

University Senate

April 23, 2009

Members Present

Members present at the meeting: 83

Call to Order

Senate Chair Holum called the meeting to order at 3:23 p.m.

Approval of the Minutes

Chair Holum asked for additions or corrections to the minutes of the April 6, 2009 meeting. Hearing none he declared the minutes approved as distributed.

Report of the Chair/Report of the Senate Executive Committee

Chair Holum welcomed everyone. He explained that this was the last meeting of the 2008-2009 Senate and that the first meeting of the 2009-2010 Senate will be May 4, 2009.

Chair Holum thanked the outgoing members for a productive year. He explained that the Senate's disapproval of the proposed Post-Tenure Review Policy and President Mote's disapproval of the proposal to remove of prayer at commencement is indicative of our shared governance model. He explained that negativity of these decisions shows that we really do have shared governance and how the Administration and the Senate work together. He urged Senators to encourage their colleagues to get involved in the Senate and take it seriously. Specifically, there is a lack of faculty signed up for committees and he encouraged more involvement. Finally, Chair Holum explained that the Climate Action Plan, presented at the last Senate meeting, is currently in its comment period. He encouraged everyone to comment at <http://www.sustainability.umd.edu> and explained that the finalized plan would be brought before the Senate in the beginning of the fall 2009 semester.

Chair Holum explained that we had speakers present who had limited time to appear before the Senate and therefore asked the consent of the Senate to move agenda item #7(Student Conduct Committee Report-Medical Amnesty Protocol (Senate Document number 07-08-20)) up next on the agenda. Hearing no objections, he introduced David Freund, Chair of the Student Conduct Committee (SCC).

Committee Reports

Student Conduct Committee Report-Medical Amnesty Protocol (Senate Document number 07-08-20) (Action)

Freund gave an overview of the committee's charge and work. He read a statement from Nan Ratner, member of the SCC. Freund introduced Brad Docherty, Chair of the Good Samaritan Working Group.

Docherty thanked the working group members and the committee's coordinator, Chelsea Benincasa, for their diligent work throughout the semester. He gave a brief overview of the working group's research and conclusions. He explained that this is a first step towards a policy.

John Zacker, Director of the Office of Student Conduct, gave an administrative perspective on the issue. He explained that the protocol addresses the perception among students of the consequences of alcohol misuse. He explained that the protocol addresses the hesitation that students have in calling for medical assistance because of university consequences. The protocol does not dramatically change existing process but will help change the students' perception. Zacker also explained that the Maryland General Assembly recently passed a Bill which provides mitigation similar to the proposed protocol.

Freund introduced Chief Kenneth Krouse, Chief of the Campus Police. Krouse explained that the implementation of the new protocol will have no impact on how the police handle these types of situations. He explained that amnesty and mitigation must be conducted properly. Krouse explained that he is supportive of amnesty and saving lives. Krouse explained that the Maryland Legislature bill regarding medical amnesty was heavily amended before being passed. They ended up with a limited bill that would look at mitigating factors but contained no mandates.

Chief Krouse also introduced Paul Dillon, Spokesperson for the Campus Police. Dillon explained the current police protocols assign importance to the care of the victim first and foremost. He stated that there were roughly 80 transports per year. Dillon urged the Senate to look at prevention of alcohol misuse not just treat the symptoms. He stated that if the protocol is to become a policy, we must be specific with our wording of what the amnesty is for and that it would not necessarily be indicated in situations like hazing and other scenarios. Dillon explained that the criminal system will stay as is.

Holum thanked all of the speakers and opened the floor to discussion.

Senator Slavin, Staff, stated that she had concerns about the students' understanding of the nature of the protocol and what it did or did not do. She does not want students to think of this protocol as a free pass and increase their abuse of alcohol. She stated that it was not clear whether students would act more responsibly if there was a protocol in place. Slavin stated that education and understanding were the keys to the issue. The General Assembly's newly passed bill is not a law but a procedure similar to how this is not a policy but a protocol. She asked the Senate to consider educational measures.

Senator Hayes, Undergraduate, College of Engineering, urged the Senate to support the resolutions. He believes they are a first step to a comprehensive policy. Hayes stated that we should not seek to prohibit but rather to limit harm. He stated that students want to be able to point to something in writing. Hayes then made a motion to call the question and his motion was seconded.

Holum called for a vote on the motion to call the question. The result was a majority were opposed. **The motion to call the question failed.**

Friedman, Member of the SCC and Working Group, explained that he was agnostic at the beginning of the process. He stated that the student forum helped to persuade him that the policy was necessary. He gave an example of one of the many personal stories heard from students at the forum. Friedman explained that drinking on campus will remain the same but the University can put something forward that can remove the barriers that keep students from calling. It must be something written, not just by word of mouth. Friedman further stated that he hopes that the protocol is a first step to a policy. He strongly encouraged the Senate to support the protocol.

Senator Zuckerman, Undergraduate, College of Behavioral & Social Sciences, gave personal insight of his experiences as an Emergency Medical Technician (EMT). He spoke to the concerns that students might abuse the policy because it gave them a “get out of jail free card.” He stated that students do not want to end up in the hospital. Zuckerman urged the Senate to support the resolutions.

Holum called for a vote on the resolutions to endorse the protocol. The result was 72 in favor, 1 against and 0 abstentions. **The motion to endorse the protocol passed.**

Holum explained that we would now return to the original order of agenda items and introduced, Daniel Falvey, Chair of the Faculty Affairs Committee.

Faculty Affairs Committee Report- Resolution on Open Access to Scholarly Publications. (Senate Doc. No. 08-09-25) (Action)

Falvey, Chair of the Faculty Affairs Committee, gave a brief overview of the proposal and the need for the resolution.

Holum opened the floor for discussion.

Senator Moses, Faculty, College of Arts & Humanities, quoted emails from Senators Owen and Falvey. She believes that it is not about our ability to access journals but rather the Libraries’ budgetary issues and the cost of journals. Moses stated that the resolution urges the campus constituents to action and is not merely looking to raise awareness. She explained that all faculty have free access to the journal in the Libraries. She thinks that open access will kill the journals that we need. Moses urged the Senate to reject the resolutions.

Senator Owen, Faculty, Libraries, stated that the resolution is not a mandate. He stated that it is important that authors retain the rights to their own work.

Senator Hackman, Faculty, Libraries, explained that pricing impacts us but also other institutions that read our articles. He explained that there are profitable open access journals and viable business models for them.

Senator Haldey, Faculty, College of Arts & Humanities, stated that publishers have a standard contract that transfers copyright to them and explained that it would be an issue if she refused. She stated that open access journals often are not highly regarded so she is not supportive of the resolution.

Falvey responded that her point was valid and was considered in the committee. He explained that this is why the resolution is not mandate but a resolution. Falvey explained that the committee did not want to hurt the junior faculty by forcing them to publish in open access journals.

Senator Soltan, Faculty, College of Behavioral & Social Sciences, stated that we should look at the issue from all perspectives including the expensive and cheap journals. He stated that we need to look at the diversity of the fields on the campus. Soltan stated that we should reject this resolution because it does not look at the diversity of journals.

Senator Gullickson, Faculty, College of Arts & Humanities, agreed that the proposal does not take into account the practices of individual disciplines. She also does not like the statement in the resolution that states “The University Senate urges the President.”

Senator A’Hearn, Faculty, College of Computers, Mathematical & Physical Sciences, stated that diversity is crucial and that he, too, was concerned about the first part of the resolution. He stated that open access is valuable but a universal approach is not the solution. He urged the Senate to vote against the resolution.

Senator Falvey, Chair of Faculty Affairs responded with an amendment which was seconded.

- Original Text: WHEREAS the cost of scholarly journals continually rises in price faster than inflation,
- Amended Text: WHEREAS the cost of scholarly journals **in some disciplines** continually rises in price faster than inflation,
- Original Text: (1) The University Senate urges the President to work collectively with other universities, research institutions etc. to establish and advocate for nationwide open access policies, such as those recently adopted by the NIH that would apply to all disciplines.
- Amended Text: (1) The University Senate urges the President to work collectively with other universities, research institutions etc. to establish and advocate for nationwide open access policies, such as those recently adopted by the NIH, that would apply to **disciplines in which subscription prices have skyrocketed.**

Senator Johnson, Faculty, College of Engineering, spoke against the amendment because the language was not clear.

Holum called for a vote on Falvey’s amendment. The result was the majority against the amendment. **The amendment failed.**

Dean Harris, Ex-Officio, College of Arts & Humanities, stated that he was against the resolution. He believes that it is a poorly posed question. He does not want journals to be driven out of business because of open access. He stated that the key is not the price of journals but what open access does to the publishing outlets and what it does to tenure in cases where faculty must publish in top flight journals. Dean Harris encouraged the Senators to attend the Dean of Libraries candidate talks.

Senator Falvey responded that if the only comparison you can make to open access is the Washington Post then it is not a good argument. The Washington Post has paid writers and a very different business model than journals.

Hearing no further discussion, Holum called for a vote on the resolution. The result was 25 in favor, 37 against and 4 abstentions. **The motion to approve the resolution failed.**

**PCC Proposal to establish a Post-Baccalaureate Certificate in MSDE
Administrator I Certification (Senate Document Number 08-09-26) (Action)**

Carmen Balthrop, Chair of the PCC Committee, gave an overview of the proposal.

Holum opened the floor for discussion.

Holum called for a vote. The result was unanimous in favor the proposal. **The motion to approve the proposal passed.**

**PCC Proposal to establish a Post-Baccalaureate Certificate in Science
Education (Senate Document Number 08-09-27) (Action)**

Carmen Balthrop, Chair of the PCC Committee, gave an overview of the proposal.

Holum opened the floor for discussion.

Senator Johnson, Faculty, College of Engineering, stated that he would like to see technology or engineering included in the program. He stated that the steering committee should also include a representative from the College of Engineering. Johnson further stated that either History of Science or Philosophy of Science should be included in the course requirements.

Holum called for a vote. The result was unanimous in favor the proposal. **The motion to approve the proposal passed.**

**PCC Proposal to establish a B.S. in Public Health Science, to be offered at the
Universities at Shady Grove (Senate Document Number 08-09-29) (Action)**

Carmen Balthrop, Chair of the PCC Committee, gave an overview of the proposal.

Holum opened the floor for discussion.

Senator Falvey, Faculty, College of Chemical and Life Sciences, asked who would staff the courses in the program.

Senator Kleinman, Faculty, School of Public Health, introduced Vicki Anand, Assistant Dean of the School of Public Health.

Anand explained that the courses in this program would be taught largely by adjunct faculty but also by some of the School of Public Health faculty.

Holum called for a vote. The result was the majority in favor, 5 against and 2 abstentions. **The motion to approve the proposal passed.**

PCC Proposal to rename the Bachelor of Arts in German Language and Literature as the Bachelor of Arts in Germanic Studies (Senate Document Number 08-09-30) (Action)

Carmen Balthrop, Chair of the PCC Committee, gave an overview of the proposal.

Holum opened the floor for discussion.

Holum called for a vote. The result was unanimous in favor the proposal. **The motion to approve the proposal passed.**

Holum called for a quorum count. The result was 58. There was no longer a quorum, therefore the meeting was adjourned.

APAS Committee Report on the 30-Credit Rule (Senate Document Number 07-08-14) (Action)

Postponed to the May 4, 2009 Senate Meeting.

ERG Committee Report- Eligibility Timeline for Staff Elections (Senate Document number 08-09-13)

Postponed to the May 4, 2009 Senate Meeting.

Senate Chair Holum adjourned the meeting at 5:00 p.m.