

University Senate

February 11, 2015

Members Present

Members present at the meeting: 93

Call to Order

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

Approval of the Minutes

Chair Webster asked for additions or corrections to the minutes of the December 11, 2014, meeting. Hearing none he declared the minutes approved as distributed.

Report of the Chair

Nominations Committee Replacement

Chair Webster reported that the exempt staff member originally elected to the Nominations Committee at the December 11, 2014, Senate Meeting had accepted a position outside of the University. He recognized Kevin Pitt, who had also served as Chair of the Campus Affairs Committee, thanked him for his service to the Senate and wished him well in his new position. He noted that it was essential that all constituencies are represented on this important committee. The Committee on Committees nominated and approved a replacement senator to fill the vacancy. Webster stated that because the Senate was not in session at the time and the Nominations Committee was scheduled to meet, the Senate Executive Committee approved the committee's nomination of Kurt Klier to fill the vacancy. He noted that according to the Senate Bylaws, the Senate must be informed of any such actions at its next scheduled meeting. He asked if there were any objections to the SEC approval; hearing none, he declared the nomination approved.

Senate Elections

Chair Webster reported that the candidacy period for all staff, student, and single-member constituency senators for 2015-2016 had ended on February 6, 2015. He noted that the election period would run from February 23, 2015, through March 6, 2015. He encouraged those in attendance to run to be a senator, or to encourage colleagues to do the same. Webster noted that details about the timeline and process were available under the "Elections" tab on the Senate website (senate.umd.edu).

Senate Elected Committees/Councils

Chair Webster stated that all senators should have received an email from the Senate Office detailing available positions on senate-elected committees/councils for 2015-2016. This includes the Senate Executive Committee, Committee on Committees, Athletic Council, Council of University System Faculty (CUSF), and the Campus Transportation Advisory Committee (CTAC). We are looking for individuals interested in serving on these important bodies. Please visit the Senate website for information on how to nominate yourself or a colleague.

Spring Senate Meetings

Chair Webster stated that we are anticipating a significant amount of work coming out of our committees during the remaining meetings of the semester. Please note that the April 23, 2015, meeting will be the last for outgoing senators. May 6, 2015, is the transition meeting when new senators will be seated.

Proposal to Streamline the University's Marijuana Policy with State Policy (Senate Doc. No. 13-14-13) (Information)

Chair Webster stated that the Proposal to Streamline the University's Marijuana Policy with State Policy report from the Campus Affairs Committee had been provided to the Senate as an informational report. The Campus Affairs Committee was asked to consider whether University policies and procedures should be revised to accommodate medical marijuana use and align our policies with the State of Maryland's affirmative defense law. The committee considered state and federal laws, reviewed University policy, surveyed Big Ten and peer institutions, and reached out to many offices on campus for information.

The conflict between state and federal law make it very difficult for institutions of higher education to adopt policies to accommodate use or possession of marijuana for a medical purpose. While state law has been evolving on medical marijuana, federal law has not. Use or possession of marijuana is illegal under federal law, in any circumstances. As a higher education institution, the University of Maryland's federal funding and all student aid funding are contingent on compliance with federal laws, including the Drug-Free Schools and Communities Act, the Controlled Substances Act, the Drug-Free Workplace Act of 1988, and the Occupational Safety and Health Act. The Campus Affairs Committee states that until a clear exemption is made in federal law for medical use of marijuana, noncompliance would put the University at considerable risk of losing federal funding.

Considering these risks, the committee voted unanimously to make no recommendation to amend University policies or procedures to allow use of medical marijuana on campus. The committee also recommends that the University should not reconsider revising University policies or procedures until federal law is amended related to the use of marijuana for a medical purpose. In

addition, the committee has asked that a copy of this report be forwarded to the System Office for information, because any future policy changes related to this issue should originate from the USM, since this involves a great deal of risk and financial consequences.

Review of the University of Maryland Plan of Organization (Senate Doc. No. 14-15-19) (Action)

Charles Wellford, Chair of the Plan of Organization Review Committee, presented the revised University of Maryland Plan of Organization and provided background information on the committee deliberations and recommendations.

Wellford noted that the Committee was guided by past actions of the Senate, proposals to the Senate that affected the Plan, and issues raised by the Senate Office since the last review in 2006. The Committee asked the Senate Office staff to annotate all of these issues into the Plan but refrained from considering any additional issues outside of this process.

The Committee held 15 meetings of the full committee to complete its review. The Committee reviewed the University System of Maryland (USM) Policy on Shared Governance to gain a broader perspective of shared governance principles. The Committee also met or consulted with the Director of Athletics, the Chair of the Athletics Council, representatives of the Office of Institutional Research Planning and Assessment (IRPA), and the Executive Director of the Universities at Shady Grove. In addition, the Committee reviewed data on election results and voter counts, constituency population trends, and peer institution data.

Wellford stated that the Committee's report outlines the key issues that the committee considered. The Committee spent a large portion of its time defining "faculty" and their role on the Senate. The Non-Tenure-Track Faculty Task Force, and the Elections, Representation, and Governance Committee had done extensive work on the role of non-tenure-track (now professional track) faculty. In November 2014 the Senate approved a new University of Maryland Policy on Professional Track Faculty. In considering this issue the Committee agreed that the Senate should not grow too much beyond 200 voting members. In addition, the Committee agreed that tenured/tenure-track faculty should be at least 50% of the Senate. The Committee decided to recommend that full-time professional track faculty should be defined in the faculty constituency as one of the types of faculty at the University. This would allow them to be apportioned senate representation by total population at the college-level instead of the single-member representatives that they currently have. As is current practice in constituency based voting, they would be counted as faculty. The Committee recommends that the ratio of tenured/tenure track faculty be changed to 1:15 and the ratio of professional track faculty be made 1:30. This would result in a slight

increase of tenured/tenure-track faculty from 102 to 109 (50%) and an increase of professional track faculty from 4 to 26 (12%). As recommended by the ERG Committee, we did consider changes to the staff membership categories. It is recommended that the staff constituency be changed from six categories to four in response to changes in federal government employment categories used by our campus that are too granular for representational purposes. Instead, the Committee agreed to recommend dividing the staff into exempt and non-exempt categories separated by academic colleges and administrative divisions to insure balanced staff representation. The Committee also responded to past actions of the Senate to include the Department of Intercollegiate Athletics in the Senate more effectively by recommending that the Director of Athletics be included as a non-voting ex-officio member of the Senate and by more clearly defining the relationship and interaction between the Senate and the Athletic Council. The Committee also recommends adopting current practice for resolving ties in elections as well as defining officers/advisors of the Senate. The Committee also proposes a more detailed section on the review process for plans of organization highlighting the steps that have to be taken whenever a Plan is approved. Finally, the Committee revised the Senate Bylaws to conform to the Plan, incorporating changes to administrative structures and nomenclature, and reviewing Senate committee membership to evaluate effectiveness and efficiency. These changes to the Bylaws shall be put forward to the Senate following final approval of the Plan.

Webster opened the floor to discussion of the proposal.

Senator Belcher, undergraduate student, College of Behavioral and Social Sciences, made a motion to amend section 8.2.a of the Plan to increase the undergraduate student representation on the Senate Executive Committee (SEC) from two to three as follows in pink:

8.2.a The Executive Committee shall include the Chair and Chair-Elect of the Senate and the following: seven faculty members, elected by and from the faculty Senators; ~~two staff members~~ **one exempt staff member elected by and from the exempt staff Senators; one non-exempt staff member elected by and from the non-exempt staff Senators;** ~~, elected by and from the staff Senators;~~ **two three** undergraduate student members, elected by and from the undergraduate student Senators; and ~~one~~ **two** graduate student members, elected by and from the graduate student Senators. The President and the Senior Vice President for ~~Academic Affairs~~ & Provost or their representatives, **the Parliamentarian, and the Executive Secretary & Director** shall be non-voting **ex officio** members of the Executive Committee. ~~The Parliamentarian shall be a non-voting member of the Executive Committee.~~

The motion to amend was seconded.

Webster opened the floor to discussion of the amendment.

Senator Belcher thanked the Plan of Organization Review Committee for their work on the Plan. He noted that it was a much improved Plan that reflects the evolving responsibilities of all constituencies and the governance and functioning of the University. He also noted the importance of appropriate representation of the professional track faculty. He stated that the intention of his amendment was to increase representation of undergraduate students on the Senate Executive Committee. His rationale for the amendment was to make student representation proportional to student populations at the University. He noted that there are several Senate committees that have proportional representation of undergraduate and graduate students, which provides a precedent for the additional change to the SEC. He noted that he understood the committee's rationale for adding a graduate student in order to ensure their voice in case one representative is absent. He is advocating for an increase in undergraduate student representation to increase the amount of student perspectives provided to the committee. He believes these additions will bring about better conversations in the committee.

Wellford thanked Senator Belcher for his remarks but urged the Senate to reject the amendment. He noted that this issue was raised with the committee but they declined to make this recommendation. He stated that the committee agreed to increase the number of graduate students on the SEC because attendance data revealed that in several meetings no graduate student representation was present. There was no such issue with undergraduate student representation. The committee also noted that the SEC is not elected proportionally. Wellford stated that substantively there was not an issue to drive the committee to recommend a change to undergraduate student representation. Procedurally, the committee focused on actions taken by the Senate, reports provided by the Senate, or problems raised by the Senate staff. The committee found that the undergraduate representatives on the SEC were regularly in attendance and actively engaged at meetings. He urged students to instead use the amendment process prescribed in the Plan to allow for a full discussion informed by the deliberations of the committee and the Senate.

Webster called for a vote on the amendment. The result was 27 in favor, 54 opposed, and 7 abstentions. **The amendment failed.**

Webster opened the floor to further discussion of the proposal.

Senator Ellis, non-tenured research faculty, stated that the committee did exemplary work. He noted that as the only representative of all research faculty he is looking forward to the future when his colleagues can introduce themselves

as one of many research faculty from individual colleges. He thanked the committee members for their work on the Plan and urged senators to support the revisions.

Hearing no further discussion, Chair Webster called for a vote on the revised Plan of Organization. The result was 77 in favor, 9 opposed, and 3 abstentions. **The motion to approve the revised Plan of Organization passed.**

Hazing Policy Revision (Senate Doc. No. 13-14-31) (Action)

Kasey Moyes, Chair of the Student Conduct Committee, presented the Hazing Policy Revision and provided background information.

Webster opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 82 in favor, 1 opposed, and 6 abstentions. **The motion to approve the proposal passed.**

Update Adjunct 1 & 2 Classification Policy (Senate Doc. No. 13-14-15) (Action)

Devin Ellis, Chair of the Faculty Affairs Committee, presented the Updated Adjunct 1 & 2 Classification Policy and provided background information.

Webster opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 84 in favor, 3 opposed, and 6 abstentions. **The motion to approve the proposal passed.**

New Business

There was no new business.

Adjournment

The meeting was adjourned at 3:53 p.m.