

## **University Senate**

December 9, 2015

### **Members Present**

Members present at the meeting: 97

### **Call to Order**

Senate Chair Brown called the meeting to order at 3:20 p.m.

Brown noted that we would postpone the Presidential Briefing until President Loh arrived.

### **Approval of the November 10, 2015 Senate Minutes (Action)**

Chair Brown asked for additions or corrections to the minutes of the November 10, 2015 meeting; hearing none, he declared the minutes approved as distributed.

### **Report of the Chair**

#### Spring 2015 Senate Meetings

Brown reminded senators that the first Senate meeting of the spring semester would be on February 12, 2016. Senators can find a complete schedule at [www.senate.umd.edu/meetings/](http://www.senate.umd.edu/meetings/). Brown noted that we expect the Senate to have a very busy semester with much of the work that is currently in our various committees coming forward for a vote. He also noted the importance of active engagement by all senators in the discussion of these important issues.

#### Senate Elections

Brown announced that the Senate Office would begin the candidacy/election process for all staff, student, and single-member constituency senators for 2016-2017 on January 19, 2016. He noted that this would include implementation of the new senate structure approved in the Plan of Organization for Shared Governance last year. This new structure includes the apportionment of professional track faculty at the college level, changes to the staff constituencies to exempt and nonexempt staff in Colleges and Divisions, and new groupings for the single member constituencies. Colleges and Schools have been contacted about their specific apportionment and guidelines for conducting elections for tenured/tenure track and professional track faculty senators. Brown encouraged those in attendance to run to be a senator and indicated that details about the timeline and process could be found under the "Elections" tab on the Senate website.

### SEC Update

Brown noted that over the last several weeks, the Senate Executive Committee had met a couple times to discuss the racial climate crisis on campuses nationwide and here at College Park. He stated that one of his takeaways from these discussions was as follows:

As elected and appointed members of the University Senate, we represent all faculty, staff, students, administrators, and those who visit our campus. It is our responsibility and duty to ensure that we treat each other in a civil manner in each interaction we have with anyone, regardless of race, creed, religion, gender, political affiliation, or any other label we humans put on one another. It is our responsibility to promote inclusiveness and an atmosphere accepting that we are all members of the University of Maryland, and equal members of the human race. As an institution of higher learning, this is the place to have discussions about the problems in our society, and in which we feel safe to do so. We may not always agree, but that too is part of our rights as members of society and of this university.

Brown noted that the committee's conversations also included discussion regarding the renaming of Byrd Stadium. He announced that after some discussion of the different perspectives related to the issue, and without any knowledge of what the President would recommend, on Friday, December 4, 2015, the Senate Executive Committee voted on a motion to support the renaming of Byrd Stadium.

### **Special Order: Presidential Briefing**

Brown invited President Loh to provide his briefing.

#### The importance of affirmative action and diversity at universities

President Loh noted the importance of the Fisher v. University of Texas before the Supreme Court and its impact on race-based affirmative action at universities across the country. He stated that race-based affirmative action is essential in our society, especially at this time. Loh noted that the various protests are due to the feeling by many minorities on campus that they are unwelcome, unsupported, unsafe, and not fully integrated. He stated that there is a lot of merit to their claims. He suggested that racial climate would worsen if the Supreme Court makes the decision that is expected. If we continue to look at the traditional criteria, we will not be able to have a diverse and inclusive learning environment. When race-based affirmative action has been eliminated, the numbers have dropped. Our mission is education, research, the search for truth, and the creation and transmission of knowledge. To perform that function, we have to have an environment that allows for free and open inquiry. He stated that affirmative action is based upon advancing the educational mission of a university, not on erasing past wrongs. To have intellectual diversity, different points of view are essential for education, research, and the pursuit of truth.

Therefore, if you reduce the number of people from different backgrounds, it will affect the educational mission of the university. Loh also noted the relevance to the conversation regarding renaming Byrd Stadium and the importance of creating safe spaces. He commented that his recommendation to rename Byrd Stadium is important but symbolic. He stated that it would be inappropriate to discuss the recommendation before the Board of Regents had an opportunity to vote. President Loh noted that the upcoming campus dialogues would help advance our commitment to diversity and inclusion.

#### Overview of the upcoming legislative session

President Loh stated that the upcoming legislative session begins in less than a month. He explained that the priorities of the Governor were focused on job creation and economic development, efficiency and effectiveness, and fiscal stewardship. He noted that the State has agreed to absorb the cost of Obamacare but that there would be no salary increases for any state employees because of the State's structural budget cut.

#### Q & A

Senator Jacobson, exempt staff, inquired whether the expense that President Loh associated with Obamacare was the Cadillac tax expense or something different.

Loh responded that he did not have the answer to that but did stress that someone has to pay for the additional cost associated with Obamacare including the State of Maryland. There have been times when the State has only partially funded mandated costs. The extra cost of helping insure the additional uninsured individuals is a cost that the State will have to bear.

Jacobson asked whether that was also the case for non-State-supported self-support units.

Loh responded that he did know but could find someone who knows the answer to get back to him.

Senator Jones, undergraduate student, Robert H. Smith School of Business, introduced Colin Byrd.

Colin Byrd thanked President Loh for his support in renaming Byrd Stadium and for his support of affirmative action. He noted that President Loh's announcement of the renaming came on the 150<sup>th</sup> anniversary of the 13<sup>th</sup> amendment. He inquired about the discrepancy in salaries between the football and basketball coaches and the President. He also asked the President Loh about his perspective on the value of Mark Turgeon compared to Melo Trimble.

Loh stated that both are important and needed but the whole team is important. Loh also noted that he was glad that the basketball team was doing so well. Loh added that salaries are market driven. He observed that the new football coach's salary was in the middle of the range of the Big10. He stated that coaches cost more to hire because it is a competitive market.

Senator Cooper, non-exempt staff, inquired whether there would be a freeze on construction similar to the freeze on salary increases.

Loh responded that the source of funding is different for operating and capital projects. He noted that money from capital projects is borrowed as in the case of a homeowner's mortgage. He stated that the cost of borrowing is at the lowest it has ever been.

Cooper also inquired whether deans and department chairs give portions of their budgets for buildings? Loh responded that that was not the case.

She also asked whether the small cost of living adjustment (COLA) increases and the recent increases would balance out with the increases in parking and healthcare.

Loh responded that salary increases include COLA and merit. Right now, the Governor is not expected to include any salary increases in his budget. However, he noted that if budget predictions for revenues rise, the Governor might reconsider. Loh stated that we have not had salary increases in five years, which has led to retention problems with faculty and staff. However, he has made a commitment to retain strong faculty and staff. He also noted that salary compression is an important issue, so we plan to set up a salary compression fund. He welcomed input from the Senate on how best to administer that process.

Brown thanked President Loh for his remarks and noted that Senators would receive a link tomorrow for submitting feedback on the President's briefing.

#### **Nominations Committee Slate 2015-2016 (Senate Doc. No. 15-16-14) (Action)**

Erin Rooney-Eckel, Member of the Committee on Committees, presented the Nominations Committee Slate 2015-2016 and provided background information on the Committee's selection process.

Brown opened the floor to additional nominations; hearing none, he called for a vote on the slate. The result was 81 in favor, 5 opposed, and 1 abstention. **The motion to approve the slate passed.**

#### **PCC Proposal to Rename the "Master of Library Science" to the "Master of Library and Information Science" (Senate Doc. No. 15-16-13) (Action)**

Andrew Harris, Chair of the Programs, Curricula, and Courses (PCC) Committee, presented the PCC Proposal to Rename the "Master of Library Science" to the "Master of Library and Information Science" (Senate Doc. No. 15-16-13) and provided background information.

Brown opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 84 in favor, 5 opposed, and 0 abstentions. **The motion to approve the proposal passed.**

**PCC Proposal to Establish a Post-Baccalaureate Certificate in Digital Studies in the Arts and Humanities (Senate Doc. No. 15-16-12) (Action)**

Andrew Harris, Chair of the Programs, Curricula, and Courses (PCC) Committee, presented the PCC Proposal to Establish a Post-Baccalaureate Certificate in Digital Studies in the Arts and Humanities (Senate Doc. No. 15-16-12) and provided background information.

Brown opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 86 in favor, 5 opposed, and 2 abstentions. **The motion to approve the proposal passed.**

**Revision to the Senate Bylaws to add Visiting Faculty to the Part-Time Professional Track Faculty Single Member Constituency (Senate Doc. No. 15-16-15) (Action)**

Jess Jacobson, Chair of the Elections, Representation, and Governance (ERG) Committee, presented the Revision to the Senate Bylaws to add Visiting Faculty to the Part-Time Professional Track Faculty Single Member Constituency (Senate Doc. No. 15-16-15) and provided background information.

Brown opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. Brown noted that all revisions to the Senate Bylaws require a 2/3 vote in favor for approval. The result was 65 in favor, 16 opposed, and 8 abstentions. **The motion to approve the proposal passed.**

**Revision of the University of Maryland Undergraduate Student Grievance Procedure (Senate Doc. No. 14-15-22) (Action)**

Madelyn Simon, Chair of the Educational Affairs Committee presented the Revision of the University of Maryland Undergraduate Student Grievance Procedure (Senate Doc. No. 14-15-22) and provided background information.

Brown opened the floor to discussion of the proposal.

Senator Cohen, faculty, College of Computer, Mathematical, and Natural Sciences, inquired about what the proposal states specifically about course syllabi.

Simon quoted the revised policy as follows:

- a. There shall be a ~~written description~~ **complete course syllabus for the current term distributed** at the beginning of each undergraduate course. **The course syllabus will specify**ing in general terms:
- the content and nature of assignments;
  - **notice of major papers and examinations, including an indication of Major Scheduled Grading Events;**
  - **the examination and/or assessment procedures;**~~and~~
  - **the mode of communication for excused absences, in accordance with University of Maryland Policy for a Student Medically Necessitated Absence From Class and the Policy and Procedures Concerning Academic Assignments on Dates of Religious Observances;**
  - the basis for determining final grades, **including if the plus/minus grading system will be used and the relationship between in-class participation and the final course grade; and**
  - **reference to the list of course-related policies maintained by the Office of Undergraduate Studies.**

In cases where all or some of this information cannot be provided at the beginning of the course, an ~~clear~~ explanation of the delay and the basis of course development shall be provided.

Cohen inquired what “distributed” means because it is being interpreted as hard copy distribution but the policy should allow for online posting as well. He encouraged that specification.

Simon responded that the policy does not define what “distributed” means. She noted that the current policy had not been revised since 1991. There have been tremendous changes in communication since that time. The committee has endeavored to develop a policy that is open enough in its language so it can survive for a number of years. This policy does not specify the means of distribution precisely to allow for flexibility in current communication styles as well as future ones.

Cohen stated that the implementation of the revised policy should include explicit instructions on the flexibility of distribution.

Senator Cummings, faculty, A. James Clark School of Engineering, raised concerns about the definition of reading day. He noted that engineering uses reading day for senior project presentations. The current language would require individual students to request exceptions for senior projects, or the language could be modified so that senior projects were automatically exempt.

Simon responded by stating that the committee debated this issue extensively. She noted that there is no current definition for reading day and what activities can occur on that day. Reading day is generally set aside as a day during which students can reflect on the semester and prepare for exams, but it is currently being used for required course activities in some circumstances. The committee agreed that a definition of the types of activities that were appropriate on reading

day was necessary. The committee considered a variety of options and agreed that reading day should not include assigned course work but could allow for some activities at the request of the student. She noted that the particular example of project presentations would not be allowed under this new policy and that such presentations would need to be scheduled on another day. Cummings noted that this has been a longstanding useful activity and that exceptions would be overly cumbersome.

Senator Stanley, undergraduate student, College of Behavioral and Social Sciences, commented that University of Maryland students only have one reading day while other institutions have several days or a whole week. He stressed the importance of students having one day to prepare for finals. He also inquired about section B.1.j.

**ij. Faculty will endeavor to maintain student privacy with respect to information shared in the course of the student-faculty relationship, subject to legal obligations to report certain information to state authorities and University officials, including child abuse and neglect and sexual misconduct.** ~~Reasonable confidentiality of information gained through student faculty contact shall be maintained.~~

He questioned whether there was a distinction between the old language and new regarding confidentiality. He also inquired why there is flexibility instead of strict confidentiality.

Simon responded that this change in language was proposed by the Office of Legal Counsel to reflect how they would like this concept to be reflected.

Stanley also inquired about the former section B.1.e. and why it was eliminated:  
~~e. There shall be a reasonable approach to the subject that attempts to make the student aware of the existence of different points of view.~~

Simon stated that the committee debated the clause and noted examples such as evolution and global warming. She observed that the current language would require a faculty member to also give equal time to creationism when teaching evolution or climate change denial when discussing the science of climate change. The committee agreed to strike the language completely in order to avoid possible damage.

Stanley questioned whether removing the clause would limit teaching topics that do not have a lot of support scientifically.

Simon responded that the policy does not prevent students from raising a spectrum of viewpoints. It does not limit academic freedom, but elimination of the clause actually furthers that ideal.

Senator Stanley introduced George Bailey, who raised concerns about the policy that states, "**Faculty will endeavor to maintain student privacy.**" He raised concerns about how this language affected student patent rights. Specifically, he expressed concern that the exposure of inventions before appropriate paper is filed for a patent. He suggested that the language be revised to ensure confidentiality in such cases.

Simon asked for clarification on how the proposed policy does not guard against that eventuality.

Bailey noted that privacy is not the same as confidentiality because privacy has to do with the individual while confidentiality is related to the invention.

Simon asked if there was anyone present who could address the issue.

Chair Brown invited Ben Bederson, Provost's Office, to comment on the question.

Bederson stated that if a student discloses an invention in a class, there is no protection against any student disclosing the invention. The best protection is to not discuss the invention publicly. He also noted that section k. does now express student rights afforded through the University of Maryland Policy on Intellectual Policy (IV-3.20[A]).

Senator Stanley stated that public disclosures void the possibility of patents. He inquired why it was "faculty will endeavor" instead of "faculty will".

Simon noted that the Office of Legal Counsel recommended the language. The committee was guided by advice from Legal on what was feasible.

Stanley asked for a definition of "student/faculty relationship."

Simon stated that the policy needed to be flexible enough to include all of the possibilities so it was not narrowly defined.

Stanley inquired whether it would be obstructive to make a motion to table the issue for additional consideration or whether the issue was time sensitive.

Senator Boyle, faculty, College of Computer, Mathematical, and Natural Sciences, stated that reading day serves various purposes in practice. He believes that there should be flexibility for units to make their own judgment on how to use the day including review sessions. He also commented that it was not necessary for faculty to have to note plus minus grading in the syllabus if they are not using it.

Simon stated that multiple courses could use reading day for review sessions, which could be problematic. She stressed that the committee process was extensive, that it weighed both sides and evolved over time but led to a unanimous decision on the final recommendation.

Senator Falvey, faculty, College of Computer, Mathematical, and Natural Sciences, introduced Robert Infantino, Associate Dean, College of Computer, Mathematical, and Natural Sciences. Infantino stated that he served as an ombudsperson in a lot of these types of issues. He stated that he supported the language on privacy over confidentiality for the benefit of faculty and students. He noted the importance of being able to investigate a specific issue or a troubled student with strict confidentiality guidelines. He also commented on the difficulty of scheduling rooms for review sessions. He stated that if the review sessions are voluntary, it is important to allow them to be held on reading day. Otherwise, we risk the possibility of not having review sessions at all.

Simon thanked Infantino for his comments on privacy versus confidentiality. She also stated that the committee concluded that if a review session is a valuable part of the course, it should be scheduled during a regular part of the course.

Senator Lathrop, faculty, College of Computer, Mathematical and Natural Sciences, inquired whether the current language of privacy would allow a faculty member to reach out to a student.

Simon responded that it would depend on the definition of privacy.

Lathrop stated that because of the ambiguities raised, he made a motion to recommit the report back to the committee for further consideration. The motion was seconded.

Brown opened the floor to discussion of the motion to recommit.

Senator Cummings, faculty, A. James Clark School of Engineering, stated that he was supportive of the motion to allow time for the committee to reconsider its recommendation on reading day. He suggested that the reading day definition should not be in the grievance procedure but should instead be included in directives for instructors.

Senator Soltan, faculty, College of Behavioral and Social Sciences, suggested that the committee consider the decentralization of this policy so that units could establish their own guidelines.

Brown called for a vote on the motion. The result was 61 in favor, 14 opposed, and 3 abstentions. **The motion to approve the proposal passed.**

### **New Business**

Senator Stanley, undergraduate student, College of Behavioral and Social Sciences, stated the importance of in-person sexual assault training. He noted that he planned to submit proposal to create ad hoc committee to consider the issue.

### **Adjournment**

Senate Chair Brown adjourned the meeting at 4:59 p.m.