



STUDENT UNION, INC. BOARD OF DIRECTORS

**Meeting Minutes for
June 9, 2021 at 3:00 pm**

This was a telecommute meeting by Zoom Video Conference.

This meeting was facilitated through an online Zoom format, consistent with the Governor's Executive Order N25-20, suspending certain open meeting law restrictions.

Voting Members Present: Charlie Faas, Cynthia Fernandez-Rios, Ellen Middaugh, Emily Wughalter, Nicolas Ayala, Zachary Birrer, Joshua Reyes

Voting Members Absent: Sonja Daniels, Zobeida Delgado, Ishan Gupta

Non-Voting Member Present: Tamsen K. Burke *Tamsen Burke* 6/18/2021

Guests Present: Amy Guerra-Smith, Dan Cornthwaite, Patrick Day, Leanne LoBue, Katina Green, Diane Qin, Kevin Kish, Kim Hagens, Kristine Kirkendall, Jerry Darrell, Debbie Gairaud, Ryan Fetzer

I. CALL TO ORDER

Cynthia Fernandez-Rios called the meeting to order at 3:10pm

II. ROLL CALL

Cynthia Fernandez-Rios asked Amy Guerra-Smith to take the roll. Amy Guerra-Smith completed a verbal roll call.

III. APPROVAL OF JUNE 9, 2021 AGENDA

Cynthia Fernandez-Rios asked for any changes needed to the JUNE 9, 2021 STUDENT UNION, INC. BOARD OF DIRECTORS MEETING AGENDA. No changes requested.

Emily Wughalter motioned to approve the agenda as presented; Nicholas Ayala seconded the motion.

Vote on the Motion: 7-0-0 Motion Passed.

IV. APPROVAL OF MAY 7, 2021 MEETING MINUTES

Cynthia Fernandez-Rios asked for any changes needed to the MAY 7, 2021 STUDENT UNION, INC. BOARD OF DIRECTORS MEETING MINUTES. No changes requested.

Nicholas Ayala motioned to approve the meeting minutes as presented; Emily Wughalter seconded the motion.

Vote on the Motion: 7-0-0 Motion Passed.

V. APPROVAL OF MAY 11, 2021 MEETING MINUTES

Cynthia Fernandez-Rios asked for any changes needed to the MAY 11, 2021 STUDENT UNION, INC. BOARD OF DIRECTORS MEETING MINUTES.

Nicholas Ayala inquired about the finalized verbiage for the Personnel Committee Recommendation of Bylaw Change. Mr. Ayala indicated that he hesitates to approve the minutes without the approved finalized wording.

Ellen Middaugh agreed and suggested reviewing the actual document and tightening the wording in the minutes to reflect what was presented, what was approved, and what was motioned for approval of actual language.

Ellen Middaugh motioned to approve to table this action item until the next meeting; Nicholas Ayala seconded the motion.

Vote on the Motion: 7-0-0 Motion Passed.

VI. APPROVAL OF MAY 27, 2021 MEETING MINUTES

Cynthia Fernandez-Rios asked for any changes needed to the MAY 27, 2021 STUDENT UNION, INC. BOARD OF DIRECTORS MEETING MINUTES. Cynthia Fernandez-Rios noted that the Board is taking action on the meeting minutes that were corrected and the changes were highlighted in yellow. No changes requested.

Ellen Middaugh motioned to approve the updated meeting minutes presented; Emily Wughalter seconded the motion.

Vote on the Motion: 7-0-0 Motion Passed.

VII. DISCUSSION ITEM

A. Meeting with VPSA, Patrick Day to discuss university response to Board of Directors questions regarding Operating Agreement areas of concern

Cynthia Fernandez-Rios thanked Patrick Day for joining the meeting and invited Patrick Day to address the Board Members.

Patrick Day, Vice President for Student Affairs, addressed the Board of Directors speaking about the response from the University with regards to the areas of concern about the Operating Agreement. Patrick Day explained to the Board Members his goal is to make sure that the University thinks collectively and to get increasingly specific about what are the needs of our students, how do we find out what the needs of our students are, and how do we serve those needs for all of our students. Patrick explained the rationale for how the University determined this course, noting major strategic processes for realignments across the entire campus and not Student Union specifically. Patrick Day also noted that the other part that the University is examining that relates to the Student Union is the nature of the facilities that the Student Union manages, identifying specifically the Event Center as an opportunity to expand utilization. Patrick Day also indicated that the University has also identified major compliance and accreditation issues that need to be managed which is another reason why the University has chosen to move in the direction of centrally managing the Event Center by the campus.

Patrick Day also indicated that the University wishes to move away from cross charging that happens between different campus departments and entities.

Cynthia Fernandez-Rios thanked Patrick Day and inquired why this wasn't addressed differently and how come the student Union Board was not consulted throughout this process nor the Executive Director, Tamsen Burke, who is the head of the organization?

Patrick Day responded that the determination was made by the University after looking at some of the things that were mentioned before: to provide opportunities to expand utilization of the building while continuing to do all the events and activities in that building what we have done in the past and to ensure compliance and accreditation requirements are met.

Patrick Day noted that part of the intent was to have some of the conversations now and some conversations in an ongoing way to discuss where we need to go and how we need to get there, to engage in meaningful conversations and try to create processes and services that are improved and what students want or need.

Cynthia Fernandez-Rios inquired if the University considered at all in giving the Student Union guidance and direction with regards to compliance rather than just making a decision to take the Event Center, because in the end, we are partners. Patrick Day responded by saying that the final decision that was made because if something happens and the University is out of compliance in a significant way it will impact the University and part of the determination is if the University has that level of accountability, there has to be a certain

level of management over the processes that the University is being held accountable for.

Ellen Middaugh expressed her concerns about the absence of communication to the executive director and the board regarding this until it was decided is problematic. What is the University's plan around the timing, does this transition take effect on July one, or is there time to ramp up to it? How does the University plan to ensure the student voices and input on how scheduling happens? What are the mechanisms for ensuring that other than just trusting the leadership? Because leadership has their own priorities. Demonstrate the transparency around how decisions are being made, how students are going to be at the table for the conversation and how student voices are being heard?

Patrick Day commented that most of the students are not athletes however being part of the Division 1 athletics program there is a certain level of institutional commitments that are required. Patrick Day also noted that the University needs to have a demand study completed. This demand study would talk to students to understand what are the needs of our students, and provide a benchmark against other institutions of our size including the amount of space that we have available. Additionally, we need to have ongoing conversations, maybe we create an advisory group or it is this Board that looks at the actual data and the actual utilization data, and create a codified schedule based on the data.

Ellen Middaugh noted that we need to ensure that there is a clear agreement on the mechanisms for that decision making and the student input on those decisions. Making that commitment and putting it in writing would go a long way towards building trust because the trust has been damaged in this process. Patrick Day responded that he agreed and this should be put in writing. He responded about the timing question about the President's desire for some of these items to be completed as close to the end of June as possible. Patrick Day noted that some of these items warrant additional conversations, communications need to improve, and that he has committed to meeting more regularly with the chair of this Board.

Ryan Fetzer, Director of the Spartan Recreation and Aquatics Center, expressed the concern of Athletics dominating facilities due to the need for increased time but at the expense of other groups like classes, intramural sports, and club sports. Patrick Day responded that the goal is to bring a level of control and accountability that is not currently in practice.

Emily Wughalter thanked Patrick Day for attending the meeting. Dr. Wughalter spoke to each of Patrick's three main points: Title IX, NCAA Athletics, and accreditation and noted the following and also identified that all three issues can be found in a number of forms and in any facility on the SJSU campus.

1. Regarding Title IX issues: Dr. Wughalter noted that she is aware of possible Title IX issues with regard to the sexual harassment, but that she has not seen these issues in the Student Union, Inc. facilities.
2. Regarding the NCAA Athletics: Dr. Wughalter expressed her concern and fear of Athletics taking over the Event Center building noting that she speaks from experience as she has watched fields taken over that used to be fields that can Kinesiology used, and also the renovation of SPX and YUH when Kinesiology used most of the first floor of YUH and is now used by Athletics Basketball.
3. Regarding the accreditation: Dr. Wughalter noted that Patrick Day spoke about accreditation specifically relating to the Kinesiology department. Dr. Wughalter gave an example of possibly an outside accreditor of the Kinesiology department might observe that the Kinesiology department does not have enough access to facilities to run specific classes. Dr. Wughalter continued on and inquired from Patrick Day where is the evidence of the mis-management or mis-operation of the Student Union, Inc. for the University to enact this and is the next step going to be that the operating agreement is going to say that the SRAC will be operated by the University?

Patrick Day responded that we need to commit to having some more conversation about the demand study. Patrick Day indicated that there has not been any sort of mismanagement on

the part of the Student Union but there are some issues that have come up that are problematic. Patrick Day noted that his arguments were never that there was any mismanagement but more of a realignment and that this is a decision about what are the options and trying to make a determination of what the best one is. Patrick Day noted that he didn't know all the history about the takeover but that the fundamental problem is that SJSU does not know what the student needs are and we need information based on a set of metrics and what is identified by the students.

Charlie Faas noted that every group on this campus is looking for spaces, facilities and resources. Mr. Faas indicated that he guarantees, as the CFO and as the interim director of athletics, that he will not let Athletics take over all the spaces that all of our students need. Cynthia Fernandez-Rios responded to Charlie Faas that we hope that the new athletic director, whenever that announcement is made, feels the same way as you do. Cynthia Fernandez-Rios went on to inquire from Patrick Day, about the costs related to the Event Center. Will the Student Union fees be paid for the operations of the Event Center after the University begins operating the building? Patrick Day responded that the functions of the building will not change and that the University will enhance what the Student Union is currently doing. The Student Union fees are restricted dollars and the fees would remain committed to the functions of the building as well as to the other parts of what the Student Union does.

Cynthia Fernandez-Rios asked a follow up question, if we continue to use Student Union fees to operate the Event Center building, it is an expectation that the Student Union Board will need to approve those fundings. Patrick Day and Charlie Faas both agreed to this requirement..

Nicholas Ayala asked if the decision is solidified or is the decision still within discussion to where the opinions and thoughts from the Board, from the Student Union, from the students, for lack of better words, matter? Patrick Day responded that there are some elements that are decided on and are going to happen. There are some things that will require ongoing conversations through the fall and into the spring.

B. Extension of Existing Operating Agreement for One Additional Year Under the Current Terms and Conditions

Cynthia Fernandez-Rios asked Patrick Day if he could guarantee that all other things, other than the Event Center operation transition, in the operating agreement will remain the same until further discussion and from one year from now. Patrick Day responded no, there will be other things that will be changing in the operating agreement. Ms. Fernandez-Rios asked Patrick Day to expand on what items will be changing in the operating agreement. if the Student Fees will continue to support the Event Center after the operations transition to the University? Patrick Day indicated that the Event Center will NOT be part of the Operating Agreement moving forward. Patrick Day also anticipates other items that will be changing in the operating agreement are the shift of larger facilities management, maintenance, and renovations to FD&O, the removal of lease revenues and cross charging and balancing the budget needs of the Student Union, so that lease revenues are not needed as part of the operating budget of the Student Union. Patrick Day noted that the University is moving to a model that looks at what the needs are, what the priorities are, and then budget to the needs and the priorities.

Tamsen Burke noted that as this transition takes place, the questions that should be asked are: are we increasing the cost of operations, and from a fiduciary responsibility, for this transition to occur, are we actually taking more money away from students and the ability for the Student Union to serve and lead our mission? Charlie Faas commented that the amount the Student Union is paying today will be the same as tomorrow because there are economies of scales.

Cynthia Fernandez-Rios commented that she was surprised to learn that the operating agreement will have significant changes because when she spoke with President Papazian,

there was no mention of the significant changes in the operating agreement.

Ellen Middaugh commented that one of the reasons she has been a strong advocate for the Student Union, Inc. is because these are spaces that are for everyone. Dr. Middaugh also noted that during her time on this Board, the concept that the Student Union has the nimbleness and autonomy to address the needs of the facilities is how these facilities are kept in such good state. Dr. Middaugh went on noting that centralizing things creates a process where staff have to go through layers which slows down the ability to complete projects. Patrick Day responded that service level agreements will be in place so that there is an evaluative structure. Noting that part of the issue is being able to identify what the needs are versus what the deliverables have been.

Tamsen Burke commented that one of the initiatives for the Student Affairs Division is the opportunities for students to take something from the classroom or take something from a co-curricular experience and put it into an employment opportunity that drives a student success model that when they leave this institution they are better citizens, they are better employees because they've had those opportunities to be successful. Ms. Burke noted that the Student Union is very concerned that if state employees start taking student opportunities, we lose the co-curricular educational student success component of the institution. Patrick Day responded that we should be looking at where some of these student jobs can be recouped or maybe redirect those opportunities for even more substantive opportunities for those students.

VIII. ACTION ITEMS

A. Approval of Extending the Existing Operating Agreement for One Additional Year Under the Current Terms and Conditions

Cynthia Fernandez-Rios asked for a motion to approve extending the existing operating agreement for one additional year under the current terms and conditions.

The Board Members discussed the likelihood of getting the existing operating agreement extended. Patrick Day noted that part of the conversations that he will have with the Board Chair is what is likely to be in the operating agreement.

(Zachary Birrer left the meeting. Voting count: 6).

Emily questioned what is the function of this auxiliary? Tamsen Burke noted that it is important for the university to convey to the auxiliary what is the auxiliary under this model because, if the Student Union is not managing and not operating these buildings and facilities as traditionally as an auxiliary across the CSU system, it is important for the Board and staff understands what is their identity is so that their authority and responsibilities are identified. Patrick Day commented that there are lots of forms of this model across the CSU system and that these models do not all look the same. Patrick Day continued and noted that he will pull together a clearer response to that distinction of going forward of what is this auxiliary.

**Ellen Middaugh motioned to table this item; Emily Wughalter seconded the motion.
Vote on the Motion: 6-0-0 Motion Passed.**

IX. MEETING ADJOURNMENT

Emily Wughalter motioned to adjourn the meeting at 5:11pm; Nicholas Ayala seconded the motion.

Vote on the Motion: 6-0-0 Motion Passed.