

5-6-2005

SR-04-05-(44) 101 PFPC

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**PHYSICAL FACILITIES & PLANNING COMMITTEE
RECOMMENDATION**

SR-04-05-(44) 101 PFPC

This committee recommends the following revision to SR-03-04-57 IS: Recommends that no restrictions be placed on which levels anyone parks on in the parking garage with a valid permit.

RATIONALE:

After a survey was conducted of the individuals parking in the garage, the committee is recommending levels one and two of the garage be restricted for overnight parking instead of one, two, and three. All cars parked on levels one and two, between the hours of 2:00 AM and 6:00 AM, Monday through Friday, will be subject to ticketing. This policy is in effect only on days in which classes are scheduled and does not apply to weekends, scheduled breaks, and during final examinations. Survey results were as follows (n = 405): 329 individuals responded favorable to an overnight parking policy, while 76 respondents were against a policy. In addition, 339 individuals were in favor of reserving levels one and two of the garage for commuters as opposed to 66 who were not.

FACULTY SENATE CHAIR:

APPROVED
BY SENATE:

Harry Sticker

DATE: *5/6/2005*

DISAPPROVED
BY SENATE:

DATE: _____

UNIVERSITY PRESIDENT:

APPROVED:

Chris Starnes

DATE: *6/14/05*

DISAPPROVED:

DATE: _____

COMMENTS: Approved as amended by the Faculty Senate at its May 5, 2005 meeting.

See Explanatory Addendum

Explanatory Addendum to Approval of Recommendation SR-04-05-(44) 101 PFPC

On this 14th day of June, I approved Recommendation SR-04-05-(44) 101 PFPC which superceded SR-03-04-57 IS as previously enacted by the Marshall University Faculty Senate. As University President, even if I would have preferred a different outcome, I may not substitute my judgment for that of the Faculty Senate unless credible evidence exists that the vote was arbitrary and capricious or otherwise violates University policy.

I find that the Faculty Senate followed its procedures in passing this Recommendation by a vote of 21 to 13 notwithstanding data from ballots allegedly cast by faculty and students that use the parking garage. My use of the word "allegedly" reflects only that no security verification system was employed to ensure that only one vote per authorized garage user was cast. There is no basis to find that the vote was irregular or that there was a denial of due process to any affected party in the consideration of the issues presented to the Faculty Senate.

I publish this Explanatory Addendum because of the history of this issue and the significant safety concerns raised by the alternative possible dispositions. I conclude that the Faculty Senate reasonably considered the ingress and egress safety of garage patrons parking overnight as compared with the safety of commuters who encounter incoming vehicles.

There is no evidence to support a contention that the passage by the Faculty Senate of Recommendation SR-04-05-(44) 101 PFPC was arbitrary and capricious or that it violated University policy.

If any Senator or interested party believes that the garage user ballot data lacks integrity and/or that the outcome of this the Faculty Senate action would have been different if additional information had been presented, then I recommend that the matter be reconsidered by the Senate in the Fall of 2005 or thereafter. If another vote is taken, I recommend that it be done electronically and that it be limited to those members of the faculty, staff and student body that have purchased garage parking permits.


Michael J. Farrell, Interim President