



CALL TO ORDER

Senate Chair Williams called the meeting to order at 3:16 p.m.

Seeing no objections, Chair Williams placed a two-minute speaking limit.

APPROVAL OF THE APRIL 6, 2022 MINUTES (ACTION)

Chair Williams stated that non-substantive typos had been found in the distributed minutes, noting that the Senate Staff would correct them. The April 6, 2022 minutes were approved as amended.

REPORT OF THE CHAIR

Senate Executive Committee (SEC) Update

Chair Williams stated that the SEC met on April 12, 2022 and approved the items on the agenda for the meeting today, including the PCC Proposal to Rename the Certificate of Advanced Study in “Curriculum and Instruction,” the minor Revisions to the College of Education’s Plan of Organization, a proposal to add an SGA representative to the Senate’s Academic Procedures & Standards (APAS) Committee, and a Review of the Interim UMD Policy on Background Checks.

Committee Volunteer Period

Chair Williams stated that there is still time to sign up to serve on one of the 10 Senate standing committees for the upcoming academic year. These committees address topics related to student, faculty, and staff affairs, as well as educational and campus affairs, and other important topic areas. She noted that committee members do not have to be Senators. She stated her appreciation for all who have already volunteered but noted that the Senate needs graduate student, non-exempt staff, and tenured/tenure-track faculty volunteers. Chair Williams asked that Senators encourage their constituency members to apply for committee membership, noting that the deadline to volunteer is April 30th. Those who are interested in volunteering can go to the Senate website to submit a volunteer statement and pick their top three committee choices. They should describe their interest and say a few words about what they can contribute. The Senate’s Committee on Committees will select volunteers to serve on each committee and will notify selected volunteers over the summer.

Update on the Remaining Senate Meetings

Chair Williams stated that this is the final meeting for outgoing Senators. She thanked the outgoing Senators for their work on the Senate and their commitment to shared governance. She noted that their engagement on the Senate provided valuable perspective for President Pines as he has considered various curricular changes, including the revision to the diversity requirement in the

general education program and the creation of and revisions to policies that will help shape the future of the University.

Senate Transition Meeting

Chair Williams stated that the May 4th Senate Transition Meeting will include all continuing and incoming Senators and the Deans. It will also be her last meeting as Chair. She stated that on April 27th, continuing and incoming Senators, in addition to the Deans, will receive the Zoom panelist invitations and the materials for the May 4th Transition Meeting. At that meeting, Rochelle Newman will take over as Senate Chair and the Senate will elect a new Chair-Elect.

PCC PROPOSAL TO RENAME THE CERTIFICATE OF ADVANCED STUDY IN “CURRICULUM AND INSTRUCTION” TO “TEACHING AND LEARNING, POLICY AND LEADERSHIP” (SENATE DOCUMENT #21-22-32) (ACTION)

Valerie Orlando, Chair of the Programs, Curricula, and Courses (PCC) Committee presented the proposal and provided background information.

Williams opened the floor to discussion; seeing none, she called for a vote on the PCC Proposal to Rename the Certificate of Advanced Study in “Curriculum and Instruction” to “Teaching and Learning, Policy and Leadership” (Senate Document #21-22-33). **The motion passed with 100 in favor, 0 opposed, and 2 abstentions.**

REVISIONS TO THE COLLEGE OF EDUCATION PLAN OF ORGANIZATION (SENATE DOCUMENT #21-22-32) (ACTION)

Nick Montgomery, Chair of the Elections, Representation, and Governance (ERG) Committee presented the proposal and provided background information.

Williams opened the floor to discussion; seeing none, she called for a vote on the Revisions to the College of Education Plan of Organization (Senate Document #21-22-32). **The motion passed with 101 in favor, 1 opposed, and 5 abstentions.**

IMPLEMENTATION OF A SGA EX-OFFICIO REPRESENTATIVE ON THE SENATE STANDING COMMITTEE FOR ACADEMIC PROCEDURES AND STANDARDS (SENATE DOCUMENT #21-22-16) (ACTION)

Nick Montgomery, Chair of the Elections, Representation, and Governance (ERG) Committee presented the proposal and provided background information.

Chair Williams recognized Senator Lea-Cox, faculty, College of Agriculture & Natural Resources (AGNR), Chair of the APAS Committee, who stated his thanks for the ERG Committee’s work. He also stated that he and several other members of the APAS Committee had concerns about the proposal, as they believe that any apportioned representation of any group on any committee should be reviewed in a more holistic manner. He stated that a more holistic deliberation would likely address the committee members’ concern that the ERG Committee provided representation to the Student Government Association (SGA) and the Graduate Student Government (GSG) based on a false equivalency between APAS and the Educational Affairs Committee without sufficient review of the type of work that each committee considers. He stated that APAS values the input of its current

student members, but given the high-level and long-term nature of its work, the Committee is unsure if the addition of voting ex-officios from SGA and GSG is appropriate. Senator Lea-Cox noted that APAS routinely defers issues regarding graduate students to the Graduate School for input. He also stated that over time, the membership of several Senate Standing Committees has evolved on an ad hoc basis without any consistent guiding principles for apportionment or implementation.

Senator Lea-Cox made a motion to have the **SEC refer this ERG proposal to the Plan of Organization Review Committee (PORC), with the instructions that they consider the membership and appointment procedures for APAS, but also identify guiding principles that would inform appropriate representation on all Senate Standing Committees.**

Before she opened the floor to discussion of the motion, Chair Williams noted that the language Senator Lea-Cox suggested could result in a broad charge to PORC that could take a significant amount of time. She asked Senator Lea-Cox if he would be open to amending the phrase beginning "...but also identify..." to "...and also **consider** the guiding principles regarding **representation on and appointment to Senate Standing Committees,**" in his motion in order to limit the scope and time required and provide PORC with more leeway to complete its charge more quickly. She asked Senator Lea-Cox which wording best reflected his intentions.

Senator Lea-Cox stated that the amendment as stated by Chair Williams was appropriate. He stated that, if appropriate, the charge should be worded along the lines of "membership of and the appointment to maybe not all Senate committees, but a review of all Senate committees."

Director Montfort provided suggested language for the motion based on the discussion as follows:

I move that the Senate have the SEC refer this ERG proposal to the Plan of Organization Review Committee (PORC), with the instructions that they consider the membership and appointment procedures for APAS, and also review the guiding principles regarding representation on and appointment to Senate Standing Committees.

Senator Lea-Cox agreed to the proposed language.

Chair Williams asked for a second to the motion. It was seconded.

Chair Williams asked Parliamentarian Falvey whether the motion was in accordance with Robert's Rules and was consistent with the Senate Bylaws.

Falvey stated that the motion was in order and, if adopted, would be sent to PORC for review.

Chair Williams noted the implications of the motion on the PORC review process. The SEC had given PORC a focused charge that addresses a review of 3 broad areas: the Senate's apportionment, University Councils, and shared governance practices. She stated that this motion will impact the PORC's workload, which might require the SEC to extend the committee's current deadline. She asked Senator Reed, Chair of PORC, to respond to the motion.

Senator Reed stated that the proposal is in alignment with the ongoing work of PORC, noting that they are working on guiding principles for the size and apportionment of the Senate and its seats. He noted that these principles should be applicable at least in part to committee membership and size.

Chair Williams asked Senator Montgomery for his response to the motion.

Senator Montgomery stated that the ERG Committee already has a pending recommendation to the SEC for something similar to this motion. He noted his frustration that the ERG Committee met the charge it was given, which did not include any of the concerns included in the motion. He stated that the Committee had spent several meetings working on the charge, during which time the Senate Leadership failed to raise any of these concerns.

Chair Williams opened the floor to discussion of the motion.

Senator Coleman, Faculty, College of Arts & Humanities (ARHU), member of the APAS Committee, stated that she was also formerly on Educational Affairs Committee member. Coleman noted that the two committees have very distinct workloads and raised concerns and confusion around the committee's goal for parity with the Educational Affairs Committee because aside from the total membership of 23, there was a lack of parity in other areas. She expressed support for the motion.

Senator Pease, undergraduate student, College of Behavioral & Social Sciences (BSOS), stated that they have collaborated with the SGA on several occasions. They stated that it made sense for the SGA to be represented on APAS, even in the interim as PORC conducts its own review on the apportionment of the Senate and Senate Committees, as SGA representation could provide certain benefits, as laid out in the ERG's proposal.

Senator Pound, faculty, College of Computer & Mathematical Sciences (CMNS) stated that he doesn't object to the latter half of the motion to involve PORC, but thought that the first half was extremely unfair to Senator Montgomery and the rest of the ERG Committee, who met their charge. He noted that these issues were never raised during the Committee's deliberations, even by ex-officios from the Provost's Office, so he believes that they should be given their due and have the proposal passed; PORC could then develop its guiding principles.

Senator Perkey, graduate student, BSOS, seconded the remarks of Senators Pound and Pease. She stated that Senator Montgomery showed due diligence in correcting feedback from both SGA and GSG, noting that he was very mindful of all commentary. She stated that the Senate ought to vote on the ERG Committee's proposal; if it failed to do so, it would be an ineffective body.

Dean Cohen, Undergraduate Studies, stated that there was no evidence in the charge that the ERG Committee had consulted with the Provost's Office, noting that there is also no Provost's Representative on the committee.

Senator Montgomery stated that Sharon La Voy was the Provost's Representative on the Committee.

Dean Cohen responded that Sharon La Voy has been out on medical leave, meaning that there has been no representation.

Senator Montgomery responded that Sharon La Voy has been a member of the Committee this year, and the point of her being an ex-officio is that it is the responsibility of the Provost's office to replace her if she is unable to attend meetings and serve as the representative. He stated that there is an opportunity for communication with the Provost's Office due to the way that the Committee is structured.

Chair Williams confirmed that the ERG Committee met its charge, though the Senate must consider the content of the policy.

Senator Raugh, faculty, CMNS, stated that she is puzzled that the Chair of the APAS Committee was not consulted at all, striking her as unusual. She asked for clarification on what the norm would be for such a consultation.

Senator Montgomery stated that he did not have any direct way to answer Senator Raugh's question, but noted that it seemed like something that Chair Williams could respond to.

Chair Williams stated that it was not part of the charge to the ERG Committee, so the SEC would take responsibility, as it set the charge.

Senator Montgomery reiterated Senator Raugh's question on whether it was the norm to consult with the Chair of the other committee.

Chair Williams responded that she did not know if there was a standard procedure in place for charges of this kind but in this case, it was an oversight on the part of the Senate leadership in developing the charge.

Seeing no further discussion, Chair Williams called for a vote on the motion to have the SEC refer the ERG Committee's Proposal to PORC. She stated that a vote in favor of the motion means that the Senate will not vote on the ERG Committee's recommendations and its proposal will be referred to PORC. **The motion passed with 50 in favor, 34 opposed, and 25 abstentions; the proposal will be referred to PORC and the Senate would not vote on the ERG Committee's proposal.**

REVIEW OF THE INTERIM UNIVERSITY OF MARYLAND POLICY ON CRIMINAL BACKGROUND CHECKS (SENATE DOCUMENT #21-22-21) (ACTION)

Lisa Klein, Chair of the Staff Affairs Committee and Will Reed, Chair of the Faculty Affairs Committee jointly presented the proposal and provided background information.

Before she opened the floor for discussion, Chair Williams stated that the Senate must first address three amendments that were submitted prior to the meeting. She noted that any amendments approved by the Senate will be considered by the President and he may consult with other administrators and the Office of General Counsel prior to making his final determination.

Williams recognized Senator Pease, who submitted three amendments that they plan to move. She stated that the Senate would address each amendment individually and when all three have been completed, there would be a discussion of the entire proposal.

Senator Pease, undergraduate student, BSOS, presented their first amendment to revise section V.E. of the proposed policy by adding the blue text as follows:

- University Human Resources will provide training to the individuals involved in the review of Criminal Background Check information on the appropriate methods for acquiring, using, and maintaining Criminal Background Check information. **Training on how to use Criminal Background Check information will focus on how results will be reviewed in the context**

of the specific job and how systemic oppression and criminalization in the legal system affect criminal records for members of marginalized communities.

The motion was seconded.

Senator Pease stated that the rationale for these amendments is to name the social context related to concerns raised by committee members. For this amendment, the context is the impact of systemic oppression and criminalization in the legal system on marginalized communities. It aligns with several University policies and initiatives on diversity, equity, and inclusion. They stated that just as students have diversity general education requirements, employees should have trainings that similarly help them to make appropriate decisions in their jobs in line with the University's vision, values, and principles.

Senator Klein stated that while the committee had discussed trainings, she thought that committee members would be sympathetic to Senator Pease's argument in their amendment. She noted that the main concern of the committee was the impact of expanded background checks on marginalized communities. She stated that the committee had tried to mitigate such concerns but also wanted to avoid adding extra burden to those who have to implement the background checks. However, the training would be a way of unifying employees and likely would have been considered by the committee.

Chair Williams opened the floor to discussion of the first amendment.

Rythee Lambert-Jones, Member of the Faculty Affairs Committee, stated that she wanted to clarify that the individuals that are making the decisions related to hiring and background checks are in Central University HR; they are centrally managed by the Employment Compliance Team, whose role is to make non-discriminatory decisions and ensure that the University is in compliance with all laws. Thus, she does not feel as though this amendment is necessary, as it is already being addressed in other ways.

Senator Straub, faculty, BSOS, asked whose workload would be increased if this amendment were approved.

Lambert-Jones stated that the only real burden that would be created would be that expertise and information would need to be obtained on systemic oppression so that the content of the training could be created. That said, she noted that these are things that the Employment Compliance Team is already aware of and considers when making decisions, though creating an entire training would require extra education and resources.

Senator Bradley, faculty, Libraries (LIBR), expressed his support for the amendment, as it is important to think about equality not only through the lens of legal compliance, but also in terms of the University's values and going above and beyond compliance.

Michele Eastman, member of the Faculty Affairs Committee, also asked about where the burden falls, as UHR does not have the expertise. Would it fall on relevant faculty members? She stated that based on the wording, it is unclear of how much workload this amendment would entail.

Senator Seybert, faculty, Robert H. Smith School of Business (BMGT), stated that on principle, he has no issue with a training like this, but noted that he has personally had to take several different trainings on systemic racism in different contexts and that it was not reasonable to have to do them multiple times. He noted that there should be a single, top-down training to cover everyone.

Vice President Poterala, Office of General Counsel, stated that he appreciated the comments and concerns that these amendments address, as the concerns are the concerns of the University.

However, as the University's legal counsel, he advised the Senate and the President not to adopt the three amendments, as they raise serious legal concerns. He stated that it would be improper to train staff not to consider criminal records, which are the legal decisions of the courts, but noted that this doesn't mean that a criminal record can't be balanced by other factors. He stated that current laws already include non-discrimination language; he added that no language on discriminatory practices should be added to policies without approval from his office. He concluded that they have the same concerns, but just have different approaches to solutions.

Senator Pease thanked everyone for the discussion. They thanked Vice President Poterala for the legal input, but asked that the amendment still be considered by the Senate, as they felt that the trainings were not telling people to ignore court findings, but rather to examine them within the context of society and history.

Senator Fathy, faculty, A. James Clark School of Engineering (ENGR), stated that the experts in HR are already very well aware of the concerns mentioned in the amendment. He asked if they receive a similar training to the one described by Senator Pease's amendment.

Lambert-Jones stated that the staff in UHR have these experiences, but she is not sure what specific information would be in the proposed trainings. That said, she is unable to comment on whether or not staff have already had this particular training, though they do have many years of extensive experience.

Seeing no further discussion, Chair Williams called for a vote on the first amendment. **The first amendment failed with 30 in favor, 58 opposed, and 15 abstentions.**

Senator Pease presented their second amendment, to add an administrative recommendation as follows:

- **The University should provide training to the individuals involved in the review of Criminal Background Check information on how systemic oppression and criminalization in the legal system affect criminal records for members of marginalized communities.**

Senator Pease stated that the rationale is essentially the same as that of the first amendment. They expressed their hope that this language would be more favorable, as it is not included in the policy itself.

Senator Klein stated that she believed that the committee would be favorable to this amendment, though they did not discuss it. She added that it would show the University's commitment to implementing the policy with appropriate context and caution, though it might add extra burden and workload.

Chair Williams opened the floor to discussion of the second amendment.

Pam Lanford, Past Senate Chair, stated that the string of comments about excessive training may be stemming from a misunderstanding about the process and who is actually doing the reviewing of background check information. She also asked which information was passed to the hiring official. She asked for elaboration on this point, as it would likely be instructive to the Senate.

Lambert-Jones stated that hiring officials do not have access to the details in the background check reports; the only people that have such access are at Central UHR on the Employment Compliance Team. Hiring officials would only see whether or not a candidate passed their background check.

Lanford asked for confirmation that the only people who would need the training laid out in the amendment would be the people at Central UHR.

Lambert-Jones confirmed that this would be the case.

Senator Straub, faculty, BSOS, asked if it is possible to pass a background check with prior convictions.

Chair Williams stated that the question was not necessarily relevant to the amendment, and asked Senator Straub to raise his question again during the discussion of the proposal as a whole.

Seeing no further discussion, Chair Williams called for a vote on the second amendment. **The second amendment failed with 37 in favor, 59 opposed, and 17 abstentions.**

Senator Pease presented their third amendment, to revise the policy in section VI.A to add the text in blue as follows:

- The review of Criminal Background Check results shall be guided by principles that are consistent with the University's values and its commitment to diversity, equity, and inclusion, **and that recognize factors such as systemic oppression and criminalization in the legal system that affect marginalized communities.**

Senator Pease stated that the rationale is the same as the others, but in this case the amendment does not request any extra action be taken; it simply adds language that demonstrates the values of the University and the campus community.

Chair Williams opened the floor to discussion of the third amendment.

Senator Reed stated that this amendment would have very likely been supported by the committee. It appears in the part of the policy that talks about principles that should guide the process. He noted there were many concerns about DEI, so this amendment fits the committee's sentiments.

Chair Williams restated that any amendments approved by the Senate would be considered by the President, who may consult with other administrators and the Office of General Counsel prior to making his final determination.

Seeing no further discussion, Chair Williams called for a vote on the third amendment. **The third amendment passed with 59 in favor, 40 opposed, and 11 abstentions.**

Chair Williams opened the floor to discussion of the proposal as amended.

Senator Straub, faculty, BSOS, asked if it is possible to pass a background check with prior convictions.

Lambert-Jones stated that it is possible to pass a background check with prior convictions. If an individual is flagged for criminal activity, their case is reviewed in the context of the type of crime, age it was committed, and other relevant details. A major part of the analysis is looking at the type of crime that was committed in comparison to the job for which the individual is applying and determining whether or not it would prevent the individual from performing well in the position. She noted that several people with criminal backgrounds have been hired within recent years, and University job postings state that just because an applicant has a criminal background, it doesn't mean that they will be disqualified.

Senator Sharp, exempt staff, Division of Administration, asked about the recommendation that extends the break in service from 12 months to 18 months, and the rationale behind it. She also

asked about implementation of background checks for current employees who may change positions, or who would like to work on a project that requires a background check. She asked if this would be something that would have to go through the Senate or if it would follow a different process.

Senator Klein responded that the 18 months was discussed based on information from Lambert-Jones, who noted that 18 months was better for some employees, particularly those in Dining Services so as to not go through multiple background checks. She stated for current employees moving into new positions that are required by Maryland State Law to have a background check, then they would have to get a background check. If employees were moving into a position without that requirement, then they would not need to get a background check.

Seeing no further discussion, Chair Williams called for a vote on the Review of the Interim University of Maryland Policy on Criminal Background Checks (As Amended) (Senate Document #21-22-21). **The motion passed with 90 in favor, 13 opposed, and 9 abstentions.**

NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting was adjourned at 4:39 p.m.