

April 15, 2010

**MEMORANDUM**

**TO:** University Senate Members

**FROM:** Elise Miller-Hooks  
Chair of the University Senate

**SUBJECT:** University Senate Meeting on Thursday, April 22, 2010

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The next meeting of the University Senate will be held on Thursday, April 22, 2010 from **3:45 p.m. - 5:30 p.m.** The meeting will convene in **Room 0200, Skinner Hall**. If you are unable to attend, please contact the Senate Office<sup>1</sup> by calling 301-405-5805 or sending an email to [senate-admin@umd.edu](mailto:senate-admin@umd.edu) for an excused absence. Your response will assure an accurate quorum count for the meeting.

**The meeting materials can be accessed on the Senate Web site. Please go to <http://www.senate.umd.edu/meetings/materials/> and click on the date of the meeting.**

**Meeting Agenda**

1. Call to Order
2. Approval of the April 8, 2010, Senate Minutes (Action)
3. Report of the Chair
4. Reports of Committees:
  - a. Review of the University of Maryland Undergraduate Catalog (Senate Document#: 09-10-22) (Information)
  - b. Proposal for a Tobacco-Free Campus (Senate Document#: 08-09-15) (Information)
  - c. Review of the Decision-Making Process Regarding Site Selection for Construction Projects (Senate Document#: 09-10-24) (Action)
5. New Business
6. Adjournment

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<sup>1</sup> Any request for excused absence made after 1:00 p.m. will not be recorded as an excused absence.

## **University Senate**

April 8, 2010

### **Members Present**

Members present at the meeting: 97

### **Call to Order**

Senate Chair Miller-Hooks called the meeting to order at 3:50 p.m.

### **Approval of the Minutes**

Chair Miller-Hooks asked for additions or corrections to the minutes of the March 25, 2010 meeting. Hearing none, she declared the minutes approved as distributed.

### **Report of the Chair**

Chair Miller-Hooks announced that the Campus Affairs Committee would be holding its annual Campus Safety Forum on Tuesday, April 13, 2010 from 5:00 p.m. – 6:30 p.m. in 6137 McKeldin Library.

### **Committee Reports**

#### **ERG Committee: Plan of Organization for the College of Library and Information Studies (CLIS) (Senate Document#: 07-08-35) (Action)**

Miller-Hooks asked the consent of the Senate to move this agenda item to a future Senate meeting. When questioned as to why the change was necessary, Miller-Hooks responded that the presenters could not attend today's meeting. Hearing no objection, Miller-Hooks stated that the item would be moved.

#### **APAS Committee: Policies Concerning Academic Transcripts and Calculation of Grade Point Average (GPA) (Senate Document#: 09-10-35) (Action)**

Charles Delwiche, Chair of the Academic Procedures & Standards Committee, presented the proposal to the Senate and provided background information. He explained that this proposed change was just a housekeeping matter. The proposal requests that the obsolete language be removed and be replaced with a reference to the newly revised policy.

Miller-Hooks opened the floor to discussion; hearing none, she called for a vote of the Senate. **The motion to approve the proposal passed.**

## **Report of the General Education Task Force**

### **Transforming General Education at the University of Maryland (Senate Document#: 09-10-34)**

Miller-Hooks announced that today we would be voting on whether or not to approve the plan. She introduced Ken Holum, Past Chair of the Senate.

Holum gave a brief overview of the genesis of the task force. He explained that the Senate Chair and the Provost created the membership jointly. He explained that the new proposed plan will provide future students with the skills and intellectual equipment to be successful in the future. He expressed his gratitude to the committee and Ira Berlin. Holum encouraged the Senate to approve the plan.

Miller-Hooks introduced Ira Berlin, Chair of the General Education Task Force & Distinguished University Professor of History.

#### **Overview**

Berlin thanked the Senate for making the campus governance process possible. He explained that the task force identified issues in the current plan and has come up with innovative solutions in the proposed plan. Berlin explained that we cannot get better until we “write more clearly, speak more effectively and reason more analytically.” We need to deepen and expand the level and quality of our intellectual engagement. This project will not work until we engage ourselves in it. The plan is conservative and innovative. Berlin explained that we must decide if this plan “makes us better.” He explained that a vote of confidence in this plan is a vote for us as a collectivity of students, faculty and staff. A vote against the plan is a vote to play it safe. He explained that the Senate should make the plan better, accept an imperfect document and empower the implementation committee to transform the proposal into a working plan. He asked the Senate to pass the plan.

Miller-Hooks thanked the task force and Berlin for their hard work.

Miller-Hooks explained the protocol for speakers.

#### **Procedure Motion**

Miller-Hooks made a motion to adopt time restrictions proposed by the Senate Executive Committee (SEC). The plan would be reviewed in six major categories. Amendments would be considered within each category with previously submitted amendments reviewed first followed by amendments from the floor for each category. Each proposer and speaker would be allowed two minutes to speak. Each amendment would be limited to a total of 20 minutes of discussion.

Hearing no objection on the motion for time restrictions, Miller-Hooks called for a vote. **The motion passed.**

Miller-Hooks announced that Chair-Elect Mabbs would time all speakers and Montfort would time each amendment.

Miller-Hooks announced that we would review amendments in the Implementation category.

### **Implementation**

Miller-Hooks invited Senator Jordan Goodman to introduce Amendment #2.

### **AMENDMENT #2**

**Proposed by:** Jordan Goodman, Physics, CMPS

**Page#:** 35

**Paragraph:** 3

**Original Text:** (addition, no change to original text)

### **Proposed (Amendment):**

If approved, a plan for implementation of the various aspects of the new program will be reviewed by an appropriate Senate committee. Once the program is fully implemented, the program will be presented to the Senate for possible amendments and adjustment.

### **Rationale:**

While some aspects of the plan are clear and the resource implications are understood, others, such as the Oral Communication requirement, the Cultural Competency portion of the Diversity requirement, and the Experiential Learning option need further study prior to being fully implemented. It would be appropriate for the Senate to review these components once they have been better developed.

Senator Goodman, Faculty, College of Computer, Mathematical & Physical Sciences, proposed his amendment (#2) and explained that this amendment would allow the Senate to have a role in reviewing the implementation of the plan.

Miller-Hooks opened the floor to discussion.

Ira Berlin, Chair, General Education Task Force, stated that the task force is sympathetic to the spirit of the amendment. They hope that the implementation process would continue in the same pragmatic way that the plan was created. The task force views this as a friendly amendment.

Miller-Hooks called for a vote on Amendment #2. **The amendment passed.**

Miller-Hooks introduced Senator Thomas Cohen to introduce Amendment #3.

**AMENDMENT #3**

**Proposed by:** Thomas Cohen, Faculty, CMPS

**Page#:** p. 34

**Paragraph:** IMPLEMENTATION OF THE PROPOSED PLAN FOR GENERAL EDUCATION – After Paragraph two

**Original Text:** N/A

**Proposed (Amendment):**

In addition to the implementation committee, a committee shall be appointed to develop a separate set of general education requirements for the Honors College and to consider implementation details for such a plan.

This plan will be presented to the Senate for approval within one year of approval of the overall General Education Plan. This committee shall have strong representation from the Honors College and be chaired by a faculty representative of the Honors College. Until such a plan is approved, Honors students may choose to satisfy the old Core requirements rather than the new General Education requirement.

**Rationale:**

The new requirements proposed by the General Education Task Force (along with the elimination of exemptions of old requirements) could increase the number of required courses outside of University Honors, Gemstone, Honors Humanities, Digital Cultures, Entrepreneurship & Innovation or through advanced courses quite substantially. This may well act to undermine the strength of the Honors College.

To preserve the strength of the Honors College, it is essential that Honors students continue to be able to fulfill the vast majority of their general education requirements through courses in University Honors, Gemstone, Honors Humanities, Digital Cultures or Entrepreneurship & Innovation, or through advanced course of intellectual interest to the student. Simply adding honors versions of oral communications, academic writing and the like will not solve this problem: such courses could still act to displace the very courses which make the Honors program special.

The new set of requirements should not require a typical Honors student to take any more courses outside of courses in University Honors, Gemstone, Honors Humanities, or the new programs in Digital Cultures and Entrepreneurship & Innovation, or through advanced level courses of strong intellectual interest to the students than is presently required.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, proposed his amendment and explained his rationale.

Miller-Hooks opened the floor to discussion on the amendment.

Dean Hamilton, Undergraduate Studies, stated that a review was conducted last year to review the Honors program. The former director of honors felt that the honors program was excluded from general education in the past. She was looking forward to a program that embraces the Honors College and this plan does that. The issues that Senator Cohen raises will be addressed in the implementation phase and a representative from the Honors College will be a part of the implementation committee. She believes that there is a perfect match between the two and that this amendment is unnecessary.

Miller-Hooks called for a vote on Amendment #3. **The amendment failed.**

Miller-Hooks opened the floor to amendments from the floor. Hearing none, she announced that we would review amendments in the Fundamental Studies category.

### **Fundamental Studies**

Miller-Hooks invited Senator Michael Scholten to introduce Amendment #1.

#### **AMENDMENT #1**

**Proposed by:** Michael Scholten, Graduate Student Senator from CMPS

**Page#:** 9 & 15-16

**Paragraph:** Last paragraph on page 9; Last paragraph on page 15/First paragraph on page 16;

#### **Original Text:**

The Task Force therefore proposes removing the exemption based on SAT score from English 101-Academic Writing.

Removing the SAT [Scholastic Aptitude Test] exemption from the Mathematics Requirement (current wording of exemption: "SAT Math score 600 or above"). The Scholastic Aptitude Test is a test, specifically a predictor of how well a student will do in college ("indicator of college success" according to the College Board), not a test of competency in a course of study or a body of knowledge. Thus, it is not relevant as a course substitute at an institution of higher learning. In contrast, exemptions for AP or CLEP scores are tests based on syllabi for particular courses, and thus are suitable exemptions.

#### **Proposed (Amendment):**

Remove both of these paragraphs, and keep the existing SAT exemptions.  
Exemption from the Academic Writing Requirement:

- SAT verbal score 670 or above
- Exemptions from the Mathematics Requirement:
- SAT Math score 600 or above;

**Rationale:**

The proposed policy would function to limit students' freedom to take upper level courses outside of their major by requiring them to take additional entry-level courses.

In order to justify the proposed policy, the committee should produce data that shows students who have received the current SAT exemptions are less competent in writing/mathematics than their peers who take the English/Math core classes.

Senator Scholten, Graduate Student, College of Computer, Mathematical & Physical Sciences, proposed his amendment and explained his rationale.

Miller-Hooks opened the floor to discussion.

Senator Gulick, Faculty, College of Computer, Mathematical & Physical Sciences, stated that the Mathematics Department was consulted extensively on this matter. This change would affect very few students.

Dean Halperin, College of Computer, Mathematical & Physical Sciences, stated that there is a real value in having a student take advanced classes as opposed to certifying basic mathematical literacy. A student will take classes at their level.

Konstantina Trivisa, Member of the General Education Task Force, the proposal does not impose the requirement that a student must take a lower-level course. There will be no major impact on the resources of the University. This will raise the standards of the University.

Steve Glickman, Non-Voting Ex-Officio, President of the Student Government Association (SGA), introduced Shelly Cox, Vice President of the SGA. She stated that the SGA endorses a mathematics exemption but not one for English.

Steve Glickman, Non-Voting Ex-Officio, President of the SGA, made a motion to split the amendment into two parts, one for the mathematics exemption and one for the English exemption.

Miller-Hooks opened the floor to discussion to split Amendment #3 into two parts.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, called the question on the discussion of the amendment to the amendment.

Miller-Hooks called for a vote on the motion to call the question and end debate on the amendment to the amendment. **The motion passed.**

Miller-Hooks called for a vote on the amendment to the amendment. **The motion passed and the amendment was split.**

Miller-Hooks opened the floor to discussion of the English exemption.

Dean Hamilton, Undergraduate Studies, introduced Barbara Gill, Assistant Vice President of Undergraduate Admissions, stated that she opposed the amendment. She explained that the SAT is not designed to be used for the purpose of exempting students. The original scores were set arbitrarily. We do not know if they have any relevance in determining whether a student will perform well in a course.

Jeanne Fahnestock, Member of the General Education Task Force, stated that removal of the exemption was inspired by SGA testimony. She reiterated that the SAT is not a predictor of success in academic writing ability. Studies show that high school students come in with a low ability to write persuasively even if their SAT score is high.

Senator Sachs, Undergraduate, College of Behavioral & Social Sciences, stated that he opposed both parts of the amendment. The data shows that SAT scores are not a metric for ability. The writing of students is not where it should be.

Senator Coleman, Faculty, College of Arts & Humanities, stated that the greatest single predictor of success at the University was prompt completion of the English 101 requirement. However, the predictive value of that went down with higher SAT scores and particularly for those who exempted out.

Steve Glickman, Non-Voting Ex-Officio, President of the SGA, introduced Shelly Cox, Vice President of the SGA. She stated that the SGA is opposed to the exemption because it does not show a student's ability to write.

Miller-Hooks called for a vote on Amendment #1a, Re-Instating the English Exemption. **The amendment failed.**

Miller-Hooks opened the floor to discussion of the mathematics exemption.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, stated that he reluctantly supported the amendment. He believes that the level of the math requirement is low and there is no AP test at this level.



Dean Hamilton, Undergraduate Studies, introduced Barbara Gill, Assistant Vice President of Undergraduate Admissions. She stated that she opposed the amendment. The SAT is not designed to predict success in a particular math course.

Senator Levermore, Faculty, College of Computer, Mathematical & Physical Sciences, stated that the SAT is ill equipped to measure math competency. AP courses do not prepare students well either. He favored voting against the amendment.

Senator Tervala, Undergraduate, College of Arts & Humanities, stated that he came in with a math exemption, but feels that it did not prepare him for college-level math. He asked the Senate to vote against the amendment.

Elizabeth Beise, Member of the General Education Task Force, stated that there are only about 150 students per year that are influenced by this exemption. The vast majority of students already take math for one reason or another.

Senator Tits, Faculty, College of Engineering, stated that he was opposed to the amendment. The SAT is an aptitude test, not a competency test. He does not believe that a multiple-choice test can test competency in basic mathematics.

Miller-Hooks called for a vote on Amendment #1b, Re-Instating the Mathematics Exemption. **The amendment failed.**

Miller-Hooks invited Senator Thomas Cohen to introduce Amendment #4.

#### **AMENDMENT #4**

**Proposed by:** Thomas Cohen, Faculty, CMPS

**Page#:** p. 18

**Paragraph:** MATHEMATICS REQUIREMENT – At the end of the section entitled Proposal for Fundamental Studies: Analytical Reasoning

**Original Text:** N/A

#### **Proposed (Amendment):**

A course with Math 111, Math 112, Math 113, Math 115, or Stat 100 as a prerequisite shall be deemed as satisfying both the Mathematics and Analytic Reasoning requirements. Similarly a student with a score of 4 or above on either the Calculus (AB or BC) or the Statistics AP tests shall be deemed to have satisfied both the Mathematics and Analytic Reasoning requirements.

#### **Rationale:**

There is a possible ambiguity in the Mathematics and Analytic Reasoning requirements. The report of the Task Force does not address the question of whether a single course with Math 111, Math 112, Math 113, Math 115, or Stat

100 as a requirement simultaneously fulfill both the Mathematics requirement (Math 111, Math 112, Math 113, Math 115, or Stat 100 or any MATH or STAT course for which any of the courses listed above is a prerequisite) and the Analytic Reasoning requirement (which includes higher-level mathematics). Miller-Hooks announced that we would review amendments in the Distributive Studies/I-series category.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, proposed his amendment and explained his rationale.

Miller-Hooks opened the floor to discussion.

Cynthia Clement, Member of the General Education Task Force, stated that the task force is opposed to the amendment. It is much more specific than what they intended. They proposed that students take one course in analytic reasoning and gave some suggestions, but the specific courses would be part of the implementation process. They have also structured the proposal to set a minimum math requirement. All students need to grow in their ability to reason and evaluate information, which is the intention of this requirement.

Senator Buchanan, Faculty, College of Agriculture & Natural Resources, asked for a clarification on the amendment and whether other courses that require math courses as a prerequisite would also count as fulfilling this requirement.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, clarified that the amendment was only related to math or statistics courses.

Elizabeth Beise, Member of the General Education Task Force, stated that the language of the amendment opens up the exemption to all courses with a math prerequisite.

Senator Gulick, Faculty, College of Computer, Mathematical & Physical Sciences, stated that he was confused about what was meant by analytic reasoning.

Dean Halperin, College of Computer, Mathematical & Physical Sciences, stated that he was opposed to the amendment. You must take a math class at the university to satisfy this requirement. The implementation committee will have to figure out what qualifies as analytic reasoning. It is premature to try and decide what qualifies now.

Konstantina Trivisa, Member of the General Education Task Force, stated that the goal of the analytical reasoning requirement is to promote critical thinking. Students should be able to construct a reasonable argument, know how to

evaluate and assess data and how to draw conclusions. This amendment speaks to a very specific situation.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, stated that Senator Gulick's point was valid. If we cannot define the term analytic reasoning, we should not support this aspect of the report.

Senator Levermore, Faculty, College of Computer, Mathematical & Physical Sciences, stated that he was opposed to the amendment. He believes that the details can be worked out in the implementation phase.

Jeanne Fahnestock, Member of the General Education Task Force, stated that there is a definition of analytic reasoning in the plan. It has to do with the meta-awareness of procedures of reasoning, so students think about the sources of data. She opposed the amendment.

Chair-Elect Mabbs stated that Senator Cohen's concerns about implementation are addressed in Amendment #2 that was passed today.

Miller-Hooks called for a vote of Amendment #4. **The amendment failed.**

Miller-Hooks invited Senator Thomas Cohen to present his amendment.

#### **AMENDMENT #5**

**Proposed by:** Thomas Cohen, Faculty, CMPS

**Page#:** p. 10

**Paragraph:** Proposal for Fundamental Studies: Writing Section – At the end of the section entitled *The Existing Exemption Structure*

**Original Text:** N/A

#### **Proposed (Amendment):**

Departments and other academic units *may* choose to develop a series of courses certified as "writing intensive." A student who takes and passes two such courses in his or her major shall be exempted from the Professional Writing requirement.

#### **Rationale:**

In recommending the continuation of the Academic and Professional writing requirements and eliminating various exemptions to these, the General Education Task Force quotes a faculty member as saying that "the only way to learn to write is to write." The Senate concurs with this. However, this does not necessarily mean that the best way for students to improve their writing is in writing classes centered in the English department. An alternative approach is to have "writing intensive" courses in departments throughout the University. There are clear advantages of such an approach. Students may well take "writing

intensive” courses in a field of interest to them far more seriously than a pure writing course. Moreover, students have the benefit of learning about a subject of their interest while working on their writing. Finally, in many fields the development of writing in the context of the subject is critical to success in the field.

It is noteworthy that leading universities from the University of Virginia to MIT have writing requirements that can be fulfilled either in whole or in part by some variation of “writing intensive” courses in academic departments outside of English.

Senator Cohen, Member of the General Education Task Force, proposed the amendment and explained his rationale.

Miller-Hooks opened the floor to discussion.

Senator Hayes, Undergraduate, College of Engineering, spoke in favor of the amendment. He stated that he is disappointed by the content of his professional writing course. He believes that embedding the writing into a student’s major would be more effective and would allow students to learn to write in their field. He introduced Shelly Cox, Vice President of the SGA. She stated that the SGA supports the amendment. They feel that students should have the opportunity to take writing intensive courses in their major.

Rose Weiss, Member of the General Education Task Force, stated that she opposed the amendment. She does not feel she has learned technical writing within her major.

Sheryl Ehrman, Member of the General Education Task Force, stated that she opposed the amendment. In her experience, taking writing courses within her major was not useful.

Jeanne Fahnestock, Member of the General Education Task Force, stated that there is no standard writing intensive course at other institutions. A vote for this amendment is a vote for an unknown entity. She cited the differences at peer institutions that have writing intensive courses. There is evidence that students from writing independent courses are better writers. She explained that there is a mechanism in the proposal for a writing board to open the discussion to having alternatives in the disciplines.

Senator Roberts, Member of the General Education Task Force, stated that he endorses the spirit of the amendment, but not the specifics. He thinks that allowing individual disciplines to develop a writing intensive course in conjunction with the English Department is a good suggestion. He also supports the idea of

embedding the requirement into several courses, but opposes the specificity of the language in the amendment.

Senator Coleman, Faculty, College of Arts & Humanities, stated that we have a rhetoric based writing program. This allows students to understand the process of writing and the rhetorical basis behind effective writing. She was supportive of adding more writing intensive courses.

Senator Jacobe, Part-Time Instructor, College of Arts & Humanities, stated that she teaches in the professional writing program. She teaches students to write the way they need to write when they are in the real world. She opposes the amendment, because this does not get the students the skills they need to get jobs.

Senator Sachs, Undergraduate, College of Behavioral & Social Sciences, emphasized that the writing intensive courses in his college teach how to frame an argument, not how to write it. These courses are the nuts and bolts. They teach us how to write. The writing should match the content at a high level.

Senator Cohen, Member of the General Education Task Force, stated that we could set up courses that could be certified. Grades would not be based on content, but rather on the quality of the writing. It is natural that these types of courses could work with the proposed writing board. He believes this amendment is a way to make the writing courses more meaningful to students.

Miller-Hooks called for a vote on Amendment #5. **The amendment failed.**

Miller-Hooks invited Senator Thomas Cohen to introduce Amendment #6.

#### **AMENDMENT #6**

**Proposed by:** Thomas Cohen, Faculty, CMPS

**Page#:** p. 13

**Paragraph:** Proposal for Fundamental Studies: Oral Communication – fifth bullet

#### **Original Text:**

The Task Force expects that other departments might mount courses in oral communication that could also satisfy the requirement.

#### **Proposed (Amendment):**

Students in majors that are in a college that has developed an Oral Communications course shall have the option of satisfying the requirement within the college.

#### **Rationale:**

The General Education Task Force has recommended a required one-semester

course in Oral Communications. In implementing this requirement, the differences between the various disciplines s needs to be taken into account; the nature of oral communications differs from field to field. Accordingly, colleges across the campus may choose to develop their own Oral Communications courses.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, proposed his amendment and explained his rationale.

Miller-Hooks opened the floor to discussion.

Senator Sachs, Undergraduate, College of Behavioral & Social Sciences, asked for a clarification in the differences between amendments 6 & 7.

Senator Cohen, Member of the General Education Task Force, responded that Amendment #6 states that an oral communication course requirement can be developed within colleges. Amendment #7 supports an oral communications intensive course embedded in a major as an alternative to an independent oral communications course.

Senator Sachs, Undergraduate, College of Behavioral & Social Sciences, stated that he felt that the two were linked and made a motion to consider amendments 6 & 7 together.

Miller-Hooks opened the floor to discussion on the motion; hearing none, she called for a vote to link amendments 6 & 7. **The motion passed.**

#### **AMENDMENT #7**

**Proposed by:** Thomas Cohen, Faculty, CMPS

**Page#:** p. 13

**Paragraph:** Proposal for Fundamental Studies: Oral Communication – fifth bullet

**Original Text:** N/A

#### **Proposed (Amendment):**

Departments and other academic units may choose to develop a series of courses certified as “oral communications intensive.” A student who takes and passes two such courses in his or her major shall be exempted from the Oral Communications course requirement.

#### **Rationale:**

The General Education Task Force has recommended a required one-semester course in Oral Communications. The premise underlying that requirement is that oral communications skills are important and that students would benefit from stronger oral communications skills. This is clearly correct. However, the General Education Task Force has not made a compelling case for a required course

devoted entirely to oral communications. An alternative model to improve oral communications skills of our students is to develop oral communication across the curriculum and particularly within a student's major.

Miller-Hooks opened the floor to discussion of the linked amendments.

Elizabeth Toth, Non-Voting Ex-Officio, Chair of the Department of Communications stated that she is opposed to both amendments. She thinks the language in the plan is better, because it encourages more than one oral communications class with an oversight board.

Robyn Muncy, Member of the General Education Task Force, stated that oral communications intensive courses presumes a skill, but does not teach a skill. Most faculty do not have the expertise of colleagues that teach oral communications. She opposed the amendment.

Heather Nathans, Member of the General Education Task Force, opposed the amendment. She stated that the Department of Theatre is excited about the possibility of developing a course devoted to oral communications.

Senator Buchanan, Faculty, College of Agriculture & Natural Resources, stated that he is concerned with the amendments, because the general education courses build a foundation for the higher-level courses. We should not expect that students will not use these courses in their development in the future.

Miller-Hooks called for a vote of Amendments 6 & 7 combined. **The combined amendments failed.**

Miller-Hooks opened the floor to amendments from the floor. Hearing none, she announced that we would review amendments in the Distributive Studies/I-series category.

Miller-Hooks introduced Senator Thomas Cohen to introduce Amendment #8.

#### **AMENDMENT #8**

**Proposed by:** Thomas Cohen, Faculty, CMPS

**Page#:** p. 20

**Paragraph: II. THE SIGNATURE OF GENERAL EDUCATION: THE "I" SERIES - *Implementation of the Signature Courses*; Second paragraph**

#### **Original Text:**

The new General Education plan incorporates "I" courses into Distributive studies under the appropriate categories (see "Distributive Studies" below). It mandates that all University of Maryland students, including transfer students, be required to take at least two "I" courses, which would represent roughly one fourth of Distributive

Studies requirements. Meeting that goal will require the campus to mount some eighty "I" courses per semester. This number might be enlarged over time, but the Task Force believes that a minimum of two "I" courses per student would make the "I" series an intellectual signature for the new General Education program.

**Proposed (Amendment):**

The new General Education plan does not require students to take any fixed number of "I" courses. It does mandate that a substantial number of "I" series courses be offered and that students will have the option of satisfying some or all of their Distributive Studies requirements with "I" courses.

**Rationale:**

The General Education Task Force has recommended that students be required to take at least two "I" series courses. The "I" series as described in the report is very exciting and should provide important and meaningful educational experiences for many of our undergraduates. However, many of the advantages of the "I" series program appear to exist regardless of whether the courses are required or merely offered. Moreover there is an obvious disadvantage in requiring such courses: the flexibility of the General Education program is reduced. In some cases this could limit the ability of students to take course of greater educational value to them than any of the courses in the "I" series. Thus, the requirement that students take "I" series courses should be imposed only on the basis of a compelling educational rationale. However, the report of the Task Force does not articulate any meaningful educational or intellectual justification for a requirement that all of our undergraduates must take courses in the "I" series.

The central rationale given for this requirement in the report of the General Education Task Force is a desire for a signature or brand for the General Education program. However, the "I"-series can be a distinctive signature or brand of the Maryland General Education program without being a requirement. If the I-series is as intellectually vigorous as is planned, even without a requirement students will take "I"-series courses in large numbers and the "I" series will come to define our program.

Senator Cohen, Faculty, College of Computer, Mathematical & Physical Sciences, proposed his amendment and explained his rationale.

Miller-Hooks opened the floor to discussion of Amendment #8.

Ira Berlin, Chair, General Education Task Force, stated that the I-courses are a signature of the new plan. If they are not a signature, they will just be a group of interesting courses that the University is not invested in. The I-courses speak to what is special about a University of Maryland education. If we do not make the I-courses a signature, they will become less significant.

Miller-Hooks called for a vote on Amendment #8. **The amendment failed.**



Senator Soltan, Faculty, College of Behavioral & Social Sciences, made a motion to call the question and end debate on the report as a whole.

Miller-Hooks called for a vote on the motion to call the question and end debate and go to a final vote. **The motion passed.**

Miller-Hooks explained that no other amendments would be considered and that the Senate would vote on the plan as amended. She called for a vote on the plan as amended. **The proposal was approved.**

Miller-Hooks introduced Nariman Farvardin, Senior Vice President for Academic Affairs & Provost.

Farvardin stated that the Senate's vote to approve the General Education Plan will help the University enter a new era. This plan will help to mobilize the faculty and energize the students in order to create an environment of intellectual vitality. We will contribute to making our state, country and the world a better place, because of this program. Farvardin also explained that not many universities have the courage to undertake a review of the general education program and complete that review in such a timely manner. He pledged to do everything in his power to ensure that the implementation is done correctly and thoughtfully so that we can make this a program that we can all be proud of. Farvardin thanked the members of the task force for their hard work in creating this plan.

### **New Business**

There was no new business.

### **Adjournment**

Senate Chair Miller-Hooks adjourned the meeting at 5:28 p.m.



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	09-10-22
<b>PCC ID #:</b>	N/A
<b>Title:</b>	Review of the University of Maryland Undergraduate Catalog
<b>Presenter:</b>	Charles Delwiche, Chair of Senate APAS Committee
<b>Date of SEC Review:</b>	April 6, 2010
<b>Date of Senate Review:</b>	N/A
<b>Voting (highlight one):</b>	<input type="checkbox"/> On resolutions or recommendations one by one, or <input checked="" type="checkbox"/> In a single vote <input type="checkbox"/> To endorse entire report
<b>Statement of Issue:</b>	<p>Upon review, the 2009-2010 APAS Committee noted several discrepancies between the Undergraduate Catalog and the current policies as recorded in the Consolidated USMH and UM Policies and Procedures Manual; as a result the SEC asked the committee to examine whether or not this was a more widespread phenomenon.</p>
<b>Relevant Policy # &amp; URL:</b>	<p>Consolidated USMH and UM Policies and Procedures Manual  <a href="http://www.president.umd.edu/policies/">http://www.president.umd.edu/policies/</a>          University of Maryland Undergraduate Catalog  <a href="http://www.umd.edu/catalog/index.cfm">http://www.umd.edu/catalog/index.cfm</a></p>
<b>Recommendation:</b>	<p>Because there are significant inconsistencies between the Undergraduate Catalog and the Consolidated USMH and UM Policies and Procedures Manual, and because Senate Committee operations are not well-suited to solving problems of this nature, the Committee recommends that these inconsistencies be brought to the attention of the Office of the Provost.</p>
<b>Committee Work:</b>	<p>The Committee was charged with determining whether discrepancies exist between the Catalog and current University policies in the Fall of 2009. During the course of its review, the Committee noted several inconsistencies. The Committee consulted with representatives from the Office of the Registrar and the Office of Undergraduate Studies throughout its review.</p> <p>At its meeting on March 2, 2010, the Committee voted in favor of recommending that the inconsistencies be brought to the</p>

	attention of the Office of the Provost.
<b>Alternatives:</b>	An alternative administrative unit could be indentified to review the inconsistencies.
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	There are no financial implications.
<b>Further Approvals Required:</b> <i>(*Important for PCC Items)</i>	N/A

## **APAS Committee Report**

### **Review of the University of Maryland Undergraduate Catalog Charge Senate Doc # 09-10-22**

**March 2010**

In the process of reviewing residency requirements during the Fall Semester of 2009, the APAS committee noted substantial inconsistencies between the Undergraduate Catalog ("Catalog") and the current policies as recorded in the Consolidated USMH and UM Policies and Procedures Manual ("Manual"); as a result the SEC asked the committee to examine whether or not this was a more widespread phenomenon. To research this question, each member of the committee was asked to select a portion of the Catalog to review in detail and compare it to the corresponding policies as given in the Manual. From these investigations, the committee determined that the Catalog is extensively elaborated and modified from the University Policies as approved by the President and/or Board of Regents and recorded in the Manual. To some extent this reflects the Catalog's role as a document that helps interpret and elaborate Policies for a broad audience, but several of the cases identified appear to put the Catalog in fundamental conflict with the Manual. Some examples of discrepancies identified by the APAS committee are noted below in Appendix 1.

A related question is what mechanisms are in place to ensure alignment between the two sets of documents. Investigating this question, the committee determined that departments and other units are contacted annually by the Office of the Registrar and asked to make corrections to sections of the Catalog within their purview. There does not appear to be any formal mechanism to check for redundancies, inconsistencies, or conflict within the Catalog or between the Catalog and the Manual.

Some of the discrepancies identified appear to be substantial and to have the potential to create real conflict, as well as confusion and inconsistent application of rules. Consequently, it is the recommendation of the committee that the situation be drawn to the attention of the Provost. The committee also found that the Catalog can be quite difficult to navigate, and inferred that this may have contributed to the problem by interfering with cross-checking and proofreading. It should be noted that the investigation carried out by the APAS committee was limited in scope, and that other discrepancies of a similar nature are likely to be present. It appears that a comprehensive comparison of the Catalog and Manual would be helpful in order to identify and fix any inconsistencies. It may also be helpful to reevaluate the process by which the Catalog and other interpretive handbooks are updated.

The original charge from Senate Chair Elise Miller-Hooks is attached to the end of this report.

## **APPENDIX 1: EXAMPLES OF DISCREPANCIES IDENTIFIED WITHIN AND AMONG THE POLICIES AND CATALOG.**

### **1) Role of the Catalog**

The homepage of the University of Maryland Undergraduate Catalog states that “this online catalog is the official document of record for undergraduate academic programs, course descriptions, regulations and policies.” This is not technically accurate: the Consolidated USMH and UM Policies and Procedures Manual, not the catalog, is the official document of record.

### **2) Transfer Admission Criteria:**

- Excerpt from Manual, III.-4.00(B) UMCP Transfer Admission Criteria Sections B. 2 and 3, under Requirements:

Grade point average requirements vary depending on the availability of space, but should not be lower than 3.0.

Applicants from **Maryland community colleges** are, in some instances given special consideration, and when qualified can be admitted with a grade point average of 2.00 or better. Students who were not admissible as high school students must complete a minimum of **28 semester hours** with at least a 2.00 average.

- Excerpt from Catalog  
Section 1 Transfer Admission, under Requirements:

All students with grade point averages below 3.0 will be considered on a space-available basis. Students who were not admissible as high school seniors must complete at least **30 semester hours** with the grade point average as stated above. In accordance with Maryland Higher Education Commission and Board of Regents transfer policies, applicants from **Maryland public institutions** are, in some instances, given special consideration, and, when qualified and space is available, may be admitted with a cumulative grade point average of 2.0 or higher.

### **3) GPA Information:**

- Excerpt from Manual, III.7.00(A) UMCP Degree Requirements  
Section B. 4, Grade Point Average

A minimum 2.00 grade point average is required for graduation in all curricula. **A higher average may be required by the individual department, college, school, or program.**

- Excerpt from Catalog  
Section 4, Degree Requirements, 4. Grade Point Average

A minimum cumulative 2.0 grade point average is required for graduation in all curricula.

4) Information on Advising:

While the Catalog explains the many ways an advisor can assist a student by monitoring progress, providing information on academic requirements needed for graduation, helping students plan for future graduate study or career, or serving as a campus resource, it does not cover the explicit areas outlined in the Manual in III-2.50(A) UMCP Policy and Procedures on Undergraduate Academic Advising, including Required Advising and Procedures for Finding an Advisor.

5) Degree Requirements:

- Excerpt from Catalog  
Section 4, Degree Requirements, 5. Completion of Interrupted Degree

Students whose registration at the University of Maryland, College Park, has lapsed for more than 10 years shall be required to complete a minimum of 15 credit hours at College Park after their return to campus in order to earn a baccalaureate degree.

Recommendations about courses needed to satisfy the remaining degree requirements will be made at the department level, with approval of the Dean's Office required. The reason for requiring these credits is that many fields change sufficiently in 10 years to require that students take current courses if they are to be awarded a current degree. Exceptions to the requirement for a minimum of 15 credits earned at College Park upon return to the campus can be recommended by the Deans for approval in the Office of the Vice President for Academic Affairs.

- This statement on Completion of Interrupted Degree is not part of the III.7.00(A) UMCP Degree Requirements Policy in the Manual. If it is an approved University Policy, the Committee is unaware of where it can be found.

6) Residency Requirement:

- Excerpt from Catalog  
Residency requirement - Final 30-Hour Rule

a. All candidates for University of Maryland, College Park, degrees should plan to take their final 30 credits in residence since the advanced work of their major study normally occurs in the last year of the undergraduate program. Included in these 30 semester hours will be a minimum of 15 semester hours in courses numbered 300 or above, including at least 12 semester hours required in the major field (in curricula requiring such concentrations).

b. A student who at the time of graduation will have completed 30 credit hours in residence at the University of Maryland, College Park, may, under unusual circumstances, be permitted to take a maximum of **8 of the final 30 credits** of record, **comprising no more than two courses**, at another institution. **A student who has completed 75 credit hours in residence at the University, may, under unusual circumstances, be permitted to take a maximum of 16 of the final 30 credits of record, comprising no more than 4 courses, at another institution.** In such cases, written permission must be obtained in advance from the dean and chair/director of the academic unit from which the student expects to graduate. **Any course taken at another institution and intended to satisfy a specific major requirement at the University of Maryland must be approved as an equivalent course by the chair/director and the dean. Normally, no more than two courses required by the major, including major and supporting courses, will be approved.** Exceptions beyond the articulated maximum credits and/or courses will be made only under highly unusual circumstances; requests for an exception must be made through the Dean's office to the Office of the Senior Vice President for Academic Affairs.

c. For students in the combined three-year, preprofessional programs, the final 30 hours of the 90-hour program at the University of Maryland, College Park, must be taken in residence.

- Excerpt from Manual, III.7.00(A) UMCP Degree Requirements (\*please note this policy has been updated, but the excerpt below reflects the text of the policy that was in place when the Catalog section above was published)

#### Undergraduate Degree Requirements


##### 1. Residency Requirement-Final Thirty Hour Rule

a. All candidates for undergraduate degrees from UMCP must take their final thirty credits at UMCP. Included in these thirty semester hours will be a minimum of fifteen semester hours in courses numbered 300 or above, including at least twelve semester hours in the major field.

b. A student who at the time of graduation will have completed thirty hours in residence at UMCP may, under unusual circumstances, be permitted to take a maximum of **six of the final thirty** credits of record at another institution. In such cases, written permission must be obtained in advance from the dean of the academic unit from which the student expects to receive the degree. Exceptions beyond six credits will be made only under highly unusual circumstances, and such requests must be made through the Dean's Office to the Office of the Vice President for Academic Affairs.



**University Senate  
CHARGE**

<b>Date:</b>	November 18, 2009
<b>To:</b>	Charles Delwiche Chair, APAS Committee
<b>From:</b>	Elise Miller-Hooks Chair, University Senate 
<b>Subject:</b>	Review of the University of Maryland Undergraduate Catalog
<b>Senate Document #:</b>	09-10-22
<b>Deadline:</b>	February 12, 2010

It has come to the attention of the Senate Executive Committee (SEC) that the University of Maryland Undergraduate Catalog may not accurately reflect all of the policies as written and documented in the Consolidated USMH and UM Policies and Procedures Manual.

On the University of Maryland Undergraduate Catalog website, it states that the online catalog is “the official document of record for undergraduate academic programs, course descriptions, regulations and policies.” For this purpose, it is essential that the Catalog appropriately reflect University policies and any changes that are made to such policies.

The SEC would like the Academic Procedures and Standards (APAS) Committee to review the Catalog to determine whether discrepancies exist between the catalog and current policies in both the print and online versions. If inconsistencies are discovered, the SEC requests that the APAS Committee report back, citing a few specific examples and recommend a process by which the situation can be remedied. The Undergraduate Catalog can be found online at: <http://www.umd.edu/catalog/index.cfm>

The Consolidated USMH and UM Policies and Procedures Manual can be found online at: <http://www.president.umd.edu/policies/>

We ask that you submit your report and recommendations to the Senate Office no later than February 12, 2010. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.






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April 9, 2010

To: Nariman Farvardin  
Senior Vice President for Academic Affairs & Provost

From: Elise Miller-Hooks   
Chair, University Senate

Subject: University of Maryland Undergraduate Catalog

The Senate Executive Committee (SEC) charged the Academic Procedures & Standards (APAS) Committee with reviewing the University of Maryland Undergraduate Catalog. The SEC was concerned that the catalog may not accurately reflect all of the policies as written and documented in the Consolidated USMH and UM Policies and Procedures Manual. APAS was charged with determining whether discrepancies exist between the catalog and current policies.

APAS reported back to the SEC at its meeting on April 6, 2010. They have determined that the catalog is "extensively elaborated and modified from the University Policies as approved by the President and/or the Board of Regents and recorded in the manual." Some of the discrepancies that they have identified show that language in the catalog is "in fundamental conflict with the manual." They have outlined several discrepancies in the attached report.

As explained in the report, the committee's investigation was limited in scope and other discrepancies are likely to be present. They feel that a comprehensive comparison of the catalog and manual would be helpful in order to identify and fix any inconsistencies. They also recommend that you reevaluate the process by which the catalog and other interpretive handbooks are updated.

The SEC would like to request that you take administrative responsibility for performing this review, possibly working with the Office of Undergraduate Studies and other administrators you may deem appropriate. We would appreciate it if you could send us a statement of actions that you plan to take to address these concerns by October 1, 2010. Thank you for your attention to this request.



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	08-09-15
<b>PCC ID #:</b>	N/A
<b>Title:</b>	Proposal for a Tobacco-Free Campus
<b>Presenter:</b>	Edward Walters, Chair of the Campus Affairs Committee
<b>Date of SEC Review:</b>	April 6, 2010
<b>Date of Senate Review:</b>	April 22, 2010
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. In a single vote</li> <li>3. To endorse entire report</li> </ol>
<b>Statement of Issue:</b>	<p>The Proposal for a Tobacco-Free Campus states that a smoke-free campus would create a cleaner, safer, and healthier environment at the University of Maryland, College Park. The proposal asserts that a smoke-free campus would reduce the health hazards of second-hand smoke and the institutional costs of maintenance resulting from cigarette litter, as well as encourage current smokers on campus to quit.</p>
<b>Relevant Policy # &amp; URL:</b>	<p>X-5.00(A) UNIVERSITY OF MARYLAND SMOKING POLICY AND GUIDELINE as established in the consolidated USMH &amp; UMCP Policies and Procedures Manual</p> <p><a href="http://president.umd.edu/policies/x500a.html">http://president.umd.edu/policies/x500a.html</a></p>
<b>Recommendation:</b>	<p>The Campus Affairs Committee recommends that the University not implement a tobacco-free campus policy. Additionally, the Campus Affairs Committee notes that increased anti-smoking education and stricter enforcement of the current UMCP smoking policy would be beneficial.</p>
<b>Committee Work:</b>	<p>In December 2008 Undergraduate Student Tracy Leyba submitted a proposal for a Tobacco-Free Campus to the University Senate. The Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) in January 2009 to review and respond to the proposal. The CAC discussed the proposal in its February 2009 meeting and immediately reported back to the SEC, acknowledging the concerns raised by the proposal's author, but concluding that the potential benefits of a 100% tobacco-free campus were likely overshadowed by the legal and civil liberty issues of implementing such a policy.</p>

	<p>The SEC responded to the CAC report with a request that the CAC research the issue further, and more thoroughly address the points raised in the author's proposal. The CAC continued discussing the proposal through the spring semester of 2009, attempting unsuccessfully to meet with the proposal author in May 2009.</p> <p>In December 2009 the CAC met with Terry Roach, Chief legal Officer for the University, to obtain a legal perspective on implementing a campus-wide smoking ban. Additionally, the CAC more widely surveyed the experiences of other institutions with smoking and tobacco bans at their December 2009 and February 2010 meetings. In March 2009 the CAC researched and discussed the effectiveness of the current UMCP smoking policy in addressing the proposal author's concerns. The CAC finished formulating its final report in the spring semester of 2010.</p>
<b>Alternatives:</b>	An in-depth review of the current UMCP Smoking Policy could be initiated.
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	There are no financial implications.
<b>Further Approvals Required:</b> <i>(*Important for PCC items)</i>	Senate Approval, Presidential Approval

# **CONSIDERATION OF A PROPOSAL FOR A TOBACCO-FREE CAMPUS**

**Senate Document Number 08-09-15**

**Senate Campus Affairs Committee**

## **I. Overview**

In December 2008 the University Senate received a proposal, written by undergraduate student Tracy Leyba, calling for a change in the University's smoking and tobacco policy to prohibit the use of tobacco on all University of Maryland, College Park (UMCP) property. This change would represent an expansion of the University's current policy, which prohibits smoking indoors but allows smoking outdoors provided it is more than 15 feet away from any building entrance, air intake duct, or window. (See Appendix 1 of this document for current UMCP policy on smoking.)

In January 2009 the Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) to review the proposal, analyze its merits, consider the potential impacts of its implementation, and make recommendations for addressing the author's concerns. The CAC discussed the proposal at its February 2009 meeting (as well as in email exchanges before and after that meeting), researched smoking bans at other universities, and informally sampled the opinions of some of the campus community. The CAC acknowledged the health risks of smoking and the problem of cigarette litter, but felt that the current University policy limited the scope of the problem. Overall, the CAC felt that the likely incremental benefits of a 100% tobacco-free campus were probably overshadowed by the legal and other issues of implementing such a policy. The CAC reported these findings to the SEC in February 2009; the original charge and initial CAC report may be found in Appendices 2 and 3 of this document.

The SEC reviewed the CAC report and asked the CAC to return to the proposal and study it further, including meeting with the author, discussing the issue with the University's Legal Office, and learning more about the experience of other institutions with similar bans; this second SEC charge can be found in Appendix 4. The CAC resumed discussion and research but was not ready to submit a final report by the end of the 2008–9 academic year. Reconstituted for 2009–10, the CAC picked up the charge once more. Committee members met with Terry Roach, chief legal officer for the University; surveyed the experiences of other institutions in more depth; and refined views on other issues. The Committee compiled their findings and formulated a series of recommendations.

The original proposal submitted to the University Senate is briefly summarized in section II of this report, followed by discussions of health risks, litter, campus culture and community relations, legal and enforcement issues, tobacco bans at other institutions, and campus community opinions. The report concludes with section IX, in which the CAC does not recommend that the University change its current smoking policy, but does recommend that the University increase education efforts and pursue stricter enforcement of current policies.

## II. Summary of Proposal

A Tobacco-Free Campus proposal was submitted to the University Senate by Tracy Leyba, a former undergraduate student, in December 2009; this proposal can be found in Appendix 5 of this document. Leyba's Proposal requests that UMCP prohibit smoking on all University property, both indoors and outdoors. Leyba argues that a smoke-free campus would create a cleaner, safer, and healthier environment at UMCP. She states that a smoke-free campus would eliminate the health hazards of second-hand smoke, and would reduce the institutional costs of cleaning and maintenance resulting from cigarette litter. Furthermore, Leyba argues that a smoke-free campus would reduce peer pressure for non-smokers, and would encourage current smokers to reconsider their habit.

Leyba's proposal discusses a "tobacco-free campus" but focuses only on smoking, using "tobacco" and "smoking" interchangeably. There is no mention of chewing tobacco or other smokeless tobacco products, so it is unclear whether the author intended the ban to apply to smokeless tobacco products. (The current University policy only regulates smoking.) The Campus Affairs Committee has assumed that the author intended "tobacco" to refer solely to smoke producing tobacco products, and not smokeless tobacco products (an email message sent to Leyba in late March asking for clarification on this point was not returned).

Ms. Leyba was invited to attend the May 2009 CAC meeting but replied that she was unable to attend and could not suggest anyone to represent her for the smoking ban discussion. A second attempt to contact Leyba in March 2010 was unsuccessful.

## III. Health Risks

It has been medically proven that smoking is a health risk. Studies have shown that all the major organs of the body are negatively affected by smoking. Similar health risks result from inhalation of second-hand smoke. In recent years governments have been putting laws into place banning smoking in public areas to limit health risks of second-hand smoke. A central concern noted in Leyba's proposal is the health risks of second-hand smoke on the UMCP campus. Acknowledgement of these dangers is reflected in UMCP's ban on smoking in all indoor spaces as well as outside of buildings within 15 feet of any entrance, air intake duct, or window. Thus, UMCP's current policy significantly reduces an individual's potential exposure to second-hand smoke on the UMCP campus.

A 2007 study from Stanford University noted that, while the danger of second-hand smoke is still present in outdoor areas, the health risks of second-hand smoke are drastically reduced with increased distance from a smoker. The study cited that high levels of pollutants do occur near active smokers, yet virtually normal levels occur beyond about six feet from the smoke.<sup>1</sup> In outdoor areas therefore, maintaining a distance of six feet or more from an active smoker is enough to significantly reduce any dangers of second-hand smoke.

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<sup>1</sup> Neil Klepeis et al., "Real-Time Measurement of Outdoor Tobacco Smoke Particles," *Journal of the Air and Waste Management Association* 57 (May 2007): 14.

## **IV. Litter**

The College Park campus takes great pride in its appearance for the students, faculty, staff and visitors that spend time on campus. An important visual element that impacts the appearance of the campus is litter. The cigarette butts that accumulate on sidewalks and steps, around outdoor ashtrays, and near building entrances on the campus have a negative impact on the visual appearance of campus. Furthermore, a lack of regard for the proper disposal of smoking materials adds to the clean up effort and cost in keeping up the general appearance of the campus, especially around building entrances. Leyba cited the elimination of cigarette litter as important incentive for implementing a campus-wide smoking ban. While the CAC acknowledged the nuisance of cigarette litter and the added maintenance costs of such litter, the CAC believes that the financial and personnel resources that would be required to institute and maintain a smoke-free campus would exceed the present costs of such maintenance. Furthermore, the CAC believes that cigarette litter could be greatly reduced through an increased number of cigarette receptacles on campus grounds, more consistent maintenance of these receptacles (frequent emptying), and stricter enforcement of littering fines.

## **V. Campus Culture and Community Relations**

CAC members discussed the possible impact of a complete smoking ban on particular segments of the campus community and on visitors. Even if the health dangers of smoking are widely known, it is permitted under the law and many who smoke do so as a matter of personal choice. Smoking is common among some groups of international students represented on our diverse campus, for whom smoking is more of a cultural norm; these students may have difficulty adjusting to a highly restrictive environment. Furthermore, if a smoking ban were in place on campus, more thought would have to be given to developing counseling programs to guide and encourage smokers to seek the necessary help to quit. Making smokers unwelcome on campus could also limit the number of highly qualified candidates who respond to faculty searches and student recruitment.

A total ban on smoking would also affect visitors and alumni who come to the campus for athletic events, musical performances, etc. Some CAC members were concerned that intolerance of smoking on campus could reduce support for the University from members of the outside community, including current and potential future donors.

## **VI. Legal and Enforcement Issues**

Jack T. “Terry” Roach, executive assistant to the president for legal affairs and chief counsel, met with the CAC on December 8, 2009 to discuss the legal implications of a campus-wide smoking ban. Mr. Roach cautioned against a ban absent quantitative or qualitative evidence that current policy does not protect individuals from outdoor second-hand smoke on the College Park campus, and that outdoor second-hand smoke is harmful to the health and safety of students and employees. Without such compelling justification, a ban would likely not withstand a legal challenge.

In addition, Mr. Roach voiced concern that enforcement of a ban would be problematic. He said penalties resulting in suspensions or terminations for students and faculty might trigger lengthy appeals and grievance proceedings. That would not be the case if penalties were limited to fines, similar to those for traffic infractions, or if the ban did not carry any penalties for violations. He did not think that current Maryland law gives the University authority to levy fines except for specific things like parking violations.

There is also the question of who would be responsible for enforcing the new policy. Resident assistants (RAs) are already burdened with enforcing many rules in and around the dorms. University Police spokesman Paul Dillon has remarked that the police have much more important things to do than enforcing smoking restrictions.

As an example of a successful legal challenge to a smoking ban, in May 2009, the Chronicle of Higher Education reported that Pennsylvania's Labor Relations Board overturned a new policy that had banned smoking on 14 state university campuses, ruling that the university system administration had no authority to prohibit smoking without negotiating an agreement with their unions.

Two other Maryland higher education institutions recently instituted bans – Montgomery College and Towson University. Their policies are new and have not been tested legally yet.

## **VII. Tobacco Bans at Other Institutions**

The Committee surveyed a variety of educational institutions with smoking bans currently in place or actively being pursued. As a starting point, the “Americans for Nonsmokers' Rights” web site has a list of smoke-free universities and colleges.<sup>2</sup> The October 6, 2009 version of the list reported that there are at least 365 campuses which are 100% smoke-free (indoors and outdoors) and another 76 campuses that are smoke-free except for “minor exemptions for remote outdoor areas”. While a large number, most of those are small colleges, outlying campuses of state universities, or medical schools. Very few have an academic, residential and physical environment comparable to UMCP. Additional information about several institutions with similarities to UMCP was obtained from various news articles and personal contacts; findings are given below.

### **University of Michigan:**

Michigan is the only one of the University of Maryland's designated peer institutions on the no-smoke.org “100% smoke-free” list. A smoke-free campus policy was announced in April 2009 and is set to go into effect in July 2011. Information about the policy and the steps toward implementation can be found on the University of Michigan website.<sup>3</sup> A November 16 news story reported on an informational meeting that was held on campus, saying that “Campus officials do not plan to take a punitive approach to enforcing the ban.... Instead, the university will offer outreach and support to those who are observed smoking on campus grounds.”

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<sup>2</sup> <http://www.no-smoke.org/pdf/smokefreecollegesuniversities.pdf>

<sup>3</sup> <http://www.hr.umich.edu/smokefree/>

**Towson University:**

Towson University currently prohibits smoking a certain distance from campus buildings, but plans to implement a campus-wide smoking ban (on all University owned property) in August 2010. Thus, it is the only four-year institution in Maryland currently planning to become 100% smoke-free. The policy is described on Towson University's website.<sup>4</sup> The ban was proposed by Towson president Bob Caret and has not been endorsed by students. Regarding enforcement, the official policy states that "Faculty, staff and students who violate this policy are subject to University disciplinary action, including fines and sanctions. Visitors who violate this policy may be denied access to the University campuses and may ultimately be subject to arrest for criminal trespass." Indications are that contractors hired for that purpose would enforce the ban and that violations of the smoking ban would result in \$75 citations. The enforcement strategy has not been finalized or vetted by Towson's legal office.

**Indiana University:**

The flagship (residential) campus of Indiana University, in Bloomington, went 100% smoke-free in 2008. Daniel Rives, Associate Vice President for Human Resource Services and the chairman of the committee that established the policy<sup>5</sup>, was reached on the phone and offered some insights into the context for the policy and their experience with it. He said that the transition to 100% smoke-free was initiated by a directive from the University's board of trustees, with the details worked out by a faculty committee. In the two years since the policy went into effect, they have focused on education and communication to change behavior, rather than on enforcement. For instance, the policy includes the following: "Enforcement of this policy will depend on the cooperation of all faculty, staff, and students not only to comply with the policy, but also to encourage others to comply, in order to promote a healthy environment in which to work, study, and live." Smoking is still permitted in a few transitional areas around residences, but that will soon be phased out. Smoking is permitted inside private autos, even when parked in university garages, but that has caused problems with litter and concerns about fire hazards. Smoking cessation assistance has been offered, but there have been very few takers. At this point, Dr. Rives felt that most students, faculty and staff are happy with the policy, while a minority are not, including some groups of international students who tend to ignore it. An ad-hoc committee is now considering how to begin imposing sanctions for violations of the policy.

**Purdue University:**

The current smoking policy<sup>6</sup> allows smoking outdoors if it is at least 30 feet from buildings. Enforcement "is the responsibility of all deans, directors, chairs, and department heads. Existing disciplinary policies may be used as appropriate." A "Non-Smoking Policy Campus Concern Form" is available to give people a way to report policy violations anonymously if they wish. Purdue was included in the no-smoke.org "100% smoke-free" list because they were considering a total ban that would go into effect in 2010. However, the main web page for the proposed new policy<sup>7</sup> indicates that the draft policy update was revised extensively, including the addition of a provision for designated smoking areas on campus. Also, smoking will be permitted inside privately owned vehicles.

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<sup>4</sup> <http://www.towson.edu/adminfinance/facilities/ehs/smokefree/>

<sup>5</sup> <http://www.indiana.edu/~uhrs/smoke-free/BL-policy.html>

<sup>6</sup> [http://www.purdue.edu/policies/pages/facilities\\_land/i\\_4\\_2.html](http://www.purdue.edu/policies/pages/facilities_land/i_4_2.html)

<sup>7</sup> [http://www.purdue.edu/policies/pages/about\\_policies/proposed\\_i\\_4\\_2.shtml](http://www.purdue.edu/policies/pages/about_policies/proposed_i_4_2.shtml)



**University of Iowa:**

All educational facilities in Iowa became fully smoke-free with the passage of the state Smokefree Air Act in 2008, although the University web site<sup>8</sup> notes that the University of Iowa had been planning to go smoke-free in 2009 anyway. The policy prohibits smoking anywhere on University property, including in a parked private vehicle. The policy aims for voluntary compliance and supervisor intervention first, followed by disciplinary procedures if needed. The state law provides for a \$50 fine. Time Magazine reported that about 25 citations had been issued as of December 2009.

**University of Kentucky:**

The University of Kentucky went tobacco-free in 2009. The policy<sup>9</sup> states that “Violation of this regulation may result in corrective action under the Student Code of Conduct, Human Resources Policies and Procedures, or other applicable University Regulations or Policies. Visitors refusing to comply may be asked to leave campus.”

**Washington University in St. Louis:**

Washington University decided in April 2009 to become fully smoke-free in 2010.<sup>10</sup> It seems that the implementation of the policy is still being worked out. A blog written by a student government member<sup>11</sup> reports on a September 2009 meeting with an administrator and says: “As of now, the community will enforce the policy. This means that, as of now, there aren’t plans to have WUPD Officers patrolling around looking for smokers.”

**National Institutes of Health:**

The NIH policy<sup>12</sup> states that the use of any tobacco products (cigarettes, cigars, pipes, smokeless tobacco, etc.) is prohibited on the Bethesda campus, including tobacco use in private vehicles on campus since 1 October, 2008, but there are a few exceptions. Their tobacco-free policy was first initiated in 2004, but because of a number of obstacles, was not implemented until 2008. One of the obstacles was enforcement. NIH decided that enforcement of the new policy would be administrative, not judicial. Managers and supervisors are responsible for guaranteeing that all employees follow the policy. Employees who do not comply could be subject to administrative action. To help convey the message of no smoking, no ashtrays, butt cans or smoking shelters are provided on the NIH campus grounds. Tobacco use is still permitted on campus for well defined exceptions. Two examples include any patient who has their physician’s permission to smoke (only in designated areas outside the hospital) and residents of on-campus homes—one assumes that residents can only smoke within their homes or property, but nowhere is it stated as such. NIH employees who smoke and want to quit are offered free smoking-cessation programs.

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<sup>8</sup> <http://www.uiowa.edu/homepage/smoking/>

<sup>9</sup> <http://www.uky.edu/TobaccoFree/>

<sup>10</sup> <http://news-info.wustl.edu/news/page/normal/13938.html>

<sup>11</sup> <http://msa.su.wustl.edu/blog/tobacco-clusters-an-update>

<sup>12</sup> <http://tobaccofree.nih.gov/tfpolicy.htm>

## VIII. Campus Community Opinions

While no formal survey has been conducted to gather UMCP community input on the prospect of a smoking ban, both student representative bodies, the SGA and GSG, have voiced their opposition to a ban.

In 2009, *A Resolution Regarding a Tobacco Free Campus* failed in the SGA legislature with a vote of 5 to 14. A new legislature considered *A Resolution to Expand and Enforce the Non-Smoking Radius Policy* in 2010. This bill also failed by a vote of 11 to 15. In both cases, questions on the ability to enforce a stronger smoking policy were the chief arguments against the bills. *A Resolution Supporting the Smoking Cessation Program* will be voted on in April 2010.

After the proposed smoking ban was presented to the University Senate Office, the GSG passed a resolution on March 6, 2009 (GSGA28-R15) opposing the ban with arguments that current smoking policy on campus already met high clean air standards, and that smoking is a legal activity and personal choice. With the exception of one abstention, the resolution passed unanimously.

## IX. Summary and Recommendations

The Campus Affairs Committee appreciates the concern of Ms. Leyba and others for the health and well-being of the campus community. Smoking is, in fact, hazardous to smokers and to others who have substantial exposure to second-hand smoke. Also, litter from careless smokers is a problem, at some level, on the UMCP campus. However, the CAC feels that the current University smoking policy is generally successful in significantly reducing smoking on campus and limiting the amount of exposure to second-hand smoke. For non-smokers, occasionally encountering the odor of smoke outdoors may be unpleasant, but probably does not constitute a significant health risk. For smokers, the health effects can be serious but, if acknowledged, are one of several areas of personal choice for healthy vs. un-healthy living. All should be encouraged to choose the healthy options, but there are significant difficulties in enforcing restrictions that extend beyond state laws. Votes by the student governments on resolutions regarding smoking restrictions suggest that there is not a strong desire among the campus community to strengthen restrictions on smoking. **Weighing all of these considerations, the Campus Affairs Committee does not recommend adoption of the proposal for a tobacco-free campus.**

There are, however, some areas of concern where we have specific recommendations:

Increased education about the dangers of smoking should help reduce the incidence of smoking on campus and thus improve overall campus health. This should include information about the nuisance and possible hazard to others as well as the danger to the smoker himself/herself. Smoking cessation assistance programs should continue to be supported.

Some of the current problems related to smoking on campus arise from failure to obey the current policy: smoking just outside building entrances and littering with cigarette butts. We

recommend that the current policy be advertised more clearly (to the current campus community and to incoming students, faculty and staff) and enforced more consistently. To help encourage compliance, the University should provide cigarette receptacles outdoors in areas where smoking is permitted, and not close to buildings where it is prohibited. These receptacles should be maintained and emptied on a regular basis.

At certain locations on campus—such as outside residence halls, McKeldin Mall, and near the Stamp Student Union—cigarette litter and disregard of the smoking ban has been noted as a particular problem. We recommend that these areas be targeted for litter fines and additional cigarette receptacles be made available and consistently maintained in these areas.

## **Appendices**

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## Appendix One – Current University Policy



# Consolidated USMH and UM Policies and Procedures Manual

### X-5.00(A) UNIVERSITY OF MARYLAND SMOKING POLICY AND GUIDELINE

APPROVED BY THE PRESIDENT MARCH 6, 1993;  
Amended November 23, 2000; September 24, 2001

#### A. Policy

UMCP has found that a significant percentage of faculty, staff and students do not smoke, smoke is offensive to many non-smokers, it is harmful and even debilitating to some individuals due to their physical condition, and there is evidence suggesting that passive smoke inhalation is harmful to non-smokers. In response to the above considerations, it is hereby established as the policy of UMCP to achieve a public facility environment as close to smoke-free as practicably possible. Obtaining and maintaining this result will require the willingness, understanding, and patience of all members of the Campus community.

It is the policy of UMCP to follow all federal, state, or local laws regarding smoking. This Smoking Policy is in addition to any such policies which may be in effect.

#### B. Guideline

1. Smoking is prohibited in indoor locations.
2. Smoking is prohibited outside of buildings within 15 feet of any building entrance, air intake duct, or window.

#### C. Implementation

Unit heads or their designees are responsible for:

1. Assuring that this policy is communicated to everyone within their jurisdiction and to all new members of the Campus community.
2. Implementing the policy and guideline and assuring that appropriate notice is provided.
3. Developing guidelines to embrace all special circumstances in the campus is impossible. If unit heads find circumstances in their areas that they believe warrant exception from particular provisions in this Smoking Policy and Guidelines, they may address requests for specific local exceptions to the President or his or her designee.

#### D. Compliance

This policy relies on the thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. It is the responsibility of all members of the Campus community to observe this Smoking Policy and Guideline.

Complaints or concerns regarding this policy or disputes regarding its implementation should be referred to the immediate supervisor for resolution. If a resolution cannot be reached, the matter will be referred by the supervisor to the appropriate department head or vice president for mediation.

#### E. Review

The provisions and guidelines attaching to this Smoking Policy shall be subject to future review and revision to ensure that the objective is obtained. Especial attention shall be given to determining if voluntary compliance without disciplinary sanctions has proven satisfactory.

## Appendix Two – SEC Charge to Campus Affairs Committee



UNIVERSITY OF  
MARYLAND  
UNIVERSITY SENATE

1100 Marie Mount Hall  
College Park, Maryland 20742-4111  
Tel: (301) 405-5805 Fax: (301) 405-5749  
<http://www.senate.umd.edu>

January 23, 2008

TO: William Fennie  
Chair, Campus Affairs Committee

FROM: Kenneth G. Holum   
Chair, University Senate

SUBJECT: Proposal for a Tobacco-Free Campus (Senate Document Number 08-09-15)

The Senate Executive Committee (SEC) requests that the Campus Affairs Committee review the attached proposal entitled “A Tobacco-Free Campus”. This proposal was submitted by an interested student member of the University. After reviewing the document, the SEC decided that this issue falls within the purview of the Campus Affairs Committee.

The SEC trusts that the Campus Affairs Committee will closely analyze the merits of such a policy here on our campus and will take into account all those within the University community who would be affected.

Please find attached a copy of the proposal. We ask that you submit your report and recommendations to the Senate Office no later than April 6, 2009. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Attachment

KGH/rm

## **Appendix Three – Campus Affairs Committee Charge Response**

16 February 2009

TO : Kenneth G. Holum, Chair  
University Senate

FROM : William Fennie, Chair  
Campus Affairs Committee

SUBJ : Proposal for a Tobacco-Free Campus (Senate Document Number 08-09-15)

The Campus Affairs Committee (CAC) has considered the Tobacco-Free Campus proposal that was forwarded by the Senate Executive Committee in January. CAC members read the proposal, did some independent research, and discussed the issues surrounding it via email messages and at the CAC meeting of 12 February 2009.

CAC members agreed that smoking has been found to cause health problems and can be unpleasant. It was noted that the current University of Maryland policy prohibiting smoking in all University buildings, as well as outdoors within 15 feet of entrances, windows and air ducts, has been effective in greatly reducing the incidence of smoking on campus (relative to years past) and in minimizing the exposure of non-smokers to secondhand smoke and its concomitant health consequences, although failure to follow the 15-foot rule sometimes causes smoke to linger in partly-enclosed outdoor areas. Also, litter (cigarette butts, ashes) left on the ground in outdoor smoking areas generates several complaints each year. As a matter of unwritten policy, tobacco products have not been sold on campus for the past 15-20 years.

Following up on a reference in the proposal, the list of colleges and universities which have adopted 100% smoke-free policies, maintained on the Americans for Nonsmokers' Rights website, was examined. The great majority of these were found to be community colleges, small colleges, medical schools, and outlying campuses of state universities. Very few are major universities that might serve as a close model for the University of Maryland. CAC members expressed serious concerns about the legal and procedural difficulties of enforcing a complete ban on tobacco use that goes beyond Maryland clean-air laws. It was agreed that even before the Senate or CAC examined this issue in detail, it would be imperative to get legal opinions about the implications of such a ban and its enforcement. One major issue is that this may also be recognized to be a question of civil liberties; one CAC member conducted an informal survey of several graduate students, most of them nonsmokers, and reported that none of them was in favor of a total ban on tobacco use, very much because of the civil liberties issue. Overall, the CAC felt that despite the health hazards of tobacco, the likely incremental benefits of a 100% tobacco-free campus are probably overshadowed by the legal and other issues attending the implementation of such a policy.




## Appendix Four – SEC Second Charge to Campus Affairs Committee



1100 Marie Mount Hall  
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<http://www.senate.umd.edu>

February 24, 2009

To: William Fennie, Chair, Campus Affairs Committee

From: Kenneth G. Holum, Chair, University Senate 

Subject: SEC Response Regarding Tobacco-Free Campus Report (Senate Document#: 08-09-15)

The Senate Executive Committee (SEC) reviewed the Campus Affairs Committee's (CAC) report regarding the Tobacco-Free Campus Proposal. The SEC would like to thank the CAC for their review of the proposal. However, we would like the committee to look into the issue further. We believe that it may be useful for the committee to meet with the author of the proposal to get more background information, a rationale, and possibly more data. We would also like the CAC to discuss the issue with the University's Legal Office to ascertain whether a policy such as this would be illegal and would indeed be a violation of civil liberties. Finally, we would like the CAC to learn more about how smoke-free policies are enforced at other Universities similar to our own or other local institutions such as NIH.

The SEC believes that this proposal was well thought out in its preparation. However, we do feel that a lot can be gained from further communication between the CAC and the author. We feel that it is important to give this proposal thorough consideration. The SEC requests that the CAC take further action as outlined above and report back by the end of the year.

If you have any questions, please do not hesitate to contact Reka Montfort ([reka@umd.edu](mailto:reka@umd.edu)).

KGH/rm

Proposal:

# A Tobacco-Free Campus

The University of Maryland should enact a stricter policy that promotes a tobacco-free environment for its students, faculty, staff and visitors. Tobacco use should be prohibited on all university property, including inside buildings, facilities, university vehicles and shuttles and everywhere on campus outside.

December 4  
2008

By:  
Tracy Leyba

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1.

## **1. Proposal: A Tobacco-Free Campus**

I propose that the University of Maryland change its policy on smoking to ban tobacco use everywhere on campus. The university should enact a stricter policy that promotes a tobacco-free environment for its students, faculty, staff and visitors. Tobacco use should be prohibited on all university property, including inside buildings, facilities, university vehicles and shuttles and everywhere on campus outside.

A tobacco-free policy will eliminate the health hazards from secondhand smoke and reduce institutional costs that smoking contributes to, such as cleaning and maintenance costs from the litter of cigarette butts. A tobacco-free policy reduces the peer pressure for nonsmokers and can discourage smokers from continuing their habit. The University of Maryland's tobacco-free policy, if implemented, will reflect a cleaner, healthier and safer environment on campus.

## **2. The Unavoidable Truth about Tobacco**

Tobacco is the most avoidable cause of death in our society. 30% of all cancer deaths are caused by tobacco use. Regulations, advertising and educational efforts are employed to emphasize the dangers associated with smoking. Despite these efforts, the American Lung Association reported that in 2008, 19.2% of U.S. college students habitually smoke. The American Cancer Society reported that nearly one in ten college students in America will die prematurely from tobacco use.

While it has long been known that smoking can kill the smoker, it has recently been concluded that the smoke is lethal to bystanders. According to the American Cancer Society, an estimated 52,000 Americans die each year from secondhand smoke. Secondhand smoke is a Class-A carcinogen that contains over 50 compounds known to cause cancer. Extended research indicates that secondhand smoke causes other health problems such as emphysema, heart attacks, and stroke in adult nonsmokers. Secondhand smoke further triggers asthma attacks, lung cancer, pneumonia and ear infections among children.



### **3. Past Efforts to Ban Tobacco**

In 1964, the U.S. Surgeon General reported that smoking cigarettes causes lung cancer. In 1988, the U.S. Surgeon General reported that nicotine is an addictive drug. Consequently, the United States government forced tobacco companies to print health warning labels on every cigarette pack. Extensive educational measures have been taken by the government and health conscious activists to ensure that the public is aware that smoking is “bad for you.”

Federal and state legislative bodies have enacted laws restricting tobacco use despite cigarette manufacturers’ lobbying efforts. In 1977, the American Cancer Society’s Great American Smokeout became a nationwide advocacy group that was one of many catalysts jumpstarting tobacco regulations in public establishments. By 1983, several California counties passed laws prohibiting smoking in restaurants and in workplaces. In 1990, a federal smoking ban prohibited smoking on airplane flights.

Over the years, more research has been developed to study the effects of smoking. As the dangers of tobacco were unveiled, including the dangers of

secondhand smoke, greater limitations on smoking in public were set forth.

Smoking tobacco is harmful to its users and adversely affects bystanders from secondhand smoke. Public and private institutions are setting greater restrictions for tobacco users to encourage healthy habits and eliminate secondhand smoke for surrounding persons.

College and university campuses have acknowledged the dangers students, faculty, staff and visitors face daily from smokers' habits. U.S. colleges and universities are increasingly pursuing this issue with fervor and stricter policies. As of October 2, 2008, the American Nonsmokers' Rights Foundation reported that at least 160 college and university campuses are 100% tobacco free.

#### **4. The University of Maryland's Smoking Policy**

The University of Maryland Smoking Policy is consistent with state laws and regulations. It conforms to Maryland's Clean Indoor Air Act of 2007, which prohibits smoking indoors. Smoking tobacco products is prohibited in University of Maryland buildings, facilities, vehicles and shuttle buses. However, smoking is

only prohibited within 15 feet outside of buildings. The university's policy applies to all students, faculty, staff and visitors.

The university acknowledges the dangers of secondhand smoke and articulated their policy to establish a smoke-free environment as much as "practically possible." A student or employee that fails to accommodate to the policy will be reprimanded and further violations will lead to administrative and/or disciplinary action.

## **5. How the Smoking Policy can be Improved**

The University of Maryland Smoking Policy does not adequately address the dangers of secondhand smoke by allowing smokers to smoke outdoors.

Smoke travels easily through open doors, doorframes, and heating vents.

According to the American Society of Heating, Refrigeration and Air Conditioning Engineers, no ventilation system can remove all of the harmful contaminants in secondhand smoke from the air. Secondhand smoke can still affect people in close proximity to smokers and from lingering smoke. In its attempt to prevent the adverse effects of smoking, the university's policy ignores the hundreds of square feet outside where secondhand smoke lingers from



smokers. The most effective method of eliminating the harmful effects of secondhand smoke on college and university campuses is to create a 100% tobacco-free environment. A stricter policy eliminating all tobacco use on campus is necessary to completely protect university students.

The University of Maryland policy on smoking also does not adequately discourage nonsmokers from starting to smoke. Peer pressure still exists because people see smokers on campus. A tobacco-free environment would eliminate nonsmokers' constant exposure to smokers on campus. Without a policy or school support behind them, most students also don't have the confidence to stand up for themselves and ask smokers to not smoke near them. Students irritated from secondhand smoke may not feel empowered to speak out for their interests. The policy also does not encourage smokers to quit because it is still convenient enough to go outside to satisfy their habit. A tobacco-free campus may cause smokers to reconsider their bad habit if forced to travel off campus to smoke.

Colleges and universities are increasingly adopting tobacco-free campuses to effectively address the pressing health issues from tobacco smoke. The nationwide trend of tobacco-free campuses reached Maryland on August

1<sup>st</sup>, 2008. Montgomery Community College became the first Maryland college to enact a 100% tobacco-free policy.

## **6. A Tobacco-Free Environment does more than Save Lives**

A tobacco-free policy at the University of Maryland would have many other benefits besides saving lives. A tobacco-free campus would eliminate the litter from cigarette butts and other debris. The absence of cigarette butts would eliminate the risk of fires caused by cigarette smoking. The campus would promote a cleaner environment by reducing the amount of physical trash and air pollution from smoke.

A tobacco-free University of Maryland campus would also reflect a positive health image. The policy would promote a health conscious and environmentally friendly atmosphere. The policy would have a strong moral component in protecting the health of the university's student body. The University of Maryland would be setting a positive example for high school students and younger children. The educational factor of the new policy is important for preventing future generations from starting to smoke and allowing the university's students to flourish in a tobacco-free environment.

The elimination of tobacco on campus would not take away an individual's right to smoke, but would eliminate a smoker's affect of harming others. The health concerns of nonsmokers should outweigh the inconvenience of smokers walking off campus to satisfy an addiction. Because of the Smoking Policy, nonsmokers at the University of Maryland continue to deal with secondhand smoke on campus. Nonsmokers face the health risks of secondhand smoke and must cope with the smell of smoke. Nonsmokers are forced to deviate from their course or hold their breath to avoid these adverse affects from cigarette smoke. A tobacco-free policy at the University of Maryland would eliminate these problems by creating a clean, safe and healthy environment.

## **7. Implementation of the Tobacco-Free Policy**



College and university campuses nationwide have used intensive education campaigns to swiftly implement their tobacco-free policies. For example, two months before Montgomery College's new policy on smoking, the school used several communication mediums to educate the community of the coming change on

campus. Post cards and emails were sent to student and faculty homes. Flyers and banners were posted in the surrounding area to inform future visitors and campus frequenters. New student, faculty and staff orientations were also used to educate people of the new policy toward smoking. Student and local newspapers published articles to communicate that a change was going to be implemented. Signs were situated around campus to remind smokers that tobacco use is prohibited outside. Students, faculty and staff pay attention and positively respond to informative articles and postings through these communication mediums. All of these steps should be employed by the University of Maryland.

## **8. Enforcement of the Tobacco-Free Policy**

Each school that has implemented the tobacco-free policy tailors their disciplinary actions accordingly. There are no set guidelines for how a school approaches the process of implementing a change in their policy on smoking. The University of Maryland could follow Montgomery College's enforcement procedures and adapt the process as time goes on and changes become necessary.

To enforce the tobacco-free policy at the University of Maryland, it would be the responsibility of all members of the university community to inform others and comply with the policy. Those who violate the policy would be subject to disciplinary action. Employees of the University of Maryland who violate the new policy would have warnings and suspensions. The employee's supervisor would use their judgment to deem what an appropriate punishment would be given the circumstances. Students could have a three-strike offense disciplinary policy. Montgomery Community College's disciplinary actions for violations of the tobacco-free policy are outlined as "first reported offense- reminder and oral warning; second offense- a written warning, and third offense- formal charges under the Student Code of Conduct." A third offense could result in various sanctions such as community service, fines or suspension.

Most tobacco-free campuses are initially assigned advocates of the new policy on campus to enforce the policy within the first couple months. Montgomery College assigned these advocates as "Healthy Campus Advocates." The advocates would inform and remind students, faculty, staff and visitors of the tobacco-free policy and would report violations when appropriate. These advocates should be assigned at the University of Maryland

to help ensure proper enforcement of the new tobacco-free policy for the first couple months.

## **9. Anticipating Retaliation and Achieving Success**

It can be expected that some students will retaliate, especially the smokers against the tobacco-free policy. It is imperative to communicate continuous updates on the new policy to keep everyone informed. Less people will complain if they are first given an outlet to voice their opinions and offer suggestions. However, colleges and universities have the right to regulate their property as they deem appropriate to protect their students from external health hazards.

Helen Brewer, Interim Associate Dean of Student Development at Montgomery College, was the co-chairman of the tobacco-free task force in implementing the tobacco-free policy at Montgomery College. After reviewing the conflicts and milestones of the implementation of the tobacco-free policy thus far, Helen believes that it has proven to be a success. The board of trustees passed the policy after avid support from the administration. Helen notes that one “can tell it’s a tobacco-free environment when you step on campus.” There

is a positive change in the environment and climate across campus without clouds of smoke loitering the outskirts of buildings. While no studies have been conducted to measure the success of the new policy, several people have offered anecdotal information about how they have quit smoking since the enactment of the tobacco-free policy at Montgomery College.

## **10. Conclusion**

There are a total of 35,052 full time and part time undergraduate students and graduate level students enrolled at the University of Maryland for 2008. Calculated from the national rate of current smoking among college students (32.9%), approximately 11,533 of the University of Maryland's students are smokers on campus. According to statistics from the American Cancer Society, 33% of smokers will die prematurely from tobacco use. Therefore, 3,806 University of Maryland students from this year will die early from tobacco use and smoke.

A top priority for the University of Maryland should be the welfare of its students. The tobacco-free policy would eliminate secondhand smoke on campus, potentially saving lives. A tobacco-free policy at the University of

Maryland would decrease the 3,806 premature deaths of its students this year.

Reducing that statistic would be a success of the new policy in itself.

A tobacco-free policy on campus will eliminate the adverse effects of smoking. The campus as well as students and future generations will benefit from the new policy. Overtime, it can only be expected that more college and university campuses will adopt this policy on smoking. The University of Maryland should act now to promote a healthier campus for its students.

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UNIVERSITY OF  
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April 9, 2010

To: Ann Wylie  
Vice President for Administrative Affairs

From: Elise Miller-Hooks   
Chair, University Senate

Subject: Recommendations for Enforcement of Campus Smoking Policies  
Proposal for a Tobacco-Free Campus (Senate Document#: 08-09-15)

The Senate Executive Committee (SEC) charged the Campus Affairs Committee with reviewing the proposal entitled, "A Tobacco-Free Campus". The committee was charged with reviewing existing policies, speaking with the legal office about civil liberties and reviewing similar bans instated at other universities.

The Campus Affairs Committee reported back to the SEC at its meeting on April 6, 2010. They have determined that the campus should not implement a tobacco-free policy. However, they did note that increased anti-smoking education and stricter enforcement of the current UMCP smoking policy would be beneficial. Specifically, the committee suggests that the following steps be taken:

- Increase educational programs about the dangers of smoking and smoking cessation assistance.
- Strengthen publicity efforts and enforcement of the current smoking policy.
- Increase cigarette receptacles in areas where smoking is permitted.
- Target areas where violations are high (e.g. outside residence halls, McKeldin Mall, and near the Stamp Student Union) through the use of litter fines and additional cigarette receptacles.
- Increase the number of "No Smoking" signs around buildings.

The SEC would like to request that you consider the Campus Affairs Committee's recommendations. We would appreciate it if you could send us a report describing your actions regarding this request by May 1, 2011. Thank you for your attention to this request.



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	09-10-24
<b>PCC ID #:</b>	N/A
<b>Title:</b>	Report of the Senate Ad Hoc Committee on Site Selection Processes
<b>Presenter:</b>	Gerald Miller, Chair of the Site Selection Processes Committee
<b>Date of SEC Review:</b>	April 6, 2010 & April 14, 2010
<b>Date of Senate Review:</b>	April 22, 2010
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. In a single vote</li> <li>3. To endorse entire report</li> </ol>
<b>Statement of Issue:</b>	The goal of this report is to make recommendations for improving the University's site selection processes, particularly with regard to environmental matters.
<b>Relevant Policy # &amp; URL:</b>	N/A
<b>Recommendation:</b>	<p>The Site Selection Processes Committee recognizes that the University is in a <u>new</u> era of environmental regulations, goals, expectations, and values. We have concluded that the processes for site selection and related facilities development have to take a corresponding step up to meet the University's environmental responsibilities. Our principal recommendation, Rec. 2, is that the University transform the current Architectural Design Standards Board (ADSB), an 11-member committee that now has four independent members, into an independent Facilities Review Committee (FRC) with a majority of the members being independent expert campus faculty and staff. It should integrate the current review functions of the ADSB with the responsibility for reviewing site selection proposals before they are added to the Facilities Master Plan and before they are put forward for capital funding or construction with non-State funds. Their review criteria should include the University's teaching, research, and service missions in our Strategic Plan and the University's adopted policies, standards, and practices. The FRC review process should be a regular continuing process with published agendas</p>

	<p>and opportunities for public input. The University is in the process of issuing a contract for the 2011 revision of the Facilities Master Plan for Board of Regents adoption in Sept. 2011. We recommend that the environmental consultants hired for this revision designate environmentally sensitive areas of the campus, prepare a set of review standards for initial siting proposals, a set of review standards to be met before projects are approved for State or other funding, and standards to be met for building in environmentally sensitive areas. These sets of standards will form a basis for the FRC project reviews. The SSPC also recommends the adoption of other “best practices” to further improve the development of University facilities, development efforts that have already changed our campus in many positive ways.</p>
<b>Committee Work:</b>	<p>The Ad Hoc Site Selection Processes Committee (SSPC) was formed in November 2009 and met for the first time on November 30<sup>th</sup>, 2009 to discuss their charge. In the months of December 2009 and January 2010 the SSPC reviewed all the testimony submitted to the Senate’s Campus Affairs Committee regarding the “wooded hillock” issue, reviewed the Facilities Master Plan, and met with a number of the administrators, staff, and members of various committees involved with the siting and the development of new facilities. On February 15<sup>th</sup>, 2010 the SSPC met with five of the most active members of the environmental group opposed to the siting of facilities at the “wooded hillock” location. On March 25<sup>th</sup>, 2010 the Committee held an open forum for members of the campus community to provide input on the Committee’s draft report. The SSPC incorporated comments and suggestions from this forum (or communicated by people who couldn’t attend the forum) into their final draft of the report. The Committee completed its work in early April 2010.</p>
<b>Alternatives:</b>	<p>The University’s site selection processes would remain as they are.</p>
<b>Risks:</b>	<p>The University’s site selection processes may not consistently meet environmental standards outlined in the University’s 2008 Strategic Plan and its Climate Action Plan.</p>
<b>Financial Implications:</b>	<p>There are no financial implications.</p>
<b>Further Approvals Required:</b>	<p>Senate Approval, Presidential Approval</p>

## Executive Summary

### Report of the Senate Ad Hoc Committee on Site Selection Processes

Over the last few decades, the awareness of the variety of activities that impact our environment, the understanding of the sensitivity of our environment, and the regulations concerning the environment have all advanced dramatically. The University has committed itself to achieving high goals with respect to the environment and members of the University community have raised their expectations concerning lowering our impact on the environment. The controversy over the developer of the East Campus Redevelopment Project choosing to move East Campus service facilities to the wooded hillock site between the Comcast Center and University Boulevard led the University Senate to form our Committee. We were charged with examining the site selection processes of the University and with recommending process improvements, particularly with respect to environmental concerns. The Committee was also asked to consider possible augmentation of existing review committees with additional faculty, staff, and student representation. Our principal conclusions and recommendations are:

A. The University should immediately utilize the Facilities Master Plan revision process that is about to begin (involving external consultants including environmental specialists) to do a thorough review of environmental issues concerning facility development on the campus, to draw up environmental review standards for facility development projects for the University, and to designate the environmentally sensitive areas of the campus in the University's Facilities Master Plan.

B. The University needs an internal, open, transparent, independent review process for proposed projects. This process should require public notice of project consideration and the opportunity for public input. It should provide advice based on established standards, including environmental standards, and on relevant adopted University policies including the Climate Action Plan. It should achieve this need by transforming the present Architectural Design Standards Board (ADSB) into an independent Facilities Review Committee (FRC) retaining all of the ADSB's current functions and adding the requirement that the FRC in its review of proposals utilize the new standards to be developed in the revised Facilities Master Plan and the adopted policies and commitments of the University. The majority of the members of the FRC should be faculty and staff experts who do not themselves have University facility development functions. An undergraduate student and a graduate student will be voting members of the FRC. The Committee will advise the Facilities Council on all siting and related facility development projects.

We make a number of other recommendations for inclusion in the University's site selection and related facilities development processes, recommendations based on "best practices" we have found.

## **REPORT OF THE SENATE**

### **AD HOC COMMITTEE ON SITE SELECTION PROCESSES**

Prof. Matthew Bell, Mr. Willie Brown, Ms. Amanda Berger,  
Mr. Brent Finagin, Prof. Emeritus Gerald Miller (Chair)  
April 2<sup>nd</sup>, 2010

#### **THE COMMITTEE'S CHARGE**

The Committee was appointed by the University Senate following the concerns expressed to it about the decision to relocate service facilities from the part of the campus east of Route 1 to the site between the Comcast Center and University Boulevard known as "the wooded hillock." The developer of the proposed East Campus Redevelopment Project, a new town center for College Park to be built with student housing, shops, and other facilities, had decided with the University's assent to clear about ten acres of forest on the chosen site for the motor pool and other service facilities. The University Senate charged the Committee to make recommendations for improving the University's site selection processes, particularly with regard to environmental matters, and to consider recommending changes in the composition of review committees. The full charge to the Committee is contained in Appendix A.

While the University has apparently solved the immediate problem of finding a place to relocate these facilities by purchasing the Washington Post Printing Plant and its surrounding land for these facilities, the University's need for improved processes and the Committee's charge remain.

#### **THE COMMITTEE'S PROCESS**

At the Committee's first meeting, we reviewed our Charge, recognized the need to stick close to that Charge, and set our focus on reviewing the site selection and related facilities development processes in the light of the "best practices" available. The Committee has received and reviewed all the testimony submitted to the Senate's Campus Affairs Committee that considered the wooded hillock issues before the appointment of our ad hoc Committee. We met first with a number of the administrators, staff, and members of various committees responsible for aspects of the development of new facilities and the siting of these facilities. We invited seven of the most active members of the environmental group opposed to the removal of trees from the wooded hillock and the siting of facilities in that location and five were able to accept our invitation and meet with us. A list of those who met with us is contained in Appendix B.

We have reviewed the Facilities Master Plan of 2001 and the 2007 - 2020 Facilities Master Plan Update (internally revised but not Board of Regents approved), which taken together we will refer to as the FMP. The FMP is the principal document governing the University's facilities development and it provides a framework for the growth of the University's facilities. The FMP and its processes are challenged by unanticipated opportunities for new facilities, by projects whose siting requirements have not yet been completely reviewed and approved (like the East Campus Redevelopment Project), or by gifts of external funding for facilities. We have discussed the FMP, its updating, and its processes with a number of the principal administrators responsible for carrying out these Plans. We have also reviewed the documents shared with the Committee by the members of the University community with whom we have met.

#### **THE UNIVERSITY'S ENVIRONMENTAL COMMITMENTS**

There is a striking and commendable "green" commitment shown in the FMP, quite clearly updated in coordination with the University's 2008 Strategic Plan.

In May 2007, President Mote signed the **American College & University Presidents Climate Commitment**, a commitment that has now been signed by the Presidents of all the University System

of Maryland (USM) campuses. The collaboration of the Office of Sustainability, the Center for Integrative Environmental Research, and the Department of Environmental Science & Technology has led to an evaluation of our current greenhouse gas emissions and a set of strategies for reducing these emissions as reported in the **Campus Sustainability Report 2008**. We have reviewed this Report, which begins by quoting the University Strategic Plan, 2008, p. 36,

**“The University of Maryland will be widely recognized as a national model for a Green University. In ten years time, the University will have made substantial progress towards addressing energy issues. It will have slashed energy use, expanded green spaces, dramatically reduced its carbon footprint, and built and retrofitted buildings to strict environmental standards. The University will complement these concrete actions with its teaching, research, and development efforts in energy science and policy, smart growth, environmental mapping, sustainable agriculture, and other fields. As the third largest “city” in the State, the University will have a significant impact as a leader and showcase for environmental sustainability.”**

On October 1<sup>st</sup>, 2009, President Mote announced to the University that the University Senate had endorsed the University’s first **Climate Action Plan** and that he had created a new **University Sustainability Council** to monitor and support the Climate Action Plan. This Council is chaired by the Vice President for Administrative Affairs, Prof. Ann Wylie.

#### **THE SITE PLANNING PROCESS & RELATED PROCESSES: THE IMPORTANT PROCESS ISSUES**

The precipitating issue for the creation of our Committee and our charge to recommend improvements in site selection processes was the selection of the wooded hillock site for the relocation of the motor pool and other service facilities from the East Campus Redevelopment area, a siting which would require the clearing of about 10 acres of forest. Members of the University community protested this selection and the planned destruction of part of this forest. They noted that this forest was used for teaching students about forests and about the many aspects of the regeneration of this forest following the tornado that hit the campus a decade ago. Their survey of the forest showed them its many ecological values.

There are two categories of site selections for University facilities, both essentially under the control of the **Facilities Council** (FC). The Facilities Council is chaired by the Senior Vice President for Academic Affairs and Provost (hereinafter abbreviated to “Provost”) and the FC makes recommendations to and reports to the President on facility development matters.

The majority of site selections involve facility development projects that are proposed to the Provost, considered by a variety of sub-groups of the FC and by the Facilities Management staff in Administrative Affairs, approved by the FC and recommended to the President for incorporation into the Facilities Master Plan (FMP). (Appendix C gives a short summary of the number, size, and in some categories the estimated cost, of many of the projects included in the FMP.) This process takes some time, the time taken is variable, and not all initiatives survive. The FMP is periodically revised and has its own approval process through the President and the Board of Regents (BOR). The next major revision of the FMP is about to begin – and the plans incorporate an extensive array of public announcements and opportunities for public input. A prospective site is almost always associated with a proposed facility when it is added to the FMP. After it is incorporated in the FMP, changing the site requires the same approvals above the campus level. While the FMP incorporates anticipated time frames for the various projects in its lists, the President works with the USM and the Board of Regents in prioritizing the annual requests for capital funding of new facilities. Priorities for pending projects can and do change from year to year.

The second category of site selections encompasses projects that are not in the Facilities Master Plan or



for which the concept is in the FMP but the details, including siting, are missing or significantly incomplete. The East Campus Redevelopment Plan to create a new town center for College Park with shops and student housing and other non-industrial facilities is an example where the concept appears in the BOR-approved 2001 FMP but many details including siting of the facilities to be relocated from the East Campus are not present. The current project involving the routing of the proposed Purple Line through the campus is an example of a major project which appears nowhere in the BOR-approved FMP. These projects do not have the advantage of the usually long period of study that the normal projects go through. The site selection and related processes for these projects that do not have site selection completed, approved, and incorporated in the Board of Regents-approved FMP are and have been *ad hoc* processes. They make some use of the experience, expertise, and knowledge of the administrators, staff, and committees involved in the normal class of projects that are in the FMP. The goal of re-developing the East Campus area as just described may have some opponents, but that goal has received very much support and the goal does not really impinge on our charge. Where the problem lies is with the selection process for siting of facilities.

**Issue 1: The important issues in the University's site selection and related facilities development processes require deep and thorough review very early in these processes.**

The decision to offer the site containing the wooded hillock along with several other sites to the East Campus project developers for relocating the current facilities in the East Campus area was made in September 2006 by Vice Presidents Destler and Duncan. On May 3, 2007, the FC approved three of the four specific sites for relocation of East Campus facilities. Alternative relocation sites for Shuttle-UM were requested. On January 24, 2008, the FC approved the Lot 4i site for the relocation of Shuttle-UM and the Department of Public Safety. The first environmental study of the use of the selected wooded hillock site for facility relocation was done in March, 2009, two and a half years after the offer to the developers and more than a year after the FC approval of the fourth of the four relocation sites.

We have reviewed the brief rationale prepared by the University that resulted in this 2006 offer to the developers. The rationale is not based on a deep and thorough review, including environmental review, of all the sites offered to the developer. The rationale does reflect the facts that

- our University has very many reasons and pressures for growth in facilities,
- the land available for new facilities is limited,
- there are many conflicting considerations that arise in site planning, and
- in virtually all such cases, there is not a perfect solution with no negative consequences.

Our Committee recognizes that the President has the responsibility to make these difficult decisions and that many, perhaps most of these decisions will be hard decisions that cannot satisfy all legitimate concerns.

The East Campus Redevelopment Project, including its relocation of facilities, has not been the only large project where significant siting work had to be done without the benefit of the processes normally embedded in the development of the project and the project's inclusion in the FMP. The siting of the Clarice Smith Performing Arts Center (CSPAC) came about through the offer of significant financial support from Prince Georges County, contingent on its location being visible from University Boulevard, as well as by a visit to the University by Governor Schaefer, who likewise showed interest in supporting the project and in its site location. As it neared completion, the Smith family showed significant interest in the project and contributed significantly to its enhancement. Our Committee learned that at one time

the siting of CSPAC was to be on the site recently chosen by the developer for the motor pool and related facilities, very visible from University Boulevard. A chance meeting with President Kirwan of a well-prepared faculty member with site-planning expertise led to a reconsideration of that CSPAC siting. The site on which it was built does fulfill the County requirement and spared the wooded site. The *ad hoc* site selection process for the Clarice Smith Center, too, clearly had its problems.

A current project not present in the FMP involves running the proposed Purple Line (an above-ground light rail public transportation system) through the campus. This project, too, has many siting and related facility development issues – and the Committee is aware of a variety of serious concerns with how these siting issues are to be resolved. As in the case of CSPAC, significant governmental entities outside the University are involved, making siting decisions and related facility development issues more complicated than just resolving internal issues would be.

**Conclusion 1: The University needs review standards and a well-structured review process that it employs from the beginning of facility development projects, including standards and a process for site selection. These processes must recognize and address the important University needs, opportunities, concerns, and commitments, including the environmental and sustainability concerns and commitments on which the University has taken a strong leadership position. These processes must be utilized for ALL University facility projects, the FMP projects and the non-FMP projects alike. The projects already in the Facilities Master Plan should be periodically reviewed with regard to these criteria and updated.**

**Issue 2: The University’s site selection and related facilities development processes require a broad and effective review that ensures that the University’s missions in teaching, research, and service are considered carefully and are seen to be considered carefully by the faculty, staff, and students of the University.**

We have examined the composition of the various committees that are, or should be, involved in developing and siting new facilities. The principal high-level body involved in facilities issues is the Facilities Council. The FC works with its sub-groups,

- The Facilities Advisory Committee (FAC),
- a set of District Committees that are concerned with facilities development in the various geographical districts of the campus, and
- the Architectural Design Standards Board.

The Facilities Management staff in Administrative Affairs works on facilities development and supports the work of the FC and its sub-groups. These committees and their memberships are shown below.

The **Facilities Council** (FC) is chaired by the Provost. It is the body that makes the recommendations concerning facilities to the President of the University.

#### **Facilities Council Membership:**

Provost Nariman Farvardin (Chair)  
VP Administration Ann Wylie  
VP Research Melvin Bernstein  
VP Student Affairs Linda Clement  
VP University Relations Brodie Remington  
VP Information Tech Jeffrey Huskamp  
Prof. Steve Hurtt (Architecture)

Director Brenda Testa (Facilities Planning)  
Assoc. VP Frank Brewer (Facilities Management)  
Director Carlo Colella (Capital Projects)  
Asst. VP Administration Julie Phelps  
Attorney Edward Maginnis (Legal Affairs)  
Dean Jennifer Preece (Council of Deans)  
Prof. Linda Mabbs (Senate Chair-elect)

The **Facilities Advisory Committee (FAC)**. Frank Brewer stated that they take a “University Viewpoint” on projects and their siting.

This large committee is composed of representatives of all the colleges and divisions, usually assistant deans and assistant vice presidents. It also includes a representative of Intercollegiate Athletics and of the Student Government Association. Finally it includes a number of Facility Management directors. Frank Brewer chairs this committee. It is a sub-committee of the FC and it advises the FC. While this committee discusses a variety of facilities matters, its primary focus is on building renovation projects and new capital construction projects. All renovation projects seeking Facilities Council (FC) funding first come to this committee for discussion and vetting. The committee recommends (or not) projects to the FC for funding. Further it reviews, discusses and advises the FC with regard to the University's annual Capital Budget Request. Any new project which is proposed to be added to this Request, first comes to FAC for review and discussion. FAC then advises the FC in this regard.

**District Committees.** The East Campus District Committee is the committee that has been involved in the East Campus Redevelopment Project. The district committees are led by and involve a variety of Facilities Management staff and they include stakeholders in that geographical area of the campus. They work on facility planning issues in their assigned area of the campus and advise the FC.

#### **East Campus District Subcommittee (ECDS) membership**

Frank Brewer (Chair)	Pat Mielke (Student Affairs)
Jack Baker (Operations & Maintenance)	Joe Nagro (City Manager, College Park)
Karen Breen (Business Services)	Andrew Rose (SGA President)
Carlo Colella (Architecture, Engr., & Construction)	Terry Schum (College Park Planning Director)
Ken Krouse (Police)	Brenda Testa (Facilities Planning)
Vicky Levy (Academic Affairs)	

The **Architectural Design Standards Board (ADSB)** is an eleven-member Board composed mostly of architects, landscape architects, and engineers from across the campus. It is their responsibility to review the schematic design proposals for all new campus buildings. They are also charged with reviewing any proposed change to campus buildings and grounds which will alter the external appearance of the campus. This would include: signage, lighting, site furniture, etc. Their job is to help manage the exterior appearance of the campus to insure that there is a coherent and thoughtful approach to its development which is consistent both with its history and its aspirations. Frank Brewer chairs the Board and it is a subcommittee of the Facilities Council. Historically the FC has shown considerable deference to the opinion of ADSB when determining whether to approve the schematic design of a new campus building or building addition.

#### **Architectural Design Standards Board (ADSB) Membership**

Frank Brewer, Assoc. VP, Fac. Management (Chair)	Brian Kelly, Assoc. Prof. (Architecture)
Carlo Colella, Director, Capital Projects	William Mallari, FM, Coordinator, Campus Develop.
Louis Fisher, Asst. Dir., FM, Arch., Engr., & Const.	John Sullivan, Assoc. Prof. (Plant Sci. & Land. Arch.)
Gay Gullickson, Prof. (History)	Brenda Testa, FM, Director of Facilities Planning
Steve Hurtt, Prof. (Architecture)	Jocelyn Joiner-Fleming, FM, Manager, Arch., Engr., & Const.
Jack Baker, Dir., Operations & Maintenance	

The **Sustainability Council** was created in the Fall of 2009 by President Mote. It is not part of or a subgroup of the Facilities Council, and it reports to the Vice President for Administrative Affairs.

#### **Sustainability Council Membership**

Ann Wylie, VP Administrative Affairs (Chair)	Monette Bailey, Sen. Writer/Ed., Univ. Relations
Sally Koblinsky, Asst. President & Chief of Staff	Allen Davis, Prof., Civil & Env. Engr. (2-yr. term)
Linda Clement, VP Student Affairs	Bruce James, Prof. & Dir., Env. Sci. & Policy (2-yr. term)
Mahlon Straszheim, Assoc. Provost	Karen Lips, Assoc. Prof, Biology (2-yr. term)

Mary Ann Ottinger, Assoc. VP for Research  
John Farley, Asst. VP for Admin. Affairs  
Chris Arkell, Assoc. Director, OIT  
Scott Lupin, Assoc. Dir., Env. Safety & Director  
of the Sustainability Office

Joanna Calabrese, UG Student, Env. Sci. & Policy (1-yr. term)  
Ramy Serour, G Student, Marine-Estuarine Env. Sci. (1-yr. term)  
Joan Kowal, Energy Manager, FM  
Matthias Ruth, Prof., Public Policy, & Director, Center for  
Integrative Environmental Research

The **Facilities Council** is a very high-level administrative committee as evidenced by its composition. Its composition looks more like a committee devoted to implementation than to the breadth of review. Given the low representation of “outsiders” – those without implementation responsibilities – it appears that it would be difficult for an “outsider” to sway the Facilities Council on an issue. We have received that view in our interviews.

For the Facilities Council and its sub-groups, many of the same University administrators and other employees appear repeatedly. This is a natural consequence of the current structure and appears to be an effort to coordinate implementation, itself a very worthy goal in a large University. But it does rely heavily on a small group of key people.

The **Facilities Advisory Committee** is a large committee with an extensive list of members of the administrative staff of the colleges and other divisions. We do not under-rate their input into the review process for which the Facilities Council is responsible, but we do note that this, too, is input primarily from administrators with little input directly from students and, apparently, no input from non-administrative faculty members.

The **East Campus District Subcommittee** does wisely include the College Park City Manager and the College Park Planning Director. The Provost’s facilities staff person and the SGA President also sit on this subcommittee with other important administrators, primarily from Facilities Management.

The **Architectural Design Standards Board** does have four of its eleven members from academic departments, each having appropriate knowledge, experience, and expertise. This is the broadest of the sub-groups of the Facilities Council. From our interviews, it is evident that the original intent of ADSB was to draw up design standards for the University, but that it has evolved more as a review board itself. It also seems clear from our interviews that the matters referred to ADSB are discretionary to an extent and that the University could benefit by ADSB review being an integral part of the University’s site selection and related facility development processes.

The **Sustainability Council** has a broad mandate that extends well into many kinds of program operations throughout the University as well as being an advisory body that needs to be utilized in site selection and related facility development processes. There is a lack of design expertise in architecture and landscape on the Sustainability Council, valuable expertise for comprehensive advice on many sustainability issues on the campus – including those associated with site planning and facility development. The appointment of the Vice President of Administrative Affairs as chair of this Council clearly reflects the importance of the University’s sustainability initiative. At this time, there is no direct reporting responsibility of the Sustainability Council to the **Facilities Council**. For siting and facility development processes, the Council needs to have a direct reporting responsibility to the Facilities Council as well as the other reporting responsibilities the President assigns to the Council.

In our discussion with the leadership of Facilities Management about these siting and related processes and about the responses to the siting of the motor pool and related facilities on the wooded hillock, they said that they were quite surprised by the reaction of the University community. It is also evident that public awareness of the decisions and the siting options available were slow in coming. But when public awareness did come, the plans for the utilization of one-third of this site were well advanced.

**Conclusion 2: The University needs a broader and more effective review process for site selection and related facilities development processes.**

- a. The University does make good use of a very limited number of experts outside Facilities Management in the University in its site selection and related facilities development processes, but it has much more expertise available that could be utilized in improving these processes.**
- b. The Sustainability Council should advise the Facilities Council on site planning and related facility development projects and the Sustainability Council's membership should include design expertise in architecture and landscape architecture.**
- c. The perception of the current site selection and related facilities development processes is that the University community is not kept broadly informed. It is clearly desirable that the public be invited to become informed and to communicate their concerns in a timely manner that would avoid discovery of significant issues late in these processes.**

While our Committee did not have the resources or the time to do a comprehensive survey of site selection and related facility development processes at American universities, we have learned about different models to address the concerns listed above. One model is the "University or Campus Architect," usually appointed at a very senior level in the university and charged with providing both short-term and long-term professional leadership in setting high-quality standards for all scales of design from renovation and new construction projects to campus master plans. This mode of operation varies according to the institution. For example, Princeton University, world famous for the outstanding quality of its academic programs, is also very well known for its excellence in campus planning and building design. At Princeton, the University Architect advises the President directly on design matters. Georgetown University has a University Architect who advises both the President and the Director of Facilities. At George Mason University, the University Architect reports to the Director of Facilities who reports to a campus Vice President. George Mason also recently established a sustainability coordinator, educated as a landscape architect, to work on campus building and master planning projects.

**Conclusion 3: Greater advocacy for excellence in design at all scales of the site selection and planning process should be supported, both within the current facilities staff and via the current project review and approval structure on the campus. This may be pursued via the establishment of a University or Campus Architect position or within the current operational structure.**

**THE U. S. DEPARTMENT OF ENERGY PROCESSES: "BEST PRACTICES"**

All large organizations face similar issues in developing new facilities and choosing their sites wisely. We were fortunate that the U.S. Department of Energy's Office of Science is located in nearby Germantown, MD, that they have a very highly regarded project assessment program, and that we could learn about their project assessment program and methods. A more detailed description of how and why they do their assessments the way they do is contained in Appendix D, together with "DOE Best Practices" that we have found in their methods.

The DOE process can't be "photocopied" and put into place at College Park because of the considerable differences in structure, funding, and governance of our University relative to those of DOE. But the DOE process does embody sound planning principles and Best Practices that the University should adopt. We base our Recommendations on the University's needs and, in part, on these sound planning principles and "Best Practices."

## DOE Best Practices:

- A. Use independent experts, individuals without a stake in or job responsibility for the project, to review the important aspects of proposed projects.
- B. Do necessary contingency planning and have contingency funds in reserve or plan for contingency cuts to meet budget.
- C. Adopt and use a good checklist of responsibilities. The owner has many responsibilities including the responsibility of determining the site of a proposed project.
- D. Consideration of the environmental aspects of a project is and must be an integral part of the initial planning for a new facility and its siting – and a continuing responsibility through project completion.

## **The Application of Best Practices to the University's Site Selection and Related Facilities Development Processes**

**Best Practices, A: The University not only “could” but SHOULD utilize independent experts, individuals without a stake in or job responsibility for the project, in independent reviews of University projects, benefitting from the wealth of environmental science, architectural, engineering, landscape design, and management talent already present in our University.**

**Best Practices, B: The University needs to do contingency planning and have contingency funds in reserve or contingency cuts ready for a facility's development program.**

In the relocation of East Campus facilities, the developer's final estimated value of \$40,000,000 for the East Campus land to be cleared was the limit allowed for the construction and relocation of the motor pool and other facilities. That was not enough to build the facilities desired. To stay within the \$40,000,000 budget for relocation, the developer planned large asphalt parking areas rather than a parking structure, for example. Some comments our Committee received indicated that the \$40,000,000 budget was much too low for building the relocated facilities the University should have.

**Best Practices, C: Adopt and use a good checklist of responsibilities. At or near the top of the list should be, “It is the owner's responsibility to site the project.”**

DOE uses **Characteristics of Successful Megaprojects**, published by the National Research Council of the National Academy of Sciences in 2000, and produced by NRC under contract with DOE. This booklet has a checklist with 92 items for use by owners, contractors, supervisors, and assessment personnel. The very first checklist item is:

Project sponsors know what they need and can afford, where they want to locate the project, and when it must be ready for use or otherwise completed. The project has a purpose, and the benefits are clearly defined and understood by all participants.

In the siting of the relocated facilities on the wooded hillock, the developer was given the option of choosing that location from among several sites offered by the University. Two and a half years before the University did an environmental assessment of the wooded hillock. University approval of the developer-selected sites was completed a year before the University's environmental assessment.

The DOE/NRC checklist is extensive and covers many other aspects besides siting and related development processes, but there are useful checklist items for the University's use for our siting and facilities development processes.

**Best Practices, D: Consideration of the environmental aspects of a project are and must be an integral part of the University's initial planning for a new facility and its siting.**

That wasn't a necessity, at least to the degree required now, decades ago, or maybe even at the dawn of this century. But it certainly is now. The President of the University has recognized this increased responsibility through his forceful actions on the Climate Action Plan and on the creation of the Sustainability Council.

We learned that usually the University relies on the contractor and/or sub-contractors to comply with environmental requirements and to obtain the necessary permits for a project. Obtaining construction permits is a normal contractor responsibility, but taking ownership of the environmental issues is the University's stewardship responsibility.

**FINDINGS**

The Committee found the administrative staff with whom we talked to be open and direct in these discussions of matters of some controversy. All expressed genuine interest in improving the design and review processes on campus and in pursuing excellence in the design of much-needed University facilities. It is clear that the University has dedicated and committed professionals with constructive attitudes and approaches to problem solving. We also recognize that the University has made and continues to make significant progress in campus planning and providing better facilities with less than optimum funding through the efforts of our own facilities staff and those of a relatively small number of faculty members who participate in key committees.

The Committee also had constructive discussions with the members of the University community who opposed the siting of East Campus facilities on the wooded hillock. They share the "green goals" embodied in the University's Strategic Plan. We recognize that these community members also have some environmental and sustainability concerns about the use of the Washington Post Printing Plant and its site that have been purchased to house the facilities to be relocated. They are looking forward to the utilization of improved processes.

Not only is the University in a relatively new era of high concern for the environment, but as the President said in his message to the University on February 15<sup>th</sup>, we have become a much better University during the last twelve years and we have become a University with much higher expectations for our performance. We know how hard our Presidents, Vice Presidents, Deans, and Chairs; our staff members in our academic, administrative, and support units; our faculty members; our students; and our external communities including alumni and supporters have worked and contributed to the growth in the quality of our educational efforts in teaching and research and of the University's services provided on campus, within the state, and to the nation and the global community.

Meeting these high expectations of the University community is a challenge for those currently responsible for site selection and related facility development processes but this is a challenge that the University can meet with the University's leadership, talent, and resources. It's true that the University has stumbled on some siting issues, but there is no doubt that the University has the determination to improve its consideration of these issues and will do so.

**CONCLUSIONS AND RECOMMENDATIONS**

Our recommendations are principled and descriptive, and we are not attempting to give detailed prescriptive recommendations that could be adopted and implemented overnight on the basis of our short review of the issues in our charge. We present two options for structuring the University's approach to

improving the site selection and related facilities development processes.

We also recognize the fact that those charged with leadership from the President on down have their executive responsibilities. They have a need for creating their own administrative teams, implementation committees, and staff structures – and need to continue to do so. Neither a committee such as ours or the Senate should prescribe such essentially administrative details.

We have concluded, in fact, that adding an extra faculty member, staff member, and student (or two) to the Facilities Council or other such administrative body will not change the nature of such a body or provide the needed change in how the University responds to siting and to developing new and needed facilities. Adding a reporting responsibility of the Sustainability Council would be a positive step, but by itself will also not change these processes, or the results of these processes, enough.

In addition to the four Best Practices outlined above, improved site selection and related facilities development processes will require

- a set of standards, including environmental review standards, to be met for placing a site selection in the Facilities Master Plan, and
- a set of standards, including environmental review standards, for advancing a proposed project for State capital funding or for building with other funds.

The University is in the process of undertaking the development of the 2011 FMP – to be approved by the Board of Regents in September, 2011. Part of this effort will involve hiring of appropriate environmental specialists capable of evaluating the environmental issues associated with the various highly developed, partially developed, and undeveloped areas of the campus. The standards for review of environmental issues have risen dramatically over the last decade – as have the University’s environmental goals and commitments. Meeting the University’s goals and commitments requires the use of current environmental standards which likely will increase during the decade-long life of each FMP.

In the following Recommendations and accompanying discussion, we will use the word “independent” in two related senses. When applied to an individual, “independent” means an individual chosen on the basis that he or she does not have a position which involves a siting or other facilities-related function being reviewed; a landscape architect paid or assigned, full-time or part-time, to campus facilities planning and/or operations in this area is not considered independent while a faculty member whose professional expertise is in landscape architecture and is not paid for or assigned such campus facilities planning or operational functions is independent. When applied to a committee, “independent” means appointed by the President with the advice of the Senate Executive Committee and charged with a well-defined reporting responsibility.

#### **RECOMMENDATION 1:**

**The University should utilize the experts and the processes of the forthcoming revision of the Facilities Master Plan of 2001 (that will become the Facilities Master Plan of 2011 upon approval by the Board of Regents) to:**

- **thoroughly review and describe the environmental issues and considerations involved in facilities siting and development on the campus, paying particular attention to environmentally sensitive areas that should be clearly identified in the Facilities Master Plan,**



- **provide a set of review standards, including environmental review standards, to be met for placing a site in the Facilities Master Plan,**
- **provide a set of review standards, including environmental review standards, to be met before State funding is requested or, for facilities funded by other funds, before siting is finalized and construction is initiated, and**
- **provide a set of environmental review standards that should be met before sites in areas of the campus designated as environmentally sensitive in the Facilities Master Plan are approved for siting a new facility.**

If the current funding for the revision of the 2001 FMP (reportedly about the same as that devoted to the revision of the 1991 FMP nearly a decade ago) isn't enough to cover this work, then this should be regarded as an example where contingency funding is needed and should be found.

## **RECOMMENDATION 2:**

**The University should have an independent Facilities Review Committee that reviews site selection and related facility development proposals, policies, practices, and standards and advises the Facilities Council on them. The Committee should make recommendations concerning these proposals to the Facilities Council before they are recommended by the Facilities Council for inclusion in the Facilities Master Plan and before they are recommended for inclusion in the Capital Budget or approved for construction with other funds. The Committee should make recommendations to the Facilities Council for updating and improving policies, practices, and standards as the University's needs and goals advance and as applicable regulations change.**

**The charge to the Committee should require a consistent, transparent, open and public process for considering and for recommending facility siting and other related facility development actions to the Facilities Council for all projects, those in the Facilities Master Plan and those that are not. The Facilities Review Committee's review should be early in the facility development process, so that problems are found and issues resolved before costs mount and changing course becomes very difficult. The criteria used to evaluate the facility siting and related facility development actions must include**

- **the missions of teaching, research, and service as stated in the University's current Strategic Plan, and**
- **the policies, practices, and standards adopted by the University, including those policies, practices, and standards pertaining to the environment and sustainability. The Facilities Review Committee's review process, its agenda, and the schedule of public hearings should be publicized and public comment should be invited. The Facilities Review Committee should keep a written record of its activities and its recommendations.**

**The Facilities Review Committee should be a re-configured, expanded, and independent successor to the Architectural Design Standards Board that also retains ADSB's current functions and has an independent chair. A solid majority of its voting members should also be independent faculty and staff members with appropriate experience and professional expertise. The committee membership should include an independent undergraduate student and an independent graduate student, both with voting rights. For facility projects associated with a member's unit, that committee member should absent himself or herself from the committee discussion and from the vote on the Committee's recommendation.**

**The University should choose one of the following options in transforming the ADSB into the Facilities Review Committee:**

**A. Adopt the University Architect structure by establishing the position of a University Architect who would report to the President (as is the case at some of the country's finest universities, like Princeton) and who would be charged with providing both short-term and long-term professional leadership in setting high-quality standards for facilities development and renovation. The University Architect, with the assistance of the University Senate Executive Committee, should draw on the University's independent experts in architecture, engineering, landscape design, environmental science, and management to be members of the independent Facilities Review Committee.**

**Or**

**B. Modify the current structure to make the current Architectural Design Standards Board into an independent Facilities Review Committee as described in the first three paragraphs of this Recommendation. With the assistance of the University Senate Executive Committee, draw on the University's independent experts in architecture, engineering, landscape design, and management to be members of this Committee.**

Our Committee did consider recommending a completely new review committee. We abandoned that idea because it would add a whole new level of review, and would undoubtedly often duplicate review of the same issue at two levels. The ADSB provides the right basis for building the appropriate review committee because it already has a nucleus of independent members who are chosen for their expertise.

Either option, A or B, should also provide for appropriate public notice to the University community about projects being considered and the opportunity for public input. As the independent, expert, standing review committee, it is in a position to react quickly when necessary.

On environmental matters, issues can and will arise between conception of the facility and the decision-making necessary to build the facility

- for projects that are already in the FMP (in some cases, perhaps for a decade or longer) and for those projects that are not in the FMP,
- for projects in campus areas with many facilities already present as well as for campus areas with few facilities or none at all,
- for large projects and for small projects, and
- for State-funded projects as well as for projects to be built with other funds.

For these reasons, we strongly recommend that all project proposals be reviewed by the Facilities Review Committee.

The composition of the Facilities Review Committee is similar to the composition requirement for the Academic Planning Advisory Committee (APAC), which is required to have a majority of its members be non-administrative faculty members. It conforms to the DOE principle of independent review by capable individuals who don't have a stake in the project other than advancing the quality of the campus environment. The requirement for members absenting themselves from discussion of or voting on Facilities Review Committee actions involving their own unit is analogous to that followed by members of the Campus Promotion & Tenure Committee when candidates from their academic unit are being

considered. (Outside advisory membership for the Committee may be sought if projects being reviewed exclude a significant number of the members with professional expertise.) The membership of the Facilities Review Committee should draw on the expertise, experience, and talent of the faculty and staff of our University and should include participation by students.

Similar to those of community planning/zoning boards, the charge to the Facilities Review Committee includes requirements for public meetings, written criteria, early review, and written records of actions.

The credibility of the Facilities Review Committee will depend upon the quality of the appointments, the independence of the Committee, the openness of the process, the quality of their reviews, and the influence of their reviews in creating the best University facilities and advancing excellence at all scales of design across the campus.

#### **RECOMMENDATION 3:**

**The University should review the National Research Council - National Academy of Sciences checklist for facilities development, choose the items appropriate for the structure and governance of the University and for the local, state, and federal regulations which apply to the University, modify items as appropriate and necessary, and employ them in the development and review of facility siting and related facility development within all University units involved in such activities.**

This task of reviewing checklist items and recommending adoption of appropriate items for our facility siting and related development processes to the Facilities Council fits into the “standards” portion of the charge to the Facilities Review Committee.

#### **RECOMMENDATION 4:**

**The University should utilize the Sustainability Council, and the Sustainability Office, in the preparation and review of proposals for facility siting and for related facility development.**

**The Sustainability Council should have an independent representative with professional expertise as a voting member of the Facilities Review Committee.**

Conclusion 2, sub-paragraph b, above, strongly suggests augmentation of the design expertise on the Sustainability Council.

#### **RECOMMENDATION 5:**

**The Senior Vice President for Academic Affairs & Provost should consider adding the independent Chair of the Facilities Review Committee and an independent member of the Sustainability Council with appropriate professional expertise to the Facilities Council.**

#### **RECOMMENDATION 6:**

**The issue of realistic contingency planning and budgeting is a continuing issue for review by appropriate bodies mentioned in this Report. A fresh review by a newly constituted Facilities Review Committee would benefit the University.**

The University needs such planning and budgeting to utilize expertise, outside the University if necessary, to verify and validate evaluations and plans provided by outside parties to protect the University’s interests.

## ACKNOWLEDGMENTS

We very much appreciate the openness, the frank expression of views, and the constructive advice by all of the members of the University community who were interviewed by the Committee, all those who participated in the Campus Forum, and all those who submitted documents either directly to the Committee or to the Senate's Campus Affairs Committee that preceded us in considering some of these issues.

We also express our very deep appreciation to Mr. Daniel Lehman of the U.S. Department of Energy for his very helpful advice, perspectives, and publications.

SSPC Report 2Apr2010.pdf

## Appendix A

### University Senate Charge

**Date:** November 23, 2009

**To:** Gerald Miller, Chair, Ad Hoc Committee on Site Selection Processes

**From:** Elise Miller-Hooks, Chair, University Senate

**Subject:** Review of the Decision-Making Process Regarding Site Selection for Construction Projects

**Senate Document #:** 09-10-24

**Deadline:** April 2, 2010

The Senate Executive Committee (SEC) requests that the Ad Hoc Committee on Site Selection Processes review the decision-making process regarding the current practice of site selection for construction projects.

Specifically:

1. Review the current status of the overall decision-making process with particular emphasis on environmental concerns.
2. Review whether the decision-making process is conducive to achieving the goals outlined in the University's guiding documents (e.g. Climate Action Plan and the Facilities Master Plan);
3. Review whether all campus constituencies, including faculty, staff, undergraduate and graduate students, are adequately represented on review committees responsible for recommending site selection and comment on whether the membership of these committees should be altered;
4. Review concerns expressed by campus constituencies, pertaining to the current site selection method, by reviewing documentation submitted to the Campus Affairs Committee, meeting with the stakeholders on all sides of the relevant issues and by holding an open forum to hear concerns; and
5. Make recommendations on how to incorporate campus input on these decisions and how to increase transparency during the selection process.

As this matter is time sensitive, we ask that you submit your report and recommendations to the Senate Office no later than April 2, 2010. If you have questions or need assistance, please contact Reka Monfort in the Senate Office, extension 5-5804.

## Appendix B

### **Individuals Interviewed by the Committee**

Mr. Frank Brewer, Associate Vice President, Facilities Management  
Mr. Carlo Colella, Director, Capital Projects, Facilities Management  
Ms. Brenda Testa, Director, Facilities Planning, Facilities Management  
Prof. Steven Hurtt, Architecture, Planning, & Preservation, Member, Facilities Council, and Member, Architectural Design & Standards Board  
Mr. Scott Lupin, Associate Director, Environmental Safety, and Director, Sustainability Office  
Prof. Marla McIntosh, Plant Sciences & Landscape Architecture  
Prof. Stephen Prince, Geography  
Assoc. Prof. Michelle Dudash, Biology  
Mr. Bob Hayes, ENGR, undergraduate student  
Mr. Alex Weissman, ENGR, graduate student

## Appendix C

### **The Facilities Master Plan Projects List, 2011 and after**

For the period “2011 and after,” the Facilities Master Plan lists include:

19 new Academic Facilities for designated purposes (3 not yet sited) involving 1,790,850 sq. ft., costing \$780,200,000

19 renovations of Academic facilities involving 1,470,949 sq. ft., costing \$372,000,000

7 new Auxiliary Enterprise Facilities involving 877,400 sq. ft., costing \$131,200,000

19 renovations of Auxiliary Enterprise Facilities involving 1,525,716 sq. ft., costing \$223,200,000

38 new Facilities for primarily academic facilities, special facilities, residential facilities, and a parking facility on as yet un-designated sites, involving 3,585,900 sq. ft.

plus

other, generally smaller, groupings of building projects, including the East Campus project as a single item,

57 planned demolitions/removals,

10 Infrastructure Improvements, and

10 Landscape Improvements.

## Appendix D

### **THE DEPARTMENT OF ENERGY PROJECT ASSESSMENT REVIEW PROCESSES**

All large organizations face similar issues in developing new facilities and choosing their sites wisely. We were fortunate that the U.S. Department of Energy's Office of Science is located in nearby Germantown, MD and that we could learn about their project assessment program and methods. On January 4<sup>th</sup>, 2010, Dr. Miller had an extended and very helpful meeting with Mr. Daniel Lehman, P.E., Director of the Office of Project Assessment (OPA) of DOE's Office of Science (SC). Mr. Lehman and his office have a very highly regarded assessment process and they are responsible for the assessment of all facility development activities at the 18 DOE national laboratories, including Oak Ridge, Argonne, Thomas Jefferson, and Brookhaven National Labs. Mr. Lehman provided copies of a number of DOE documents and they have been shared with the Committee.

We were very fortunate that we were able to quickly find an excellent review process in place at DOE. **Independent Review.** One principal key to the success of the DOE assessment process is independent review. They have their Independent Review Handbook (May, 2007) outlining their review process that brings scientific, engineering, management, and construction experts from other national labs, and sometimes from academic institutions, to conduct periodic technical, cost, schedule, and management peer reviews, usually on a semi-annual basis.

“Philosophy: The overall purpose of independent review is to determine, by a non-proponent body, whether the scope of programs, projects, or activities; the underlying assumptions regarding technology and management; the cost and schedule baselines; and the contingency provisions are valid and credible within the budgetary and administrative constraints under which DOE must function.”

“Reviews conducted by the OPA are intended to reduce the risk of project failure by identifying existing and potential problems in a timely manner so that adequate resolution is possible. These reviews assist the field in successfully completing the project, as well as identify areas where SC management needs to focus additional resources to be successful. ...”

“Objectives: ... The independent review of a project is to be of sufficient detail, using a graded approach, to permit an objective independent reviewer to reach a supportable conclusion about the project’s justification in light of the current mission of the DOE program sponsor.”

**Contingency Planning.** A second key factor in DOE’s successful project assessment practices is contingency planning. DOE plans on a 30 - 40% contingency fund based on the estimated cost for high technology projects, a 15 - 20% contingency fund for low technology projects, and as low as a 10% contingency fund for “simple” projects.

**Checklists.** Mr. Lehman’s Office of Project Assessment makes much use of checklists in their project assessment process, relying on **Characteristics of Successful Megaprojects**, published by the National Research Council of the National Academy of Sciences in 2000, and produced by NRC under contract with DOE. This booklet has a checklist with 92 items for use by owners, contractors, supervisors, and assessment personnel. The very first checklist item is, for example:

Project sponsors know what they need and can afford, where they want to locate the project, and when it must be ready for use or otherwise completed. The project has a purpose, and the benefits are clearly defined and understood by all participants.

In addition to

- what is needed,
- what is affordable, and
- where it is to be located,

the checklist items raise issues concerning

- purpose(s),
- who the stakeholders are (not necessarily easy to define in a university community),
- communication (including to the public),
- input from outside the proponents,
- the environment,
- regulatory issues,
- geology,

- user/owner culture and rules, and
- many references to contingencies

Interestingly, a decade after the publication of this NRC booklet devoted to a checklist for building facilities and three weeks after the meeting with Mr. Lehman, ***The Checklist Manifesto: How To Get Things Right***, by Atul Gawande, M.D., hit the best seller list of the New York Times. Dr. Gawande has introduced checklists to radically improve surgical results in the U.S. – and globally through the World Health Organization – but his book discusses the successful and necessary use of checklists in construction, engineering, and in the remarkable landing of a jet plane full of passengers in the Hudson River last year. His central thesis is that “the volume and complexity of what we know has exceeded our individual ability to deliver its benefits correctly, safely, or reliably.” His response is checklists. Checklists are powerful tools. They are available. We need to use them.

**Considering Environmental Issues.** Environmental issues are required to be addressed early and often in the five-step DOE process. This process begins with the initial consideration of an idea for a new or major renovation of a facility where the initial support comes from the organization considering the project:

<u>Phase</u>	<u>Critical Decision</u>
Pre-conceptual Planning	CD-0, Approve Mission Need
Conceptual Design	CD-1, Approve Alternative Selection & Cost Range
Preliminary Design	CD-2, Approve Performance Baseline (and go to Congress for money)
Final Design	CD-3, Approve Start of Construction
Construction	CD-4, Approve Start of Operations/Project Completion

Before Critical Decision-2 is made, before DOE requests funds from Congress, the environmental review must be completed. In a 2009 project at the Thomas Jefferson Laboratory, the National Environmental Policy Act compliance determination was approved four months before the assessment site visit was made that led to the CD-2 approval for the proposed facility.

Once a DOE project moves forward from this point, Project Directors hold monthly meetings with Environment, Safety and Health and project staff for coordination and integration purposes. “This is considered a best practice.”


The five-step (CD-0 to CD-4) DOE schedule is not part of our recommendations, but setting the proper timing for doing environmental review (and following through as the project progresses) are.

#### **DOE Best Practices:**

- A. Use independent experts, individuals without a stake in or job responsibility for the project, to review the important aspects of proposed projects.**
- B. Do necessary contingency planning and have contingency funds in reserve or plan for contingency cuts to meet budget.**
- C. Adopt and use a good checklist of responsibilities. The owner has many responsibilities including the responsibility of determining the site of a proposed project.**
- D. Consideration of the environmental aspects of a project is and must be an integral part of the initial planning for a new facility and its siting – and a continuing responsibility through project completion.**



## University Senate CHARGE

<b>Date:</b>	November 23, 2009
<b>To:</b>	Gerald Miller, Chair Ad Hoc Committee on Site Selection Processes
<b>From:</b>	Elise Miller-Hooks Chair, University Senate 
<b>Subject:</b>	Review of the Decision-Making Process Regarding Site Selection for Construction Projects
<b>Senate Document #:</b>	09-10-24
<b>Deadline:</b>	April 2, 2010

The Senate Executive Committee (SEC) requests that the Ad Hoc Committee on Site Selection Processes review the decision-making process regarding the current practice of site selection for construction projects.

Specifically:

1. Review the current status of the overall decision-making process with particular emphasis on environmental concerns;
2. Review whether the decision-making process is conducive to achieving the goals outlined in the University's guiding documents (e.g. Climate Action Plan and the Facilities Master Plan);
3. Review whether all campus constituencies, including faculty, staff, undergraduate and graduate students, are adequately represented on review committees responsible for recommending site selection and comment on whether the membership of these committees should be altered;
4. Review concerns expressed by campus constituencies, pertaining to the current site selection method, by reviewing documentation submitted to the Campus Affairs Committee, meeting with the stakeholders on all sides of the relevant issues and by holding an open forum to hear concerns; and
5. Make recommendations on how to incorporate campus input on these decisions and how to increase transparency during the selection process.

As this matter is time sensitive, we ask that you submit your report and recommendations to the Senate Office no later than April 2, 2010. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.






UNIVERSITY OF  
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April 7, 2010

To: Gerald Miller  
Chair, Site Selection Processes Committee

From: Elise Miller-Hooks   
Chair, University Senate

Subject: Report of the Senate Ad Hoc Committee on Site Selection  
Processes (Senate Document#: 09-10-34)

The Senate Executive Committee (SEC) met on April 6, 2010 to discuss your report entitled, "Report of the Senate Ad Hoc Committee on Site Selection Processes (Senate Document#: 09-10-34)". We appreciate the committee's careful review of the issue. It is clear that the committee has put forth a tremendous effort to ensure that all elements of the charge were addressed in a timely manner.

The SEC invited Dr. Ann Wylie, Vice President for Administrative Affairs, to its meeting to provide insight into whether there would be any challenges in implementing the committee's recommendations. Dr. Wylie explained that recommendation (#2) in the committee's report to expand the role of the Architecture Standards Design Board (ADSB) to include site review does not align well with the group's primary charge. This group focuses on the aesthetics of campus buildings, which occurs well after the site selection process is complete. Therefore, Dr. Wylie proposed an amendment (attached) that would make site review the focus of a separate committee.

The SEC feels that it is important to consider implementation in the committee's report. Therefore, we ask that the committee carefully review Dr. Wylie's amendment and report on whether or not it is acceptable. The SEC plans to hold an additional meeting next week, prior to the release of the Senate materials on April 15, 2010, to make a final determination on whether your report is ready to go to the Senate floor. We ask that you report back to us by April 12, 2010.

**MEMO**

**TO:** Elise Miller-Hooks, University Senate Chair  
Members of the Senate Executive Committee

**FROM:** Jerry Miller, Chair, Senate Ad Hoc Site Selection Processes Committee

**SUBJECT:** Response to the request to consider the Amendment of Recommendation 2 of the Committee Report that Ann Wylie proposed at the SEC Meeting of 6 April 2010

12 April 2010

The Committee met on Thursday, 8 April, to consider the proposed Amendment (attached).

In our work beginning late last fall, we found that facility siting and related facility development activities involve many issues – including but not limited to environmental issues – that need to be considered. We have reached the conclusions that these issues are best addressed:

- From the beginning of a project
- In a process that considers all these issues together, recognizing that optimum solutions often involve judgments that have to weigh the impacts on several important factors
- By experts who will utilize their professional skills and experience, both to ask tough questions and to suggest innovative solutions

Our Report's Recommendation 2 provides for a standing, independent Facilities Review Committee (FRC) that incorporates all three of these elements. The FRC incorporates the current ADSB functions, expands its membership, and broadens its review responsibilities. The adoption of our Report's Recommendation will improve the University's capability to provide the best possible outcomes to the University's facility needs.

We are in a new and more complex era, particularly with regard to environmental concerns. We are proud that the University of Maryland has taken a lead in the national movement towards “greener” campuses and more sustainable choices. We need to practice the environmental values we teach and publically embrace. Our review of the “wooded hillock” decision making showed that the University did not do the kind of environmental review it should have done before the critical decisions were made to offer that site to the East Campus developers or before the University assented to the developer's planned use of that site. If the University had had an independent, integrated, expert review process with public notice and public input, we are convinced that either the decision to use the wooded hillock would not have been made or that the decision to build on the wooded hillock would have been made on the basis that the balance of the complex environmental, cost, and accessibility factors favored using that site. The controversy arose because we did not and do not have such a process.

The Wylie Amendment basically attempts to “patch” the current system by adding a Facilities Site Review Committee. According to the testimony to the SEC on 6 April, that proposed committee would not have to meet very much because the number of projects to be funded in the near future is small. It would have to meet for the every-ten-year revision of the Facilities Master Plan. Creation of this “add-on” committee would fragment consideration of issues that we are convinced need to be addressed both in an integrated fashion, considering the interaction of all the important issues,

and in a continuing fashion, recognizing that many issues, including environmental factors, need attention throughout the many stages of design and construction. Our Committee does not believe that this piecemeal approach, patching the current system, would result in the kind of process improvement the University needs.

The Committee rejected adoption of the proposed Amendment to our Report for the reasons stated above.

We are submitting a revised Transmittal form for our Report (attached). We have focused the beginning of the recommendation section on our Report's principal recommendation, Recommendation 2 concerning the Facilities Review Committee. We then address Recommendation 1, utilizing the hired consultants for the revision of the Facilities Master Plan to write sets of review standards that will be used by the Facilities Review Committee and others involved in facilities siting and development.

cc: SSPC Members, Matt Bell, Willie Brown, Amanda Berger, Brent Finagin  
Frank Brewer, Carlo Colella, Brenda Testa, Steven Hurtt, Scott Lupin, Marla McIntosh,  
Stephen Prince, Michelle Dudash, Bob Hayes, Alex Weissman  
President Mote, Provost Farvardin, Vice President Wylie

WylieAmendmentResponse 12Apr10.pdf

## Wylie Amendment Submitted on 4/6/10 and Rejected by SSPC Committee

### WYLIE AMENDMENT

#### RECOMMENDATION 2:

The University should have an independent Facilities [Site](#) Review Committee that reviews site selection and related facility development proposals, policies, practices, and standards and advises the Facilities Council on them. The Committee should make recommendations concerning these proposals to the Facilities Council before they are recommended by the Facilities Council for inclusion in the Facilities Master Plan and before they are recommended for inclusion in the Capital Budget or approved for construction with other funds. The Committee should make recommendations to the Facilities Council for updating and improving policies, practices, and standards as the University's needs and goals advance and as applicable regulations change.

The charge to the Committee should require a consistent, transparent, open and public process for considering and for recommending facility siting and other related facility development actions to the Facilities Council for all projects, those in the Facilities Master Plan and those that are not. The Facilities Review Committee's review should be early in the facility development process, so that problems are found and issues resolved before costs mount and changing course becomes very difficult. The criteria used to evaluate the facility siting and related facility development actions must include

- the missions of teaching, research, and service as stated in the University's current Strategic Plan, and
- the policies, practices, and standards adopted by the University, including those policies, practices, and standards pertaining to the environment and sustainability. The Facilities [Site](#) Review Committee's review process, its agenda, and the schedule of public hearings should be publicized and public comment should be invited. The Facilities [Site](#) Review Committee should keep a written record of its activities and its recommendations.

The Facilities [Site](#) Review Committee should be an independent Board that has an independent chair. A solid majority of its voting members should also be independent faculty and staff members with appropriate experience and professional expertise. The committee membership should include an independent undergraduate student and an independent graduate student, both with voting rights. For facility projects associated with a member's unit, that committee member should absent himself or herself from the committee discussion and from the vote on the Committee's recommendation.

On environmental matters, issues can and will arise between conception of the facility and the decision-making necessary to build the facility

- for projects that are already in the FMP (in some cases, perhaps for a decade or longer) and for those projects that are not in the FMP,
- for projects in campus areas with many facilities already present as well as for campus areas with few facilities or none at all,
- for large projects and for small projects, and
- for State-funded projects as well as for projects to be built with other funds.

For these reasons, we strongly recommend that all project proposals be reviewed by the Facilities [Site](#) Review Committee.

The composition of the Facilities [Site](#) Review Committee is similar to the composition requirement for the Academic Planning Advisory Committee (APAC), which is required to have a majority of its members be

ccolella 4/6/10 12:32 AM

**Deleted:** a re-configured, expanded, and

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**Deleted:** successor to the Architectural Design Standards

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**Deleted:** also retains ADSB's current functions and

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**Deleted:** The University should choose one of the following options in transforming the ADSB into the Facilities Review Committee: -

non-administrative faculty members. It conforms to the DOE principle of independent review by capable individuals who don't have a stake in the project other than advancing the quality of the campus environment. The requirement for members absenting themselves from discussion of or voting on Facilities Review Committee actions involving their own unit is analogous to that followed by members of the Campus Promotion & Tenure Committee when candidates from their academic unit are being considered. (Outside advisory membership for the Committee may be sought if projects being reviewed exclude a significant number of the members with professional expertise.) The membership of the Facilities [Site](#) Review Committee should draw on the expertise, experience, and talent of the faculty and staff of our University and should include participation by students.

| Similar to those of community planning/zoning boards, the charge to the Facilities [Site](#) Review Committee includes requirements for public meetings, written criteria, early review, and written records of actions.

| The credibility of the Facilities [Site](#) Review Committee will depend upon the quality of the appointments, the independence of the Committee, the openness of the process, the quality of their reviews, and the influence of their reviews in creating the best University facilities and advancing excellence at all scales of design across the campus.