

University Senate

February 9, 2017

Members Present

Members present at the meeting: 134

Call to Order

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

Approval of the Minutes

Chair Goodman asked for additions or corrections to the minutes of the December 6, 2016, Senate meeting; hearing none, he declared the minutes approved as distributed.

Report of the Chair

Chair Goodman welcomed Boris Lushniak, Dean of the School of Public Health to the University and to the University Senate. He noted that Lushniak had just joined the University in January and stated that the Senate looked forward to working with him.

Social Activism

Chair Goodman made the following comments on social activism and the president's executive order on immigration:

We are less than three weeks into the new administration and many of the fundamental values of our country and our institution are in jeopardy. We may not all agree on policy, but as an academic community we should demand truth and competence and stand strongly against discrimination. The core objective of a research university is the creation of new knowledge. This means searching for truth, discovering new facts and developing new understanding. Universities are all about exploring alternative theories, alternative interpretations, but there is no place for "alternative facts". Our second president John Adams wrote in 1770 "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence." Threats to restrict climate research or eliminate the National Endowment for the Arts or Humanities presents a threat to everyone.

Public education is a fundamental pillar of our society and charts the course for our country's future. 90% of US K-12 students attend public schools, while more than 70% of college students attend public colleges and universities yet our new Secretary of Education, Betsy DeVos has no experience with public education at any level. We may not all agree on politics, but at a minimum we should demand subject competence – something that she was not able to articulate at her confirmation hearing. We have also recently learned that Jerry Falwell Jr., president of Liberty University (a school whose graduates are not accepted to our graduate school because Liberty University is not accredited) has been appointed to

lead a higher education task force. His proposed agenda for this task force includes eliminating regulations from the Education Department, especially those that apply to colleges and universities. While it can be argued that some reduction of regulation might be good, Falwell has been vocal about limiting rules related to Title IX investigations. DeVos has also refused to commit to the continuation of Title IX regulations. This is an issue that our campus and this Senate have been committed to over the last few years and will continue today as we learn about the next steps being considered to prevent sexual assault.

The outrage many of us are feeling is unique in my experience. During the Vietnam War student protests were met by resistance from substantial parts of the University community and by the “older generation”. But this is different in that the opposition to what we are facing crosses all boundaries. If you were at the Woman’s March you saw this and I saw some of you there. Last week my wife said to me we don’t have plans for this weekend what demonstration are we going to? It is clear that this level of activism is an opportunity for us to come together as a community and take a stand.

This leads to the president’s executive order on immigration. Our country is a country of immigrants. Currently about one fourth of the US population is either an immigrant or had one or more foreign-born parents (as in my case both being immigrants). And whether they came in the 19th, 20th, or 21st century and were Chinese, German, Irish, Italian, Mexican, Catholic, or Jewish they all faced discrimination. People of color were always discriminated against. Women have always been discriminated against. The current discrimination against Muslims is part of a larger pattern of ignorance and fear that unfortunately are part of our American legacy. When the President fails to mention Jews in his Holocaust remembrance statement and responds with “all people were affected by the Holocaust”, it’s no different than responding to Black Lives Matter by saying “All Lives Matter”. It denies the fundamental uniqueness of the impact on the affected group and marginalizes the injustice. Education, especially higher education is the great equalizer. Our institution is built on the principle that the best idea wins and where you come from, or your immigration status, or your race or religion or sex, or sexual orientation plays no role and presents no boundary in the search for new knowledge or understanding. In fact, the rich tapestry of our differences provides a basis for deeper understanding of complex issues where we are often blinded by our own beliefs. The president’s executive order on immigration strikes at the heart of our community. When one group in our community is attacked, we are all attacked.

Today we, the Senate, can speak out against the discrimination against our Muslim colleagues, friends and neighbors are experiencing. We can speak out as several of the other Big10 institution Senates have already done and vote to endorse the Academics Against Immigration Executive Order petition (that I personally signed last week). The petition, which was posted on Slack for Senators basically makes the following points:

1. This Executive Order is discriminatory.
2. This Executive Order is detrimental to the national interests of the United States
3. This Executive Order imposes an undue burden on members of our community:

He noted that a motion for the Senate to support the petition would be introduced during new business.

Senate Elections

The candidacy period for all staff, student, and single-member constituency senators for 2017-2018 ended on February 3rd. The election period will run from February 20th through March 3rd. We hope that you will vote during the upcoming election period. You can find more details about the timeline and process under the “Elections” tab on the Senate website.

Senate Elected Committees/Councils

All senators should have just received an email from the Senate Office detailing available positions on senate-elected committees/councils for 2017-2018. 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 more information on how to nominate yourself or a colleague.

BOR Staff Awards

The Staff Affairs Committee spent the fall semester coordinating the nominating process for the annual Board of Regents' Staff Awards. They reviewed the materials of dozens of nominees, and came up with seven exceptional candidates. These nominees were forwarded to the President, who reviewed the recommendations and wrote a letter of support for each of the following finalists from our campus:

Exceptional Contribution to the Institution and/or Unit to which the Person Belongs

- Exempt Nominee: **Daniel Ramia**—*College of Agriculture and Natural Resources*
- Non-Exempt Nominee: **Audrey Stewart**—*Facilities Management*

Outstanding Service to Students in an Academic or Residential Environment

- Exempt Nominee: **Jenna Beckwith**—*University Health Center*
- Non-Exempt Nominee: **Sara Lopez**—*Dining Services*

Extraordinary Public Service to the University or Greater Community

- **Terry Zacker**—*Stamp Student Union*

Effectiveness and Efficiency in Academic or Administrative Transformation

- **Daniel Wilson**—*Institute for Bioscience & Biotechnology Research*
- **Clint Bucco**—*Philip Merrill College of Journalism*

The Board of Regents will announce the final winners later this spring.

Spring Senate Meetings

The remaining meetings for the spring semester are March 8th, April 6th, April 19th, and May 4th. We are anticipating a significant amount of work coming out of our committees and from the task force over the remainder of our meetings. Please note that the April 19th meeting will be the last for any outgoing senators with a term of 2017. The May 4th meeting is the transition meeting where new senators will be seated.

Review of Faculty Leave Policies - Parental Leave & External Grant Funding FAQs (Senate Doc. No. 14-15-31) (Information)

Goodman presented the Review of Faculty Leave Policies- Parental Leave & External Grant Funding FAQs as an informational item. He noted that at the October 2016 Senate meeting,

many Senators asked questions about parental leave and external grant funding. ADVANCE and the Office of Research Administration (ORA) have provided this document as guidance.

**Clarification and Codification on Declining Honor Pledge (Senate Doc. No. 15-16-31)
(Information)**

Goodman presented the Clarification and Codification on Declining Honor Pledge report as an informational item from the Educational Affairs Committee. This report recommends no immediate change to existing policy but rather suggests that the Student Conduct Committee be charged with conducting a thorough review of the Honor Pledge and its role in fostering a climate of academic integrity on campus. In addition, the committee recommends that appropriate revisions be made to the Faculty Handbook, the Undergraduate Catalog, and other resources that discuss the Honor Pledge, in order to align University guidance with the specific language of the Pledge in the Code of Academic Integrity. The SEC will charge the Student Conduct Committee with conducting a review of the Honor Pledge and forward the report to the appropriate administrative offices to address the suggested edits.

PCC Proposal to Establish an Online Offering of the Master of Science in Business Analytics (Senate Doc. No. 16-17-22) (Action)

Andrew Harris, Chair of the Programs, Curricula, & Courses (PCC) Committee, presented the PCC Proposal to Establish an Online Offering of the Master of Science in Business Analytics.

Goodman opened the floor to discussion of the proposal.

Senator Martinez-Miranda, faculty, A. James Clark School of Engineering, asked how the online program curriculum would mirror the in-person curriculum given that the proposed lengths of the semesters differ.

Harris asked Judy Frels, Assistant Dean on Online Programs, Robert H. Smith School of Business, to respond.

Frels stated that the current terms in the Smith School are 14-week terms that are often split into 7-week half terms. Although the structure may not match exactly, the content and requirements will be the same.

Senator Kedem, faculty, College of Computer, Mathematical, and Natural Sciences, asked for a clarification on the definition of business analytics.

Harris responded that business analytics is the application of mathematical techniques to business questions.

Seeing no further discussion, Goodman called for a vote on the proposal. The result was 108 in favor, 12 opposed, and 5 abstentions. **The motion to approve the proposal passed.**

Restricted Research (Senate Doc. No. 16-17-06) (Action)

Keith Marzullo, Chair of the Restricted Research Subcommittee of the Research Council, presented the report on Restricted Research.

Goodman opened the floor to discussion of the proposal.

Senator Al-Mansur, graduate student, asked about the positive and negative consequences of restricted research.

Marzullo stated that positive aspects include access to data, technology, and equipment that normally would not be available for use. Negative aspects include the need to follow export control law, publication restrictions, and reputational questions for the University and the researchers. He noted that the proposal attempts to mitigate these consequences. He added that education on the rules and consequences is a large part of this proposal and that any requests for restricted research would be thoroughly reviewed.

Senator Al-Mansur raised concerns about the Principal Investigator (PI) understanding the risks involved and acknowledging those in their proposal to engage in restricted research.

Senator Lathrop, faculty, College of Computer, Mathematical, and Natural Sciences and member of the Restricted Research Subcommittee, responded that part of the proposal involves engagement with the Export Control Office, which would include an opportunity to learn about the rules, regulations, and risks involved. He also noted that there is a current process in place, but there is no written guidance as to how this process takes place and no transparency regarding how projects are approved. The recommendations are intended to add clarity and transparency to the approval process.

Senator Knapp, undergraduate student, College of Behavioral and Social Sciences, asked if there was any data on how many projects are currently taking place on campus and the approval rate of proposals. In addition, he asked if there are any estimates on the number of projects or the dollar value of restricted research in the future.

Marzullo responded that he did not have the number of applications or the amount of money that has been turned down. He has heard from faculty members that wish to do the research but have been turned down. Marzullo added that peer institutions do not have a large number of restricted research projects with most being in the single digits.

Senator Callaghan, faculty, College of Arts and Humanities, asked if there should be a statement of educational benefits in addition to the career and professional benefits noted in the recommendations.

Senator Halperin, faculty, College of Computer, Mathematical, and Natural Sciences, commended the committee for its work on the report and noted concerns about a lack of guidelines for administrators to use when determining whether to approve the proposal. In addition, he noted that some restricted research includes a three-month waiting period for publishing while other projects state that you can never speak about or publish the

research. Halperin noted that there is no sense of balance between how much time the University has committed to non-restricted research and restricted research. He stated that it is important for the University to decide where it stands on these issues.

Marzullo responded that the guidelines list a set of criteria that should be addressed when writing an exception to do restricted research and that these would help develop University norms for decision-making regarding restricted research. He added that the reason for restriction is requested when applying for an exception and that this would allow the University to make an appropriate decision regarding approval. Marzullo added that the subcommittee imagined that restricted research would be a small percentage of the overall research conducted at the University.

Senator Zimmerman, undergraduate student, College of Letters and Sciences, asked if the current campus infrastructure supports restricted research efforts.

Marzullo responded that some infrastructure would have to be put in place for restricted research such as card swipe access or secure servers. The subcommittee recommends that the cost of any infrastructure improvements be paid for by the unit requesting approval of the proposal or by the money associated with the proposal itself.

Senator Kedem, faculty, College of Computer, Mathematical, and Natural Sciences, noted that he had been involved in restricted research and added that the work being done is very important and gives additional opportunities. He also noted that most of the work can be published eventually with small changes.

Marzullo agreed and added that when the subcommittee conducted the peer institution research, the contacts at these universities noted that the publication restrictions were not an issue.

Senator Ryan, graduate student, asked for clarification on the distinction between restricted research performed in a consultant-type position for a company and the restricted research being discussed in this proposal. He asked what would prevent students from pursuing research in a consultant role.

Marzullo responded that the current policy states that there are no restrictions on conducting restricted research while not using University equipment and resources. This can still be done with the changes to the policy.

Senator Ryan asked about potential conflicts of interest if a student were to conduct research with a professor without using University resources.

Marzullo responded that there would be a conflict of interest and that he has avoided hiring students when doing research for outside companies.

Senator Lathrop added that the University has a conflict of interest policy in place that safeguards against potential concerns.

Senator Lathrop made a motion to amend the proposal as follows in pink:

(1) Criteria for Restricted Research: Requests to perform restricted research require a rationale that describes benefit to the researchers and/or campus. In general, financial considerations alone are not an adequate rationale for accepting a restricted research award. A rationale may address one or more of the below reasons as well as other reasons to warrant accepting a restricted research project:

- **Educational**, career, **and/or** professional **opportunities** for students
- Career / professional growth for faculty
- Benefit to Campus
- Benefit to the State of Maryland
- Benefit to the Nation
- Opportunity to use a unique data set or unique research equipment or technologies that are not otherwise available
- Participation in a broader range of the business development cycle

The PI is responsible for articulating the rationale in writing as part of the approval process.

The motion was seconded.

Chair Goodman opened the floor to discussion of the amendment; hearing none, he called for a vote on the amendment. The result was 119 in favor, 3 opposed, and 2 abstentions.

The motion to approve the amendment passed.

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

Senator Joyce, faculty, College of Arts and Humanities, asked about increased transparency on the level of the University regarding what the university community understands about the projects occurring on campus including enough information to lodge complaints if necessary.

Marzullo noted that the report includes a recommendation for quarterly reporting by the Division of Research, which will contain as much information about the restricted research projects as legally possible and would also be available to the public through the Public Information Act. Restricted research activities would also be presented to the Senate annually.

Chair-Elect Falvey, faculty, College of Computer, Mathematical, and Natural Sciences, asked who in the approval process would act as the gatekeeper and look at the risks.

Marzullo responded that the Dean could choose not to approve a proposal and that the Division of Research would look at the proposals closely. He added that peer institution research showed that allowing more restricted research resulted in better negotiations.

Senator Blanchard, faculty, College of Behavioral and Social Sciences, noted his positive views of the report and introduced George Bailey.

George Bailey, stated that he is supportive of transparency in the academic environment but understands the need for restricted projects. He added that the benefits to society, the

environment, and advancements in technology are beneficial projects. He noted a need to look at the outside sponsor's motivation. He also noted a need to handle trade secret information in regards to patent law.

Seeing no further discussion, Goodman called for a vote on the proposal as amended. The result was 98 in favor, 14 opposed, and 3 abstentions. **The motion to approve the proposal as amended passed.**

Use of Visiting Faculty Titles for Professional Track Faculty Appointments (Senate Doc. No. 15-16-17) (Action)

KerryAnn O'Meara, Chair of the Faculty Affairs Committee, presented the Use of Visiting Faculty Titles for Professional Track Faculty Appointments report.

Goodman opened the floor to discussion of the proposal.

Senator Martinez-Miranda asked if faculty members on visas would be eligible for the exception in the policy.

O'Meara responded that the committee recommended that foreign faculty members who have five-year visas but have University titles that are only valid for three years be submitted to the Provost's Office to be considered as exceptions under the extraordinary circumstances guidance.

Senator Jacobson, exempt staff, asked if the intention of the committee was that the Provost's Office's process would outline what the exceptions are since the current language is broad.

O'Meara responded that the existing policy allows the Provost's Office to review any case for extraordinary circumstances, but the committee's recommendations identified two circumstances that were the most prevalent on campus. O'Meara also noted that the University is required to follow the University System of Maryland (USM) policy. The committee's recommendations allow the University to align with the USM policy but also tailor it to the needs of the campus.

Seeing no further discussion, Goodman called for a vote on the proposal. The result was 104 in favor, 7 opposed, and 4 abstentions. **The motion to approve the proposal passed.**

**Special Order of the Day
Steven Petkas
Chair, Joint President/Senate Sexual Assault Prevention Task Force
*Update on Task Force Deliberations***

Steven Petkas, Chair of the Joint President/Senate Sexual Assault Prevention Task Force, provided an update on the progress that the task force has made since it was charged in October 2016.

Goodman opened the floor to questions.

Senator Moser Jones, faculty, School of Public Health, asked if the recommended programs to be implemented are evidence-based and if there would be rigorous evaluation of the effectiveness of the programs once they are in place.

Petkas asked Amelia Arria, task force member, to respond.

Arria stated that the research literature is growing and that there are a number programs that are evidence-based. The Task Force is approaching the questions with as much evidence as possible. In terms of evaluation, both process-outcome evaluations and effectiveness evaluations will be used. She added that the multi-component programs have seen the most success in the research.

Senator Knapp stated a concern about requiring student groups to have sexual assault training due to their varying sizes and regularly changing memberships. He stated his support for the training, but noted that the requirement may be a burden for some groups. He also noted a need to create a campus culture in which people are informed about the campaigns on campus, such as Rule of Thumb, and can talk about and explain them.

Petkas noted that the Task Force is still looking into how to reach student organizations and provide continued training. He added that the ideas of coordinated campaigns and a centralized website will hopefully allow for increased campus-wide understanding and communication.

Senator Best, non-exempt staff, asked for clarification on the registration block idea.

Petkas confirmed that the idea being entertained currently is that students who do not complete the required training would be blocked from registering for classes until it is completed. He noted that many peer institutions have this system in place.

Senator Best stated that this could be an issue for students who are uncomfortable with the training topics for religious, cultural, or other personal reasons.

Senator Stanley, undergraduate student, College of Behavioral and Social Sciences, stated his support for the preliminary directions and noted the importance of presenting strong recommendations. He asked how in-depth the Task Force was investigating the literature on intervention methods and how specific the final recommendations from the Task Force would be.

Petkas responded that most of the literature discussed dealt with the benefits and outcomes of prevention programs themselves as well as federal best practices. He explained that the Task Force would likely present content outlines for recommended required trainings, but most of the detailed work would be done by the collaborative team that the Task Force is considering provided that is approved by the Senate and the President.

Senator Grims, exempt staff, asked if the potential recommendation of each Dean developing a College-wide action plan would lead to inconsistencies in implementation.

Petkas stated that the College action plan idea would be that each College has a plan in place to communicate available resources provided by other units on campus. He explained that the Task Force has seen a wide disparity in the amount of information given to students and added that the academic units have to play an active role.

Goodman thanked Petkas for his report and the Task Force for its work thus far.

New Business

Chair-Elect Falvey made a motion to endorse a resolution in support of the Academics Against Immigration Executive Order petition as follows:

Be it resolved that the University of Maryland's University Senate, as the representative and elected body of the faculty, staff, and students, endorses the 'Academics Against Immigration Executive Order' petition as circulated on notoimmigrationban.com, which reads as follows:

"President Donald Trump has signed an Executive Order (EO) proposing a 90-day suspension of visas and other immigration benefits to all nationals of Iran, Iraq, Syria, Sudan, Yemen, Libya and Somalia. The unrealistic conditions required for discontinuing the suspension make it very likely that this EO will turn into a permanent ban. We, the undersigned academics and researchers from a variety of fields of study, backgrounds, and personal convictions, would like to voice our concern and strongly oppose this measure on three grounds:

- 1. This Executive Order is discriminatory. The EO unfairly targets a large group of immigrants and non-immigrants on the basis of their countries of origin, all of which are nations with a majority Muslim population. This is a major step towards implementing the stringent racial and religious profiling promised on the campaign trail. The United States is a democratic nation, and ethnic and religious profiling are in stark contrast to the values and principles we hold.*
- 2. This Executive Order is detrimental to the national interests of the United States. The EO significantly damages American leadership in higher education and research. US research institutes host a significant number of researchers from the nations subjected to the upcoming restrictions. From Iran alone, more than 3000 students have received PhDs from American universities in the past 3 years. The proposed EO limits collaborations with researchers from these nations by restricting entry of these researchers to the US and can potentially lead to departure of many talented individuals who are current and future researchers and entrepreneurs in the US. We strongly believe the immediate and long term consequences of this EO do not serve our national interests.*
- 3. This Executive Order imposes undue burden on members of our community. The people whose status in the United States would be reconsidered under this EO are our students, friends, colleagues, and members of our communities. The implementation of this EO will necessarily tear families apart by restricting entry for family members who live outside of the US and limiting the ability to travel for those who reside and work in the US. These restrictions would be applied to nearly all individuals from these countries, regardless of their immigration status or any other circumstances. This measure is fatally disruptive to the*

lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American.

These bans, as proposed, have consequences that reach beyond the scope of national security. The unethical and discriminatory treatment of law-abiding, hard-working, and well-integrated immigrants fundamentally contravenes the founding principles of the United States.

We strongly denounce this ban and urge the President to reconsider going forward with this Executive Order."

The motion was seconded.

Goodman opened the floor to discussion of the resolution; hearing none, he called for a vote on the resolution. The result was 78 in favor, 9 opposed, and 6 abstentions. **The resolution passed.**

Adjournment

Chair Goodman adjourned the meeting at 4:58 p.m.