



CALL TO ORDER

Chair Jarzynski called the meeting to order at 3:17 p.m.

APPROVAL OF THE MINUTES, NOVEMBER 1, 2023 MEETING

Chair Jarzynski asked if there were any corrections to the minutes of the November 1, 2023, meeting; hearing none, he declared the minutes approved as distributed.

REPORT OF THE CHAIR

Spring 2024 Senate Meetings

Chair Jarzynski stated that the first Senate meeting of the Spring semester will be on February 6, 2024. A complete schedule of Senate meetings is available [online](#).

Senator Elections

Chair Jarzynski stated that the candidacy period for Senator Elections including staff, student, and single member constituencies for 2024-2025 will run from Tuesday, January 16, 2024 to Friday, February 2, 2024.

The University Senate Office sent letters to all Deans with a request to hold elections to replace any outgoing Tenured/Tenure-Track and Professional Track Faculty Senators.

The deadline for Faculty Senate elections is February 2, 2024. Details about the timeline and processes are located under the “Get Involved” tab on the [Senate website](#).

Presidential-Senate Task Force on Antisemitism and Islamophobia

Chair Jarzynski shared that on November 27, 2023, President Pines shared with the University campus community the new [Joint Presidential-Senate Task Force on Antisemitism and Islamophobia](#). This task force will provide guidance, recommendations and counsel on a strategy to confront Antisemitism and Islamophobia on campus.

The University Senate will be represented in this task force. Chair Jarzynski shared that full membership of this task force will be shared at a later date.

Interim Policy on Chalking

Chair Jarzynski explained that on November 27, 2023 President Pines also announced the Interim Policy on Chalking. This interim policy is a part of the [University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces](#). The interim policy is effective as of November 27, 2023 and will remain in place until a new permanent policy is developed upon a full Senate review.

Chair Jarzynski gave an overview of the Senate process regarding this policy: the Senate Executive Committee review, the Senate Executive Committee decision to charge a Senate Committee, Senate Leadership development of a charge to guide the assigned committee, the formal policy review, and a full review and vote from the Senate Committee, SEC, and Senate, with final Presidential Approval resting with President Pines.

NOMINATIONS COMMITTEE SLATE (SENATE DOCUMENT #23-24-14)

Chair Jarzynski invited Jordan Sly, Chair-Elect and Chair of the Committee on Committees to present the slate.

Sly presented the University Senate bylaw requirement that the Committee on Committees present a membership slate for the nominations committee at the December Senate meeting. Sly also detailed the selection process from outgoing Senators and presented the nominees for each seat.

Chair Jarzynski opened the floor for discussion of the nominations committee slate. Hearing none, Chair Jarzynski called for a vote. The result was 105 in favor, 1 opposed, and 6 abstentions. **The Nominations Committee Slate passed.**

IT COUNCIL REPORT: REVIEW UMD POLICY X-3.06(A) ON UNIVERSITY FUNDED CELLULAR TELEPHONES AND SERVICES (SENATE DOCUMENT #23-24-21)

Chair Jarzynski invited Pamela Duffy, Faculty Director for Bachelor of Science in Information Science, to present this agenda item.

Duffy provided the background on the policy review, and history of consultations that led to revision recommendations of the IT Council.

Chair Jarzynski opened the floor for discussion of the IT Council report.

Miriam Sharp, Exempt Staff, VPA, raised a concern about on-call employees. A suite of phones assigned to individuals who operate in an on-call capacity. Sharp asked if the prohibition against personal numbers with these phones still applies.

Duffy responded that, beyond forwarding, a university-issued phone would have a phone number associated with the University, not the individual. Duffy invited Axel Persaud, Assistant Vice President, Enterprise Engineering, to speak on this issue on behalf of the IT Council.

Persaud explained that for individuals with existing numbers there is a *grandfathering process* where the University can work with the individual about transitioning that phone number into the new system. But moving forward, the policy would apply to newly issued phones.

Mohammad Hajiaghayi, TTK, CMNS, raised a concern that this policy may be too restrictive. Exemplified with the advancements in cell phones, Hajiaghayi explained there are very few limiting differences between a laptop and cellphone. Hajiaghayi posed the perspective that creating unique restrictions on cell phones, not laptops, is unnecessary.

Duffy specified that this policy is only related to university-owned cellular devices, cell phones, tablets, iPads, and not personal-use cell phones.

Hajiaghayi further explained that laptops can be bought with grant funding, without the Dean approval that is being proposed for university cellphones.

Sharp asked if there was an instigating situation that led to the unit heads not holding authority over approvals for this proposal. Sharp raised concern that waiting for a Vice President's approval could impact a department's ability to be operationally ready.

Duffy responded that there was no instigation beyond a request to modernize the policy with guidelines as explained. The authorization came out of consultations with the IT Council, the Vice Presidents, and other high level administrative positions.

Michael Kio, PTK, ENGR, noted that there is currently no justification for the removal of unit head authorization, and asked if he could move to include the justification in the proposal.

Chair Jarzynski advised that a motion can be made to amend the current proposal but should include specific language that is being changed.

Persaud called attention to the fact that, included in the policy is a definition of these authorized positions, which includes any designee from a Vice President or Academic Dean, Assistant President, with any designee from these offices able to approve purchases and issuance.

Kio noted the reason or justification may be important, and asked if there could be a motion to see if justification could be included.

Chair Jarzynski reminded that each Senator has a right to motion, but it should include specific revision to the policy in question, with specific language. Chair Jarzynski also advised that with the number of sections in this policy that a Senator may want to amend, the option to make a motion to send this proposal back to the Committee stands.

Sharp asked if the Senate could invite Jeff Hollingsworth to describe the details of the policy before a vote.

Chair Jarzynski noted that Jeff Hollingsworth is not present at the meeting today, so this would require a motion to recommit the proposal to the Committee.

Michael Doherty, TTK, BSOS, explained that between security, theft, and other considerations, the restriction on the mobile devices is coherent, and as a unit head, the authority of approval resting with the Deans is also appropriate.

Chair Jarzynski asked if there were any other discussion points, or any motions related to this proposal. Hearing none, Chair Jarzynski called for a vote. The result was 54 in favor, 39 opposed, and 29 abstentions. **The motion passed.**

REVISION TO ROBERT H. SMITH SCHOOL OF BUSINESS PLAN OF ORGANIZATION (SENATE DOCUMENT #23-24-09)

Chair Jarzynski invited Gene Ferrick, Chair of the Elections, Representation, & Governance (ERG) Committee to present this agenda item.

Ferrick presented the background and details of the Robert H. Smith School of Business Plan of Organization revisions and detailed the appropriate approvals that have come from the ERG Committee and the School of Business Assembly.

Chair Jarzynski opened the floor up for discussion.

Sarah Oates, TTK, JOUR, spoke in favor of this proposal, with many schools and colleges at the University having valuable contributors who are not tenured, and who should have a voice, as demonstrated by the model in the School of Business Plan of Organization.

Chair Jarzynski thanked Oates for the contribution and asked for any other discussion. Hearing none, Chair Jarzynski called for a vote. The result was 101 in favor, 7 opposed, and 11 abstentions. **The proposal passed.**

SPECIAL ORDER OF THE DAY:

John Bertot
Associate Provost for Faculty Affairs
USM Office Policy and Procedure on Out-of-State Work

Chair Jarzynski welcomed John Bertot, Associate Provost for Faculty Affairs.

Bertot introduced the University System of Maryland (USM) Out-of-State Work Policy: Issues and Considerations with implementation at University of Maryland College Park. Bertot began with an overview of the [USM policy VI-6.20](#), and how the employer of University of Maryland: College Park (The University) began developing a plan to comply with the USM policy.

To develop the guidelines for the policy, a Working Group was established with the purpose of better understanding Out-of-State Work (OOSW). Bertot explained that this working group engaged in a number of activities including consulting with various peers (Human Resources, Office of General Counsel, Faculty Affairs, International Programs), interviewing selected individuals at peer institutions, engaging with USM and the Office of the Attorney General, developing methodology for gathering OOSW employee data, and reviewing the policies and procedures of other universities.

Bertot reviewed the policies of other peer institutions as well as the selected risks/concerns regarding OOSW identified for The University. These concerns include laws, regulations, and legal requirements differing in each state/country as well as the need to comply with each of these unique laws, need to secure insurance to protect UMD and its out-of-state workers from claims, litigations, sanctions, potential inequities in OOSW arrangements, and need for licensed attorneys to practice law in other state/countries and represent UMD/employees in such out-of-state litigation.

Bertot presented two core decisions made from the research: Policy and Procedure. These two core decisions were discussed in the context of The University's current employee make-up gathered through approximation of payroll address and includes about 2,100 out-of-state employees in at least 46 non-Maryland state locations.

Bertot gave an update on the current status of the University Human Resources (UHR) efforts to develop an OOSW policy, guidance, and process for receiving and reviewing OOSW requests. Office of Faculty Affairs (OFA) and UHR engage in efforts to accurately determine how many out-of-state faculty and staff are employed, as well as develop interim guidance. The Office of General Counsel (OGC) is leading the effort to secure external counsel to provide expertise in employment and jurisdictional matters.

Chair Jarzynski opened the floor to questions.

Tamara Clegg, TTK, INFO, asked what the preliminary process, or eventual process, is in bringing this policy into effect.

Bertot responded that the University Senate would be involved to articulate an appropriate process, but a path has not yet been identified.

Mansoor Moaddel, TTK, BSOS, asked for clarification on two points; what would constitute out-of-state work, versus extended appointments, residencies, or other grant-related temporary stays outside the state of Maryland? And what, specifically in the District, Maryland, Virginia (DMV) area constitutes out-of-state.

Bertot responded that short-term leave, for example sabbaticals or archeological digs, are not, by definition, considered out-of-state work. On the second point, Bertot highlighted that as long as employees are coming to campus on a routine basis, they would not be considered working out of state, regardless of their state of residence.

Jordan Goodman, TTK, CMNS, provided specific scenarios of scientists working in Los Alamos, at Google, the European Organization for Nuclear Research (CERN), and Mexico.

Mohammed Hajiaghayi, TTK, CMNS, recommended The University be able to hire the most competitive and competent individuals in each field, mindful, but regardless, of their ability to work in-state. Hajiaghayi recommended using Princeton, Stanford, MIT or Harvard as institutions to compare to in order to ensure University of Maryland is as competitive as possible in institutions with Ivy League rankings.

Bertot responded that, while the goal is always to remain competitive in ranking with peer institutions, private entities like the ones mentioned have vastly different abilities to engage in various processes than a publicly funded state institution does. So, primary reviews of peer institution policy are focused on public institutions.

Adrienne Mayo-Brown, Exempt Staff, EDUC, recommended that different classifications of employees be considered when moving forward with the policy. Additionally, Mayo-Brown recommended that the staff and faculty consequences should be clearly equitable in any policy created.

Isaac Moradi, PTK, CMNS, thanked John Bertot and the working group on behalf of the many employees working overseas who would face consequences if these types of policies are not properly enacted/enforced.

SPECIAL ORDER OF THE DAY:

Jay Rosselló
Vice President for Legal Affairs and General Counsel
Free Speech on-campus

Chair Jarzynski welcomed Jay Rosselló, Vice President for Legal Affairs and General Counsel.

Rosselló introduced the First Amendment of [the United States Constitution](#), and defined the term “speech” as First Amendment protects symbolic expression as “closely akin to ‘pure speech’”.

Rosselló detailed hate speech as an expression which is intended to promote or justify hatred for a particular group. Unless it also falls under one of the narrow categories of *unprotected* speech, hate speech is protected under the First Amendment.

Unprotected Speech are categories of speech that are not entitled to protection under the First Amendment, and Rosselló explained that the University of Maryland (The University) may restrict speech that constitutes *unprotected speech*. For example, a genuine threat of harm to a particular individual or group, unlawful harassment, intended to provoke unlawful action, or otherwise violates the law.

Rosselló also explained limitations on when, where, and how speech occurs on campus. The institutional goals, such as educating students and protecting public safety, are a priority. The entirety of The University is not a traditional public forum, and therefore, the right to limit speech is present.

However, Rosselló explained a portion of the campus has been intentionally opened and designated as a public forum for expressive activities- for example, Hornbake Plaza. Offices, classrooms, and dorms are not made available to the public and allow for greater restrictions on speech. Accordingly, the First Amendment does not protect an individual’s right to disrupt a class, play loud music at night or impede other people’s ability to enter or exit buildings.

Similarly, like students themselves, student organizations at The University have free assembly and free speech rights. Student organizations can engage in expressive activities on campus consistent with The University’s time, place, and manner restrictions for doing so.

Rosselló also explained Academic freedom, as it pertains to faculty members sharing views and opinions without retribution by their institution.

Although members of the The University community are free to criticize and contest the opinions expressed on campus, they may not obstruct or otherwise interfere with the freedom of others to express views. Rosselló highlighted the reporting of unlawful expressive conduct, including internal platforms and resources established for reporting and investigation.

In conclusion, Rosselló recalled the [University’s Statement of Free Speech Values](#), and expressed that civility and respect are paramount in a campus community.

Chair Jarzynski opened the floor for questions and comments.

Fatemeh Keshavarz-Karamustafa, SLLC, ARHU, asked if departmental websites are a designated public forum or not? And if it is not a public forum, can an individual have their own personal website to express views not sponsored by The University?

Rosselló responded that departmental websites are institutional resources, not a public forum. Additionally, yes if a faculty or group of faculty would like to develop their own website and add content that is certainly permissible.

Carolyn Robbins, Graduate Student, ARHU introduced Joey Barke as a non-Senator sponsored speaker.

Barke advocated for the task force to combat Antisemitism and Islamophobia on campus, but explained that in regard to the chalking policy, limiting the free expression of students will not curb hate speech, but only works to further divide the campus community, both students and administration.

Mohammed Hajiaghayi, TTK, CMNS, thanked Rosselló for the presentation and asked if the slides would be available. Chair Jarzynski responded they would be available on the University Senate website after the meeting.

Carolyn Robbins, Graduate Student, CMNS introduced Holden Zeidman as a nonn-Senator sponsored speaker.

Zeidman explained that though it seems The University is attempting to control student speech as a reaction to a wave of anti-Zionist messaging across campus, this tactic is not beneficial. Ziedman identified as a Jewish student and made it clear that the guise of silencing anti-Zionist speech to *protect* Jewish students is a falsehood.

Putting anti-Zionist Jewish students in danger of facing disciplinary action for exercising the right to speak is contrary to The University's mission of academic, political, and personal freedoms. Ziedman also articulated that conflating Jewish student safety with the silencing of anti-Zionist speech falsely implies that all Jewish individuals stand with the violent actions Israel has taken against the Palestinian people this year. Zeidman encouraged a path forward that includes every student's safety and the right to free speech regardless of their views.

Chair Jarzynski thanked both presenters and those who participated in the discussion.

NEW BUSINESS

Chair Jarzynski opened the floor for New Business.

Mohammed Hajiaghayi, TTK, CMNS asked for technical support from the University Senate Office for creating polls, forms, and links to share with a constituency. Additionally, Hajiaghayi asked if a Senator communication forum could be created to allow Senators to speak to one another in a virtual space.

Chair Jarzynski replied that the University Senate staff does not have the resource or capacity at this time to assist individual Senators with technical projects, but if polls are created each Senator is welcome to share with their constituency through the Senator-Constituency Communication google groups tool.

Director Marin also responded that the Senate team would take the request for a Senator-only forum under advisement for consideration.

ADJOURNMENT

The meeting was adjourned at 4:59 p.m.