal adoption is finalized.”

Lazerow recommended not drafting the provision from the floor.

Motion by Clark/Branch to: SEND THE POLICY BACK TO THE EXECUTIVE COMMITTEE FOR REDRAFTING AND TO BE BROUGHT BACK TO THE NEXT SENATE MEETING.

Vote: Passed by hand vote.

#### **4. New business: Discussion of University Center plans.**

Lazerow said that many of the UC expansion plans are being rethought because the money appropriated for the project doesn't go as far as anticipated as a result of changes in the cost of construction.

Lazerow introduced Noelle Norton, Senate representative to UC Expansion Committee. Norton provided updated project timeline and design information. Construction is scheduled to begin 2008. The entire project is scheduled for completion in 2010. The conceptual and schematic design phase has been completed, but, given revised cost estimates, plans now call for a smaller project than proposed originally. The plan for the UC addition, for example, has been trimmed from 75,000 to 55,000 square feet. Proposed design changes of interest to faculty involve the Bookstore and a faculty/staff dining room. The USD Bookstore, originally proposed for inclusion in the UC along with the University retail store and a coffee bar, may be excluded to save space. The most recent design calls for the faculty/staff dining room to become a

faculty/staff/graduate student pub and dining room occupying the current Torero Grille location and catering to faculty, law students, and graduate students. Food service would likely be outsourced to a vendor with a liquor license because of liability issues. A Dining Services survey determined that 6% of employees use the Faculty/Staff dining room.

Carmen Vazquez and Tom Cosgrove suggested that the Senate form a focus group to provide input on faculty/staff dining plans.

Norton noted that if the Bookstore will not be in the UC, some space issues might be resolved and the faculty/staff dining room might be able to stay in its current location.

Senator made the following comments about the UC and about the proposed and potential design changes for the UC expansion project:

- The current Faculty/Staff dining room is an attractive location to bring guests; the view is impressive.
- Few people use USD dining services because of the quality of the food.
- Food in the faculty/staff dining room comes from the student kitchen and the menu is driven by what the students want.
- Going to the dining room for lunch is a special occasion for many employees, some of who would prefer the option of a quick sandwich, which the dining room doesn't provide.
- When SOLES faculty and students are back on the main campus, the number of people using the dining room may increase, although its location in the UC is a bit inconvenient for those whose offices are located on the west end of campus.
- Senators raised concern that there will be no books in the University store.
- The Degheri Center needs should be taken into account for development and University Relations functions.
- Alcohol might not be served until 5 p.m., but 2 p.m. may be a better time for faculty and graduate students to meet for a drink.
- Would enough people buy alcoholic beverages to make it financially viable?
- The spaces for faculty and students to come together and engage each other are slowly eroding.
- Under the city's social host legislation, the University would still be liable whether or not it is the vendor of alcohol.
- The UC should be a "green" building.
- There was general concern about the extent of the proposed "value engineering."
- Whether the UC expansion needs to be completed in the current timeline should be an item of discussion. The wishes of a donor guided the original rationales for the UC expansion project. If, however, Development isn't contributing much to the project, perhaps the project should be delayed until the funds are raised

A list of items of concern from the Senate about the UC expansion will be prepared as a motion and presented to the President's Executive Council.

The Senate graduate student representatives are encouraged to meet with their constituents and express their sentiments at the next Senate meeting.

Motion by Sullivan/Cordeiro to: SEND A LIST OF THE CONCERNS DISCUSSED TODAY TO PRESIDENT LYONS AND THE EXECUTIVE COUNCIL.

Lazerow recommended that the Executive Committee come back to the Senate with a more precise list of concerns.

Sullivan withdrew the motion.

Submitted by,

David Sullivan  
Secretary

Peggy Agerton  
Recording Secretary