

## Regular Meeting of the University Senate

October 9, 2003

Hahn Pavilion, Room 108

### Attendance

*Arts & Sciences:* Dobkin, Chair; Lewis; Nadkarni; Otto; Pachence; Payne; Pierson; Sullivan; Williams

*Business:* Ayers

*Education:* Gonzalez; Monroe

*Law:* Berend; Horton; Kelly

*Nursing:* Orsi

*Ex-Officio:* Cordeiro; Drinan; Lazarus

*Student Representatives:* Castanos; Gallant; Niederkorn

*Guests:* Cheryl Dean; Keith Funk; Sue Pillsbury

Dobkin called the meeting to order at 12:25.

### 1. Announcements.

**a) Senate meetings.** The remaining Senate meetings for the semester – Oct. 9 and 23, Nov. 6 and 20, and Dec. 11 -- will be held in **H108**.

**b) Strategic Planning Steering Committee.** The USD Strategic Planning Steering Committee convened its first meeting on Sept. 29. A list of committee members and the proposed timeline for USD's planning process is included with the agenda. One of the first committee tasks will be to draft a renewed (and abbreviated) mission statement to be presented to the Senate for discussion at its Nov. 20 meeting. The SPSC will hold focus-group interviews of campus and external constituents through the end of the semester. Cel Johnson, director of Institutional Research and Planning, proposed that faculty participate in focus groups at the invitation of Deans; the Senate Chair has requested that focus groups be open to all faculty and that the groups consist of faculty from diverse academic units. Dean Cordeiro has requested that some focus groups be composed only of graduate school faculty.

Dobkin provided an update on strategic planning. The Executive Committee discussed faculty focus groups. Johnson has recommended that there be at least four faculty focus groups, each consisting of between eight to 10 individuals.

Horton asked whether the Executive Committee could identify relevant strategic planning topics for Senate deliberation, with a portion of upcoming Senate meetings being devoted to these topics. Dobkin responded that the Executive Committee would, at the will of the Senate, take up this matter, and she noted that a portion of the Senate's Oct. 23 could be reserved for discussion of strategic planning topics.

Based on comments by Horton, Lewis, and Williams, Dobkin further suggested that the Senate appoint a faculty advisory committee to the SPSC, perhaps with Staff Employees Association representation included.

Motion by Williams, seconded by Cordeiro that: THE SENATE REQUEST THAT A REPRESENTATIVE OF THE SEA BE INCLUDED IN THE STRATEGIC PLANNING STEERING COMMITTEE.

Vote: Approved.

Motion by Horton, seconded by Drinan, that: THE EXECUTIVE COMMITTEE DELIBERATE ON WHETHER THE SENATE SHOULD CREATE AN ADVISORY COMMITTEE TO THE STRATEGIC PLANNING COMMITTEE AND PRESENT TO THE NEXT MEETING OF THE SENATE A MOTION THAT REFLECTS ITS DECISION.

Vote: Approved.

c) **Oct. 23 Senate meeting.** Paul Bissonnette's address to the Senate has been rescheduled for Nov. 20.

**2. Approval of minutes of Sept. 25, 2003.**

Motion by Payne, seconded by Drinan, to: APPROVE THE MINUTES OF SEPTEMBER 25, 2003.

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

**3. Action item: Proposed appointments to Senate committees.**

Budget Committee: Fred Galloway (Education)

Honorary Degrees Committee: Sandy Buczynski (Education)

Institutional Review Board: Ron Pachence (A&S)

Vote: Passed by acclamation.

**4. Action item: Amendment of Rank and Tenure Policy.**

Motion

The Summer Senate approves, and requests that the 2003-2004 University of San Diego Senate and the faculties of the pertinent College and Schools, the President, and the Board of Trustees of the University of San Diego likewise approve, the following amendments to sections I,II.B.4, and II.C of University policy 2.4.2 entitled *Rank and Tenure: Arts & Sciences, Business, Education, Nursing*. Amendments to the current policy are indicated by ~~strikeouts~~ (signaling deletions) and ***bold italics*** (signaling additions).

[to Section I:]

1. The Faculty's Role in Rank and Tenure Decisions

The University of San Diego maintains the quality of its faculty through objective and thorough appraisal by competent faculty members of each candidate for reappointment, promotion, and tenure. The Rank and Tenure Committee of each school or college is given primary responsibility for this appraisal. ***Each Committee will include the school or college Dean as a voting member.*** The Committee's functions include the recognition and encouragement of each candidate's achievements.

[to Section II.B.4:]

II. Procedures for Reappointment, Promotion, and Tenure

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B. Initial Steps

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4. ~~A recommendation regarding reappointment, promotion, and tenure normally originates with the Department Chair or Dean. The recommendation~~ ***Recommendations concerning a candidate from Department Chairs, Program Directors, and/or the Dean in their capacities as such must be submitted to the Committee prior to the conclusion of its deliberations. These recommendations, and including any amendments or additions to them by the recommender, must be included as part of the evidence provided by the Committee to the President. These recommendations*** should include a comprehensive assessment of the candidate's qualifications; evidence in support of that assessment; and the recommender's report of his or her consultation with faculty members of the candidate's department or academic units, including any dissenting opinions.

[to Section II.C:]

## II. Procedures for Reappointment, Promotion, and Tenure

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### C. The Committee's Responsibilities

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6. After notification of the President's decision, the Committee will send the candidate a copy of its recommendation and accompanying rationale (or summary of report) made to the President.

Horton noted that the changes recommended will not be affected by other potential amendments to the Rank and Tenure policy or the ARRT Appeals policy. Horton explained that the changes recommended can be implemented without Board of Trustees approval because a school can appoint its dean to its rank and tenure committee under the current policy.

Vote: 16 – Approve; 0 – Oppose; 2 – Abstain. The motion passed.

## 5. Amended policy on Tuition Remission.

Motion by the Senate Committee on Benefits Policy to amend the Policy on Tuition Remission as follows, with deletions indicated by strikeouts and additions noted in bold. (The Committee's report, dated July 12, 2003, was included with the materials for the Senate's Sept. 11 meeting.)

### Scope

Eligibility for full tuition remission requires full-time employment in a benefits-eligible, continuing position. ~~Employees in a job share positions,~~ **Benefits-eligible employees working less than full-time,** their spouses and dependent children are eligible for a 50% reduction in the cost of tuition **proportionate to the number of hours worked compared to full-time employees,** subject to the same conditions, limitations and exclusions that apply to employees in full-time positions.

The tuition remission benefit is not available when the employee is on unpaid leave. **(See FMLA/CFRA exception in Conditions, #8, "Coverage During Leave" below.)**

### Policy on Tuition Remission

Subject to the conditions outlined in this section, the University provides tuition remission to eligible employees, their spouses, and children who qualify as the employee's dependent children under the Internal Revenue Service definition. (Dependent children whose age exceeds the IRS definition while enrolled in a USD degree program will retain eligibility for this benefit through the completion of that degree providing that they maintain continuous enrollment at USD and make appropriate academic progress towards the degree.)

Tuition remission is granted for the purposes of supporting the recruitment and retention of qualified personnel, expanding the skills and knowledge of its personnel, and continuing the University's tradition of encouraging and supporting the educational development of its employees and their spouses and dependent children. **In order to facilitate the implementation of this policy, supervisors are encouraged to accommodate eligible employees who wish to take advantage of the tuition remission benefit.**

This benefit is not a contract between the University of San Diego and its employees or retired employees. The University reserves the right to reduce or terminate tuition remission at any time, and such changes or elimination of this benefit may affect those who have previously received this benefit. No employee or former employee shall have any vested right to benefits under this policy.

The University's goal in implementing the Tuition Remission Policy is that annual costs not exceed approximately 1% or less of the University's operating budget.

## Conditions

1. The employee must follow all procedures and deadlines required to receive the tuition remission benefit.
2. The use of the benefit must not interfere with the employee's job responsibilities.
3. Employees or eligible family members using the tuition remission benefit must meet all applicable terms and conditions for enrollment, such as entrance requirements, admission procedures and deadlines, good academic standing, and payment of application fees. They must also follow established registration procedures.
4. Date of Eligibility. Eligibility for employees begins the first day of fall or spring semester which is nearest to their first year anniversary date. Eligibility for spouses and dependent children begins the first day of fall or spring semester which is nearest to the employee's second year anniversary date.
5. Limitations.
  - a. Employees ~~hired on or after January 1, 1991~~, their spouses and dependent children may use tuition remission to receive **more than** one degree each.; **Employees, spouses and dependent children who choose not to use their tuition remission benefit to earn a degree or degrees may do so for one certificate program. (See note regarding taxation of tuition remission benefits at the end of this policy below.)** ~~either undergraduate or graduate, and are not eligible for further tuition remission after one USD degree has been granted under the tuition remission plan. In exceptional cases, if approved by the appropriate Vice President, an employee may receive tuition remission leading to a second USD degree, if the program or course is specifically related to the employee's USD position. Faculty and administrative employees hired prior to January 1, 1991, who have not had a break of service since January 1, 1991, their spouses and dependent children are each eligible for graduate degrees and one undergraduate degree.~~
  - b. Employees may use tuition remission for a maximum of ~~18 credits~~ **22 units** per academic year **for the School of Law**, and **18 units** ~~22 credits~~ per academic year for ~~School of Law students~~ **all other academic units of the University**. The classes may be taken during any semester or session.
  - c. Tuition remission is available for spouses and dependent children for Intersession and Summer session only on a space-available basis. (Students should contact the Special Sessions office for procedures.)
  - d. Tuition remission may be used for course work that is not part of a degree program. Tuition remission may be used to audit classes, subject to all conditions, limitations and exclusions of the Tuition Remission Policy.
6. Financial Aid. Eligibility for USD tuition remission for full-time students must be coordinated with financial aid eligibility. The tuition remission application form, provided by Human Resources, will facilitate the process.

Students requesting tuition remission who are potentially eligible for state or federal grants are required to meet the necessary financial aid deadlines. Failure to meet the deadlines may result in the lack of eligibility for tuition remission for that academic year.

7. Exclusions. The benefit is for tuition only. Applications fees, student body fees, parking fees and any other fees not assessed to all students are the responsibility of the employee, spouse or dependent child. Employees are not assessed the student body fee. ~~Self-supporting programs such as Graduate Career Programs, Continuing Education~~ **Continuing education courses or programs not leading to a certificate** and Summer Camps are not covered by tuition remission. Study abroad courses for academic Credit are covered by tuition remission only if USD is the credit-granting institution, USD is directly administering the program, and USD retains all tuition generated by the program. ~~Examples of these programs include, but are not limited to, the summer Guadalajara Program and Law Foreign Programs.~~ Affiliated programs (such as Oxford) are not covered by tuition remission.

8. Coverage During Leave. An employee on leave (paid or unpaid) is not entitled to tuition remission benefits. Tuition remission will continue during a semester in which course work has begun. **When, however, an employee is on leave under the terms of the Family Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA), the University will abide by all provisions of the applicable law.**
9. Coverage After Termination of Employment:
  - a. Separation: When an employee is voluntarily or involuntarily separated from employment with the University prior to the end of the semester in which the employee, spouse or dependent children are receiving tuition remission, the tuition remission for that semester ~~must be paid back to the University on a pro-rated basis~~ **need not be repaid to the University.**
  - b. Death or Total Disability: In the event of total disability (as determined by the University's long-term disability **insurance** carrier) or the death of an employee ~~who has ten years or more USD tuition remission eligible service credit,~~ his or her spouse (married to the employee at the time of death or total disability) and dependent children will be eligible for **the** tuition remission for courses leading to an undergraduate degree. ~~If the employee has less than ten years of USD tuition remission eligible service credit, the spouse and dependent children may use tuition remission through the end of the academic year in which they are enrolled.~~ **Benefits stated in this policy. Totally disabled employees are also eligible for these benefits.**
  - c. Retirement: Tuition remission for courses ~~whether~~ leading to ~~an undergraduate a degree~~ **or not** is available to ~~dependent children of~~ retirees who had at least 15 years of USD service credit. ~~and retired from the University at age 65 or older.~~
10. Exceptions to this policy in individual cases with demonstrable need may be made at the discretion of the President **or the President's delegate.** ~~(For example, exceptions may be made to include children who no longer fit the IRS definition of dependent child with respect to age.)~~

Note: The taxation of this benefit is determined by the Internal Revenue Service Code. Contact Human Resources for information on the inclusion of this benefit as taxable income and the current IRS definition of dependent.

Pachence introduced committee members and invited staff: Ken Keith (SEA), Laura Berend (Senator), Cheryl Dean (Administration), and Sue Pillsbury-Barton (HR).

Motion to amend by Kelly, seconded by Payne, to: STRIKE THE FIRST SENTENCE OF 5.a, which reads "Employees, their spouses and dependent children may use tuition remission to receive more than one degree each."

Kelly recommended deleting the first sentence and using a sentence that states "no individual may use tuition remission for more than two degrees." Pachence said the issue is whether to maintain the one-degree limit or allow more than one degree as was the policy prior to 1991.

Committee members said that the intent of the amended policy is to extend the benefit to include more than one degree or one certificate program. The benefits survey taken by the committee showed that employees expressed overwhelming gratitude to the University for this benefit. The benefit, however, isn't equitably applied, which has created dissatisfaction. Many survey respondents complained about the grandfather clause in the current policy, which allows some employees to take more than one degree under the benefit. Further, waivers to this limitation are routinely granted.

Drinan asked whether the committee did a budget analysis in terms of higher enrollments or areas that may be cut (e.g., salary or other fringe benefits) to accommodate what could be a substantial increase in fringe benefits. The policy should address priorities when the 1% annual cap on the tuition remission

budget is reached. Priority could be given to staff or others who don't have the same benefits as higher-paid employees. Pachence said a cost analysis wasn't done; it would be hypothetical. The 1% budget cap is a safeguard against overuse of tuition remission and should be reconsidered.

Lazarus said the 1% cap has been sufficient to meet tuition remission needs. Adding the certificate opportunity is not likely to exceed the 1% cap, but going to two degrees may exceed the 1% cap.

Horton said that the proposed amendment doesn't go far enough into the provision. He will propose a global amendment to both sentences.

Vote: 2 – Approve; 3 – Oppose; 12 Abstain. The amendment failed.

Motion to amend by Horton, seconded by Lewis, that: AMEND THE FIRST TWO SENTENCES IN THE LIMITATIONS PARAGRAPH TO READ: EACH EMPLOYEE, SPOUSE OF EMPLOYEE, AND DEPENDENT OF ELIGIBLE EMPLOYEE, IS ELIGIBLE FOR THE TUITION REMISSION BENEFIT FOR PURPOSES OF OBTAINING A UNIVERSITY DEGREE OR CERTIFICATE. THE BENEFIT MUST BE USED IN A UNIVERSITY DEGREE CONFERRING OR CERTIFICATE CONFERRING PROGRAM.

The meeting adjourned at 1:47 p.m.

Submitted by,

David Sullivan  
Secretary

Peggy Agerton  
Recording Secretary