

University Senate

December 8, 2011

Members Present

Members present at the meeting: 85

Call to Order

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

Approval of the Minutes

Chair Kasischke asked for additions or corrections to the minutes of the November 9, 2011 meeting. Hearing none he declared the minutes approved as distributed.

Report of the Chair

Senate Elections

Kasischke announced that the Senate Office would begin the candidacy/election process for all staff, student, and single-member constituency senators for 2012-2013 on January 23, 2012. He 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.

Spring 2012 Senate Meetings

Kasischke reminded the Senate that the first Senate meeting of the spring semester would be on February 8, 2012. He asked senators to mark all of the spring 2012 senate meeting dates on your calendar. We expect to have a very busy semester with much of the work that is currently in our various committees coming forward for a vote.

Kasischke reminded the Senate that the next two items on the agenda were ones that were not completed at the last meeting.

Title Updates in the Senate Bylaws (Senate Doc. No. 11-12-08) (Action)

Kasischke stated that the Office of the Provost has forwarded additional information related to the hiring of the new Chief Diversity Officer. The ERG Committee should consider this information before making a presentation. He asked the consent of the Senate to postpone its deliberation of this item to a future meeting. There were no objections.

Preservation of Shared Governance During Reorganizations, Consolidations, and Mergers (Senate Doc. No. 09-10-49) (Action)

Kenneth Fleischmann, Chair of the Elections, Representation, and Governance (ERG) Committee, presented the Preservation of Shared Governance During

Reorganizations, Consolidations, and Mergers proposal and provided background information.

Kasischke opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 59 in favor, 1 opposed, and 5 abstentions.
The motion to approve the proposal passed.

Revisions to the School of Public Health Plan of Organization (Senate Doc. No. 10-11-49) (Action)

Kenneth Fleischmann, Chair of the Elections, Representation, and Governance (ERG) Committee, presented the Revisions to the School of Public Health Plan of Organization and provided background information.

Kasischke opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 65 in favor, 1 opposed, and 2 abstentions.
The motion to approve the proposal passed.

Nominations Committee Slate (Senate Doc. No. 11-12-21) (Action)

Martha Nell Smith, Chair of the Committee on Committees, presented the Nominations Committee Slate and provided background information.

Kasischke opened the floor to any additional nominations; hearing none, he called for a vote on the slate. The result was 70 in favor, 1 opposed, and 0 abstentions.
The motion to approve the proposal passed.

Request to Review Domestic Partner Benefits (Senate Doc. No. 10-11-34) (Action)

Vincent Novara, Chair of the Equity, Diversity, and Inclusion (EDI) Committee, presented the Request to Review Domestic Partner Benefits proposal and provided background information.

Kasischke opened the floor to discussion of the proposal.

Senator Goodman, Faculty, College of Computer, Mathematical, and Natural Sciences, spoke strongly in favor of the proposal. It speaks strongly to the quality of our institution that we establish this type of benefit.

Senator Davis, Undergraduate, College of Undergraduate Studies, inquired whether transgender relationships were taken into consideration.

Novara responded that the committee consulted with the President's Commission on LGBT Issues. The decision would be based on whatever the transgender employee had transitioned to.

Dean Hamilton, College of Undergraduate Studies, inquired why opposite-sex domestic partners were excluded.

Novara stated that the committee viewed it as an issue of equity and fairness. Opposite-sex partners have the ability to marry in the State of Maryland where same-sex partners do not.

Dean Hamilton responded that she understood the direction of the committee's recommendation but thought that the wording should not exclude opposite-sex domestic partners.

Senator Tits, Faculty, College of Engineering, stated that he agrees that passing this proposal is a step in the right direction but sees it as discriminatory to exclude opposite-sex domestic partner benefits. He proposed an amendment that "same-sex" be removed from the recommendation. The motion to amend the recommendation was seconded.

Kasischke opened the floor to discussion of the amendment.

Novara stated that the State of Maryland defines domestic partners as being two people of the same-sex. We cannot just remove the qualifying adjective but must come up with all new language.

Senator Walters, Faculty, College of Computer, Mathematical, and Natural Sciences, inquired what would happen if the State Legislature approved same-sex marriages. If they were given that right and chose not to marry, would they be eligible for these benefits?

Novara responded that any State law would override any System policy expanding benefits to same-sex domestic partners. Same-sex domestic partners would not be given access to benefits when opposite-sex domestic partners do not have access if marriage equality were passed. At that time, the Senate or another administrative body could revisit the issue of extending spousal benefits to all domestic partners. That would probably have a fiscal impact and would have to be thoroughly researched. This has been proposed in the past and did not make it past the Senate or the Board of Regents.

Senator Myers, Faculty, College of Agriculture & Natural Resources, stated that he was opposed to this proposal. He feels that it is preemptive to State law and moves us along too quickly.

Senator Goodman, Faculty, College of Computer, Mathematical, and Natural Sciences, stated that he supports the sentiment of the amendment but suggested a substitute amendment. If the motion to approve the EDI Committee's recommendations is passed, the Senate will charge the committee with reconsidering expanding benefits to domestic partners of all sexes.

The motion was seconded.

Marvin Breslow, Parliamentarian, advised that Senator Goodman's amendment is a viable solution and asked Senator Tits and the seconder of the amendment whether he would consider withdrawing his amendment. Senator Tits agreed to withdraw his amendment.

Kasischke opened the floor to discussion of Senator Goodman's amendment.

Cliffonia Howard, Member of the EDI Committee, stated that there was discussion of opposite-sex partners within the committee. The State of Maryland does not recognize opposite-sex domestic partnerships as a marriage. Same-sex partners cannot get married which is why they are being included in this proposal.

Dean Hamilton, College of Undergraduate Studies, related the discussion to a similar discussion over whether bicyclists should also wear helmets if we were going to make scooter riders wear helmets but we need to start somewhere. She urged the Senate to pass this proposal now.

Senator Smith, Chair-Elect, suggested that we add "domestic" before partners in the amendment. She also encouraged the Senate to pass the proposal.

That change was accepted as a friendly amendment.

Senator Dinman, Faculty, College of Computer, Mathematical, and Natural Sciences, suggested that we include "between people."

Senator Myers, Faculty, College of Agriculture & Natural Resources, stated that he was in favor of a vote and that we have not shown that this is aligned with State Law so he opposes it.

Kasischke called for a vote on Senator Goodman's amendment. The result was 45 in favor, 23 opposed, and 7 abstentions. **The amendment passed.**

Kasischke opened the floor to discussion of the proposal as amended.

Senator Coates, Non-Exempt Staff, stated that we should make certain the wording comports with our intentions and objectives first and not just pass it for the sake of getting it through. What if the State Law does pass recognizing same-sex marriage? We should consider opposite-sex domestic partners before voting on this proposal.

Novara stated that there is no guarantee that the General Assembly will approve same-sex marriages in their next session. It stalled last year and could stall again. We are trying to put something in place in recognition of fairness and equity at the University.

Senator Parsons, Exempt Staff, stated that we should deal with what we have now and then adjust things as the scenario and landscape changes.

Senator Myers, Faculty, College of Agriculture & Natural Resources, recommended that we table the vote and that we make sure we are in alignment with State Law. It is too controversial of an issue for this vote to have substantial weight.

The motion to table the proposal was seconded.

Kasischke opened the floor to discussion of the motion to table the proposal.

Novara stated that this proposal is in line with the laws of the State of Maryland. It appears in the 2011 Maryland State Employees and Retirees Health Benefits guide, which defines same-sex domestic partners. The committee's work is based on Maryland State Law.

Senator Myers, Faculty, College of Agriculture & Natural Resources, stated that if the State does not recognize same-sex marriage, the University should not prescribe those rights to University members. It is preemptive to State Law.

Novara clarified that the recommendation is for the extension of system-level benefits to same-sex domestic partners rather than an alternate version of same-sex marriage.

Senator Smith, Chair-Elect, stated that as an educational body it is our responsibility to lead morally. She is supportive of something like this. We are not competitive with other institutions that offer these benefits.

Provost Wylie stated that she agreed that we should pass this proposal. She also clarified that as an institution, we do not have the capacity to do this. We are asking the Board of Regents to recognize this need. We are making a political statement to the Board of Regents that urges them to act.

Kasischke asked Breslow for an explanation of what the motion to table means.

Breslow explained that a motion to table would effectively kill a proposal because the procedures to bring it back are difficult. He reiterated and clarified that approving this motion will not send it back to the committee but will kill the proposal.

Kasischke called for a vote on the motion to table. The result was 17 in favor, 54 opposed, and 4 abstentions. **The motion to table failed.**

Kasischke called for further discussion on the proposal; hearing none, he called for a vote on the Request to Review Domestic Partner Benefits proposal. The result was 56 in favor, 15 opposed, and 2 abstentions. **The motion to approve the proposal passed.**

Request for Non-Exempt Staff Issues and Development Review (Senate Doc. No. 10-11-57) (Action)

Steven Petkas, Chair of the Staff Affairs Committee, presented the Request for Non-Exempt Staff Issues and Development Review proposal and provided background information.

Kasischke opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 68 in favor, 2 opposed, and 2 abstentions.
The motion to approve the proposal passed.

Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence (Senate Doc. No. 11-12-10) (Action)

Nan Ratner, Chair of the Student Conduct Committee, present the Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence proposal and provided background information.

Kasischke opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 66 in favor, 3 opposed, and 2 abstentions.
The motion to approve the proposal passed.

New Business

Kasischke opened the floor to new business.

Martha Nell Smith, Chair-Elect, made a motion to pass the following resolution:

Over the last few weeks, many of us have been deeply disturbed by the use of force deployed by University of California campus police against peaceful, nonviolent protestors. Such a climate is far from conducive for research, teaching, and learning. The University of Maryland Senate would like to express concern formally and also state publicly our commitment to fostering and insuring a climate that guarantees free and open discussion and respect for all members of our community so that the scenes we have seen in California are unimaginable here.

The motion was seconded.

Kasischke opened the floor to discussion of the resolution.

Senator Davis, Undergraduate, College of Undergraduate Studies, stated that he agreed with the resolution but stated that he has seen some video showing that the protestors were not as peaceful as was reported.

Smith clarified that the resolution says University of California because there have been other issues related to peaceful protesting at Berkeley.

Senator Myers, Faculty, College of Agriculture & Natural Resources, stated that the resolution is fine but the language harbors ill will towards the University of California. He made a motion that the first two sentences be removed. There was a second to the motion.

Smith and other senators agreed to change the language of the resolution to the following:

Over the last few weeks, many of us have been deeply disturbed by the use of force deployed by campus police at other institutions against peaceful, nonviolent protestors. Such a climate is far from conducive for research, teaching, and learning. The University of Maryland Senate would like to express concern formally and also state publicly our commitment to fostering and insuring a climate that guarantees free and open discussion and respect for all members of our community so that the scenes we have seen elsewhere are unimaginable here.

Kasischke called for a vote on the amendment to the resolution. The result was 56 in favor, 4 opposed, and 2 abstentions.

Kasischke opened the floor to discussion of the resolution as amended.

Senator Celi, Faculty, College of Engineering, stated that he was in favor of the resolution. He proposed changing “unimaginable” to “unacceptable”. Smith agreed to the change in language.

The final language of the resolution is as follows:

Over the last few weeks, many of us have been deeply disturbed by the use of force deployed by campus police at other institutions against peaceful, nonviolent protestors. Such a climate is far from conducive for research, teaching, and learning. The University of Maryland Senate would like to express concern formally and also state publicly our commitment to fostering and insuring a climate that guarantees free and open discussion and respect for all members of our community so that the scenes we have seen elsewhere are unacceptable here.

Senator Cooperman, Faculty, College of Arts & Humanities, stated that the resolution is a dangerous statement and that it is self-righteous for us to comment on what happens at other institutions. It seems to forbid police from responding to “non-violent” post-football-game protestors who light things on fire. There is no definition or context. There is a rush to judgment. It is not our place to comment on this. This is not appropriate and should fail.

Hearing no further discussion, Kasischke called for a vote on the resolution. The result was 37 in favor, 22 opposed, and 4 abstentions. **The resolution passed.**

Senator Hample, Faculty, College of Arts & Humanities, made a motion for the Senate to approve a resolution to express sympathy and solidarity for members of the Virginia Tech Campus Community.

The motion was seconded.

Kasischke opened the floor to discussion of the resolution; hearing none, he called for a vote on the resolution. The result was 58 in favor, 1 opposed, and 1 abstention. **The motion to approve the resolution passed.**

Kasischke thanked everyone for their hard work this semester and wished everyone a safe and merry holiday season.

Adjournment

Senate Chair Kasischke adjourned the meeting at 4:21 p.m.