

CONCURRENT MEETINGS OF:

**THE UNIVERSITY SENATE
THE FACULTY SENATE**

THURSDAY, MARCH 2, 2017

2:30 – 4:30 P.M.

**Coffman Theater--Twin Cities Campus
101 Dowell Hall--Crookston Campus
173 Kirby Plaza--Duluth Campus
45 Humanities/Fine Arts Building--Morris Campus
Room 398--Rochester Campus**

This is a concurrent meeting of the University Senate and Faculty Senate. There are 248 voting members of the University Senate and 163 voting members of the Faculty Senate. A simple majority must be present for a quorum. Most actions require only a simple majority for approval. Actions requiring special majorities for approval are noted under each of those items.

**1. EQUITY, ACCESS, AND DIVERSITY COMMITTEE
Statement on President Trump's Executive Order Affecting Visas and Immigration
Information for the University Senate**

The Equity, Access, and Diversity Committee of the University Senate fully supports the statement of President Eric Kaler of Sunday, January 29, 2017, regarding President Trump's executive order impacting visas and immigration. This executive order is contrary to the University's deeply-held values. We stand with all members of the University community, and with the residents of our increasingly diverse state, who are affected by this order.

Adopted unanimously January 30, 2017.

**JEREMY JENKINS, CHAIR
EQUITY, ACCESS, AND DIVERSITY COMMITTEE**

**2. SENATE CONSULTATIVE COMMITTEE
FACULTY CONSULTATIVE COMMITTEE
Ex Officio Membership Changes
Information for the University Senate and Faculty Senate**

The Senate Consultative Committee (SCC) and the Faculty Consultative Committee (FCC) approved the following changes in ex officio membership for Senate committees. The SCC and FCC charges include the ability to act on behalf of the respective Senate when a decision is required prior to the next scheduled meeting of the respective Senate and when a decision is required when it would not be possible to convene a special meeting of the respective Senate in a timely fashion; such actions will be reported to the respective Senate at its next meeting and the respective Senate may then overrule the SCC or FCC action.

ARTICLE II. RULES FOR COMMITTEES OF THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)

1. Ex Officio Members of University Senate Committees

Ex officio representation is accorded because of, or by virtue of, a specified office. An ex officio member has rights of full participation except voting privileges unless otherwise indicated. Ex officio administrative members shall be appointed from each of the offices as specified in the following provisions and shall have the authority to designate someone to attend meetings in their place. Committee chairs who serve ex officio on other committees may designate a representative from their committees to attend in their place. The University Senate vice chair may not designate an alternative representative to the Senate Consultative Committee.

- **All-University Honors**-- Office of ~~Senior the Executive Vice President for Academic Affairs~~ and Provost; Office of the President (three representatives, including one from Alumni Relations and one from the Office of Development); Office of the Chancellor – Duluth; Office of the Chancellor - Crookston

- **Disabilities Issues**-- Office of ~~Senior the Executive Vice President for Academic Affairs~~ and Provost (the University ADA coordinator); Office of the Vice President for Equity and Diversity (Disability Resource Center)

- **Equity, Access, and Diversity**-- Office of the Vice President for Equity and Diversity (two representatives, including one from the Office of Equal Opportunity and Affirmative Action); representative from the Women's Faculty Cabinet

- **Finance and Planning**--reports to both the University Senate and the Faculty Senate; ex officio members are listed under Faculty Senate committees

- **Information Technologies**-- Office of ~~Senior the Executive Vice President for Academic Affairs~~ and Provost (two representatives including one from the Office of eLearning); Chief Information Officer; University Librarian, Twin Cities Campus; Chair of the Library Committee

- **Intercollegiate Athletics**--Director of Intercollegiate Athletics; Director of Academic Center for Student-Athletes; Director of Athletic Compliance

- **Library**-- Office of ~~Senior the Executive Vice President for Academic Affairs~~ and Provost; University Librarian, Twin Cities campus; Director of Library Services, Crookston campus; Director of Libraries, Duluth campus; Library Director, Morris campus; Director of the Law Library, Twin Cities Campus; Librarian, Rochester Campus; Chair of the Information Technologies Committee

- **Senate Consultative**--Vice chair of the University Senate (voting); past chair of the Faculty Consultative Committee (voting if not otherwise a voting member); Chair of the Finance and Planning Committee; Chair of the Educational Policy Committee; elected representative from the Duluth faculty eligible to vote in Senate elections

- **Social Concerns**--Office of the Vice President for Budget and Finance (Office of Investments and Banking); Office of ~~Senior the Executive Vice President for Academic Affairs~~ and Provost (Office of Student Affairs); Office of the Vice President for Equity and Diversity (Office of Equal Opportunity and Affirmative Action)

- **Student Academic Integrity**-- Office of ~~Senior the Executive Vice President for Academic Affairs~~ and Provost (two representatives, including the Director of the Office for Student Conduct and Academic Integrity)

- **Student Behavior**-- Office of ~~Senior the Executive Vice President for Academic Affairs~~ and Provost (Director of the Office for Student Conduct and Academic Integrity)

ARTICLE IV. RULES FOR COMMITTEES OF THE FACULTY SENATE (Changes to this article are subject to vote only by the Faculty Senate)

1. Ex Officio Members of Faculty Senate Committees

Ex officio representation is accorded because of, or by virtue of, a specified office. An ex officio member has rights of full participation except voting privileges unless otherwise indicated. Ex officio administrative members shall be appointed from each of the offices as specified in the following provisions and shall have the authority to designate someone to attend meetings in their place. Committee chairs who serve ex officio on other committees may designate a representative from their committees to attend in their place. The Faculty Senate vice chair may not designate an alternative representative to the Faculty Consultative Committee.

- **Academic Freedom and Tenure**--Chair of the Faculty Affairs Committee; Office of ~~Senior~~ the Executive Vice President for Academic Affairs and Provost; Chair of the Judicial Committee

- **Educational Policy**-- Office of ~~Senior~~ the Executive Vice President for Academic Affairs and Provost (two representatives, Vice Provost and Dean for Undergraduate Education; Vice Provost and Dean for Graduate Education); Office of the Vice President for Health Sciences

- **Faculty Academic Oversight for Intercollegiate Athletics**--Director of Academic Center for Student-Athletes; Director of Athletic Compliance; Director of Academic Support Resources

- **Faculty Affairs**-- Office of ~~Senior~~ the Executive Vice President for Academic Affairs and Provost; University of Minnesota Retirees Association; Office of the Vice President for Human Resources (two representatives, including one from Employee Benefits); Chair of the Academic Freedom and Tenure Committee

- **Faculty Consultative**--Vice chair of the Faculty Senate (voting), past chair, Faculty Consultative Committee (voting, if not otherwise a voting member); Chairs of the Academic Health Center Faculty Consultative, Educational Policy, Faculty Affairs, Finance and Planning, and Research Committees; elected representative from the Duluth faculty eligible to vote in Senate elections; Faculty Legislative Liaison(s)

- **Finance and Planning**-- Office of ~~Senior~~ the Executive Vice President for Academic Affairs and Provost (two representatives); Office of the Senior Vice President for Finance and Operations Budget and Finance (two ~~three~~ representatives, including one from the Controller's Office and one from Budget and Finance); Office of the Vice President for University Services; Chair of the Academic Health Center Faculty Consultative Committee; State Economist

- **Research**-- Office of ~~Senior~~ the Executive Vice President for Academic Affairs and Provost; Director of the Agricultural Experiment Station; Office of the Vice President for Budget and Finance; Office of the Vice President for Health Sciences; Office of the Vice President for Research (two representatives); University Librarian; Director of Institutional Compliance

COMMENT:

There are two types of proposed changes for Senate committee. The first set of proposed changes are to reflect changes in administrative offices and do not change the ex officio membership on the committees. A second change is to add the Senior Vice President for Finance and Operations to the Finance and Planning Committee. This change is recommended by the Finance and Planning Committee.

Adopted unanimously January 30, 2017.

**COLIN CAMPBELL, CHAIR
SENATE AND FACULTY CONSULTATIVE COMMITTEES**

3. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY/ACADEMIC PROFESSIONALS/STAFF

Colleen Miller
Finance Director 1
Finance Office, University of Minnesota Morris
1956 - 2016

Stanley Deno
Professor
Educational Psychology
1936 - 2016

Jane Jensen
Finance Professional 3
Minnesota Geological Survey
1956 - 2016

Carolie Ann Carlson
Human Resources Manager 2
Leadership and Talent Development
1967 - 2016

Terrance Smith
Junior Cashier/Food Aide
Coffman Union Dining
1966 - 2016

Mary Ellis
Admin Consultant/Analyst 1
College of Pharmacy Dean's Office
1960 - 2016

Donald Ireland
Associate Professor
Accounting, University of Minnesota Duluth
1926 - 2016

Tomasina Watters
Principal Accounts Specialist
Dental Patient Care Administration
1960 - 2016

STUDENTS

MaryAnn Barstad
University of Minnesota Crookston

Andrew Christensen
College of Science and Engineering

Patricia King
University of Minnesota Crookston

Kenneth Nelson
University of Minnesota Crookston

Danielle Rogers
College of Liberal Arts

Chase Tuseth
College of Education and Human Development

Nathan Winscher
College of Science and Engineering, University of Minnesota Duluth

**4. MINUTES FOR NOVEMBER 3, 2016
Action by the University Senate
(2 minutes)**

MOTION:

To approve the University Senate and Faculty Senate minutes, which are available on the Web at the following URL.

<http://usenate.umn.edu//usenate/minutes/161103sen.pdf>

**ROBERT GOLDSTEIN, CLERK
UNIVERSITY SENATE**

**5. FACULTY CONSULTATIVE COMMITTEE REPORT
SENATE CONSULTATIVE COMMITTEE REPORT
(5 minutes)**

**6. FACULTY LEGISLATIVE LIAISONS UPDATE
(5 minutes)**

**7. RESOLUTION ON ARAMARK EDUCATIONAL SERVICES, LLC
Action by the University Senate
(25 minutes)**

MOTION:

To approve the following resolution.

RESOLUTION ON ARAMARK EDUCATIONAL SERVICES, LLC

The University of Minnesota Student Senate requests the University of Minnesota administration notify ARAMARK Educational Services, LLC (“ARAMARK”), pursuant of section 8.03 of the Service Management and Operation Agreement by and between the Regents of the University of Minnesota and ARAMARK Educational Services, LLC (“Agreement”)¹ of student concerns regarding the lack of options for those with religious restrictions, poor food quality, high cost, lack of options for those with dietary restrictions, and reports of ARAMARK’s questionable business ethics.

Resolved, that if ARAMARK does not rectify these concerns, we request penalties be implemented in pursuance section 8.05 of the Agreement. These penalties shall include the submission and execution of a detailed action plan in pursuance of section 8.03 of the Agreement, and the withholding of the fifty thousand dollar performance incentive, to the extent contract allows, by the University of Minnesota administration.³ Furthermore, in the instance that ARAMARK fails to adequately respond to student concerns by January 1st, 2018, the Student Senate requests that University of Minnesota administration not renew the Agreement and actively pursue other options for food service management and operations in anticipation of the Agreement’s expiration in accordance with Section 2.01 of the Agreement.²

Resolved, the Student Senate requests the Director of University Dining Services present findings of the Annual Business Review Committee to the Student Senate Twin Cities Delegation once every academic year.

Furthermore, the Vice President of University Services, after a request from the Student Senate Consultative Committee, has agreed to the implementation of a Student Advisory Council to investigate student complaints, communicate with ARAMARK, and to identify trends and serious issues with University Dining Services, managed by ARAMARK.

Furthermore, the Vice President of University Services, after a request from the Student Senate Consultative Committee, has agreed to ensure student representation on the Annual Business Review Committee that meets every August, and agreed to include representatives from student government in the decision-making process for future residential food providers.

Furthermore, the Vice President of University Services, after a request from the Student Senate Consultative Committee, has agreed to give customer satisfaction surveys in collaboration with the Minnesota Student Association (MSA), the Professional Student Government (PSG), and the Council of Graduate Students (COGS).

Furthermore, the Student Senate Consultative Committee, due to concerns with ARAMARK’s business ethics, requests that ARAMARK respond to the reports outlined below by January 1, 2018. Additionally, the Student Senate requests that University administration consider business ethics when evaluating contract vendors during the next RFP cycle, in collaboration with the Student Advisory Council.

Authors:

Trish Palermo, chair, Student Senate Consultative Committee (SSCC)

¹ [University-Aramark Contract](#)

² section 8 subsection 2 of the contract

Max Hurst, student senator, College of Liberal Arts (CLA)
Derek Frank, student, University of Minnesota
Alex Thibodo, researcher, Minnesota Student Association (MSA)

Passed by the Student Senate Consultative Committee (SSCC) on February 1, 2017

COMMENT:

During fall semester 2016, the Student Senate Consultative Committee (SSCC) began investigating student concerns with ARAMARK and University Dining Services. The SSCC found that the Senate Committee on Finance and Planning (SCFP) passed recommendations to the administration in 1999 regarding Aramark's food quality issues, which still seem to persist to this day. After several discussions, the SSCC identified the following student concerns:

- Poor food quality
- Lack of options for those with dietary restrictions or those requiring religious accommodations
- High cost of meal plans
- Mistreatment of employees
- Lack of collaboration with student governing bodies and lack of student representation
- Significant discrepancies between Aramark's surveys and the feedback governing bodies receive
- Reports of labor law violations, including employment discrimination and unsanitary working conditions
- Reports on profiting off of mass incarceration

The SSCC invited the Director of University Dining Services, an ARAMARK employee, and the Interim Contract Administrator, a University of Minnesota employee, to meet with the committee on December 8, 2016, to discuss concerns with the student experience. After this meeting, several key needs were identified, including:

- Student representation on yearly Annual Business Review Committee
- The creation of an advisory panel, with student representation
- Better access to information from ARAMARK surveys relating to student satisfaction, and coordination with student groups on these surveys
- The gaps between Aramark's satisfaction rating and the experiences of students in the dining halls

The Minnesota Student Association (MSA) and the Council of Graduate Students (COGS) will be considering their own resolutions on this issue at their February 2017 meetings. Additionally, the Association of Big Ten Students³ passed a similar resolution on February 5th, 2017⁴, and the Students United Board of Directors passed a resolution on February 12th, 2017⁵. The goal of this

³ Membership of the Association of Big Ten Students shall include any primary student government organizations of a Big Ten University included but not limited to the following Universities: University of Illinois at Urbana-Champaign, Indiana University, University of Iowa, University of Michigan, Michigan State University, University of Minnesota, Northwestern University, University of Nebraska-Lincoln, The Ohio State University, The Pennsylvania State University, Purdue University, University of Wisconsin, University of Maryland, Rutgers, the State University of New Jersey <http://www.abts10.org/bylaws>

⁴ [ABTS Resolution](#) Pennsylvania State University, Purdue University, University of Wisconsin, University of Maryland, Rutgers, the State University of New Jersey <http://www.abts10.org/bylaws>

⁵ [Students United Resolution](#). Students United is an independent, non-profit organization funded and operated by students. Students United serves over 70,000 students attending Minnesota's seven state universities: Bemidji, Mankato, Metropolitan (St. Paul/Minneapolis), Moorhead, St. Cloud, Southwest (Marshall) and Winona. Students

coordinated effort is for students to come together in taking a stance against Aramark and their profiting off of not only students but the most vulnerable communities.

ANNOTATED REFERENCES regarding ARAMARK CORPORATION RESOLUTION

Berger & Montague, P.C. 2001. Class action race discrimination lawsuit filed against Aramark Corporation. *PR Newswire*. August 15. <http://www.prnewswire.com/news-releases/class-action-race-discrimination-lawsuit-filed-against-aramark-corporation-71733777.html>.

“A Class Action race discrimination lawsuit was filed today against the nation's largest provider of outsourcing services, ARAMARK Corporation, which posted revenues in excess of \$7 billion in 2000” in Philadelphia, PA.

Aramark settled in a \$165,000 lawsuit where it was argued they had disproportionately discriminated against black male job applicants.

Clarey, David. 2008. UDS: controversy behind closed doors. *Minnesota Daily*, September 9. <http://www.mndaily.com/article/2008/09/uds-controversy-behind-closed-doors>.

This is more than three times the amount of employee terminations in 1998, the first year Aramark Corp. partnered with UDS, according to University records.

Decker, Paul C. and Donald L. Miller. 2007. Cost-Value Analysis: Aramark Food Service Contract C1927. *Florida Department of Corrections, Office of the Inspector General, Bureau of Internal Audit*. January 10. https://www.privateci.org/private_pics/Aramarkfinal.pdf.

“Feed rates have declined sharply since the contract’s inception in 2001, creating a windfall for the vendor and reducing the value of the services provided without a proportionate decrease in per diem rates charged to the Department.”

“During the first 24 months following the contract’s inception, the food service master menu was changed repeatedly, allowing the vendor to substitute less costly meat products such as ground turkey to previously required beef products. This cut the vendor’s production costs with no proportionate decrease in per diem rates charged to the Department.”

Aramark’s tumultuous history with contract violations, arbitrary charge inflations, and inflated rates of service.

Lavigne, Paula. 2015. KC stadiums’ food safety boss fired. *ESPN*. March 26. http://www.espn.com/espn/otl/story/_/id/12562241/food-safety-manager-fired-kansas-city-stadium-health-concerns-made-public.

In Kansas City, MO, an Aramark employee fired after reporting incidences of rodent infestations, unsanitary working conditions, health code violations.

United has been a strong voice for state university students on the campus, system, state and federal levels for over 40 years. We are recognized by the Minnesota State Colleges and Universities Board of Trustees as the sole representative of state university students in Minnesota, and work on a variety of issues at several levels. <http://www.studentsunited.org/about/>

Kaplan, Ivy and Theresa Maher. 2016. Firing of Aramark worker sparks social media uproar. *The Eagle*. September 5. <http://www.theeagleonline.com/article/2016/09/firing-of-aramark-worker-sparks-Social-media-uproar>.

At American University, long-time Aramark employee Ana Ebanks was fired for missing 40 minutes of work.

Mannix, Andy. 2017. After complaints over U food service, student senate taking steps to address issues, *Minnesota Daily*. January 19. <http://www.mndaily.com/article/2017/01/resolution-on-aramark>.

University of Minnesota Student Senate resolution to be voted on asking the University to deliver a set of food quality and business ethics concerns to Aramark.

Mattera, Philip. 2016. Aramark: corporate rap sheet. *Corporate Research Project*. August 19. <http://corp-research.org/aramark>.

This report enumerates 9 incidents of contracting controversy and 6 of labor controversy.

Palermo, Trish, Max Hurst, Derek Frank, and Alex Thibodo. 2017. DRAFT of Student Senate Resolution on Aramark Educational Services, LLC. *University of Minnesota Student Senate*. Accessed on January 23. University of Minnesota, Minneapolis, MN. <https://docs.google.com/document/d/1TmhrRuARfzURAx46yUIaXSvtpThpukUk4zSqtvf3h4U/e/dit?usp=sharing>.

Draft of resolution to be voted on in the March 2017 meeting of the University of Minnesota Student Senate.

Prochilo, Dan. 2013. Aramark pays \$2.75M to resolve FLSA class action. *Law 360*. May 8. New York. <https://www.law360.com/articles/439625/aramark-pays-2-75m-to-resolve-flsa-class-action>.

“Aramark Uniform Services Inc. has agreed to a \$2.75 million settlement of wage-and-hour class claims by workers who allege that the company had shaved time off employees’ shifts, according to a motion filed in California federal court Tuesday.”

Rubenstein, Abigail. 2010. Aramark to settle wage-and hour suit for \$3.9M. *Law 360*. April 6. New York. <https://www.law360.com/articles/160009/aramark-to-settle-wage-and-hour-suit-for-3-9m>.

“Food service company Aramark Corp. has agreed to fork out \$3.9 million to settle a wage-and-hour class action brought by its California employees.”

Ryan, Brenda. 2007. Cafeteria workers strike against poverty wages. *Worker’s World*. December 20. http://www.workers.org/2007/us/cafeteria_workers-1127/.

This article describes a strike of Aramark-employed cafeteria workers.

Shaw, Charles. 2012. Exile nation: drugs, prison, politics, spirituality. p114-5. Berkeley, CA. *Soft Skull Press*. <https://books.google.com/books?id=jqBJulFXzkcC&pg=PA116&lpg=PA116&dq=aramark+accepted+donations+USDA&source=bl&ots=V-ezH-GQ4z&sig=dP-G9E1XfE7gtAvTZFdYgdktPr0&hl=en&sa=X&ved=0ahUKEwinm4->

[99MrRAhXlzIMKHdv7CtsQ6AEIPDAF#v=onepage&q=aramark%20accepted%20donations%20USDA&f=false.](http://www.kentucky.com/news/local/crime/article44014197.html)

“Aramark has been accused of fraud and over-billing, driving up state budget deficits, poor service, and poor treatment of workers. Their worst transgression [...] appears to be serving tainted food to schools and universities.”

“In Illinois, Aramark paid more than \$3 million to settle a 2004 class action suit charging they defrauded approximately 50 school districts in the state by accepting national school lunch program food donations from the USDA without reducing the cost for the schools, which was in violation of federal law and the district’s food service contract.”

“The list of Aramark’s prison indiscretions spans correctional systems in Illinois, Texas, Oregon, Tennessee, New Jersey, New York, Missouri, and Florida.”

“In the same case that brought indictments against former IDOC [Illinois Department of Corrections] director Donald Snyder and John J. Robinson, a former lobbyist, Senior Vice President for Aramark, and Undersheriff of Cook County [...] pled guilty in July 2007 to federal charges of mail fraud relating to alleged kickbacks paid to Snyder.”

Spears, Valarie Honeycutt. 2009. Food caused Northpoint riot, guard says. *Lexington Herald Leader*. November 7. <http://www.kentucky.com/news/local/crime/article44014197.html>.

In the summer of 2009, prisoners at Northpoint prison staged a riot against unsustainable food allegedly containing “hairballs, rocks, cardboard, bread ties, maggots” and frequent food shortages. Prison officials claimed that their renewed contract with Aramark saved the state millions in infrastructure costs, allowing administrators to grant correctional officers with a 7% raise between 2009 and 2011. State officials and elected representatives claimed the prisoners’ allegations were misrepresented and fabricated after the riots, which injured 8 inmates and officers. A 2010 audit later found that Aramark cut down ingredients and watered down food and that food shortages were a common occurrence.

Sunny Suffolk Community College. 2016. Exciting new dining options at suffolk. *Suffolk Community College*. <https://www.sunysuffolk.edu/aramark/>

Aramark services more than 600 colleges and universities throughout North America.

Zager, Dan and Cassidy Jensen. 2015. Workers and Georgetown students stand up to Aramark. *Center for American Progress*. June 12. <https://talkpoverty.org/2015/06/12/aramark-georgetown-university/>.

At Georgetown University, a petition filed against Aramark corporation received well over 2,000 signatures from students, faculty, and dining staff after allegations of repeated wage theft, verbal abuse, and racial discrimination.

Zoukis, Christopher and Rod Bower. 2015. Aramark’s correctional food services: meals, maggots, and misconduct. *Prison Legal News*. December 2. <https://www.prisonlegalnews.org/news/2015/dec/2/aramarks-correctional-food-services-meals-maggots-and-misconduct/>.

This article describes Aramark’s misconduct at correctional institutions, including instances of sexual misconduct.

“Aramark was included among 132 businesses in 21 countries that were named the World’s Most Ethical Companies in 2015 by Ethisphere Institute, a self-described ‘global leader’ in defining standards for ethical corporate practices.”

Hundreds of Aramark employees have been disciplined, fired or prosecuted for smuggling contraband and engaging in sexual misconduct with prisoners.

**TRISH PALERMO, CHAIR
STUDENT SENATE CONSULTATIVE COMMITTEE**

8. UNIVERSITY/FACULTY SENATE OLD BUSINESS

9. UNIVERSITY/FACULTY SENATE NEW BUSINESS

**10. STATE OF THE UNIVERSITY ADDRESS
(25 minutes)**

**11. QUESTIONS TO THE PRESIDENT
(35 minutes)**

12. UNIVERSITY/FACULTY SENATE ADJOURNMENT