

University Senate

May 2, 2013

Members Present

Members present at the meeting: 106

Call to Order

Senate Chair Smith called the meeting to order at 3:21 p.m.

Smith welcomed the incoming senators and asked that they please stand to be recognized. She stated her appreciation for their service and commitment to the University.

Election of the Chair-Elect

Chair Smith introduced Doron Levy, Faculty, College of Computer, Mathematical, and Natural Sciences (CMNS), and Donald Webster, Faculty, College of Agriculture and Natural Resources (AGNR) as the candidates for Chair-Elect and thanked them for their willingness to serve. She opened the floor to nominations. Hearing no additional nominations, she requested that all voting Senators vote on the Chair-Elect. Chair Smith announced that Donald Webster had been elected Chair-Elect.

Approval of the Minutes

Chair Smith asked for additions or corrections to the minutes of the April 17, 2013 meeting. Hearing none, she declared the minutes approved as distributed.

Report of the Outgoing Chair, Martha Nell Smith

Chair Smith stated that she has thoroughly enjoyed the past year as Senate Chair. She thanked the Parliamentarian and the Senate Staff for their support. Smith highlighted some of the work from the past year: the presentations by Kumea Shorter-Gooden, Chief Diversity Officer, the Open-Access and APT Task Forces, President Loh's State of the Campus Address, the Move to the Big 10, and the new Provost, Mary Ann Rankin. She also commented on the important upcoming work including the report from the Joint Task Force on Sexual Harassment Policies. Smith welcomed the incoming chair, Vincent Novara and wished the Senate luck in its upcoming year.

Incoming Chair, Vincent Novara, thanked Smith for her outstanding service and leadership over the past year and presented her with a token of appreciation.

Chair Novara recognized Senator Walters, Faculty, College of Computer, Mathematical and Natural Sciences (CMNS).

Senator Walters made a motion to set aside the Senate agenda in order to enter a *motion of appreciation, thanks, and commendation to Martha Nell Smith for her untiring efforts on behalf of the students, staff, and faculty at the University of Maryland during the past two years as Chair-Elect and Chair of the University Senate, performed in addition to her strong scholarly efforts to bring technology and the humanities together.*

The resolution was adopted by acclamation.

Chair Novara expressed the Senate's gratitude to Outgoing Chair Smith and wished her well.

Chair Novara also expressed the importance of shared governance and his personal gratitude for the opportunity to serve as only the second chair of the Senate to not come from the instructional faculty.

Special Elections

Chair Novara thanked Denise Best and the Nominations Committee for their work in developing the slates and the candidates who have agreed to run. He also encouraged senators to volunteer to serve on a senate committee. He then provided instructions on the process for the special elections.

Senate Executive Committee

Novara requested that all voting senators take out the ballots for the vote of the Senate Executive Committee and strike out Donald Webster as a candidate because the chair-elect is an ex-officio member of the SEC. He also noted that Justin Dent, Kevin Lacherra, and Madelyn Simon have withdrawn their names from the ballot. He opened the floor to nominations. Hearing none, he asked senators to complete their ballots.

Committee on Committees

Novara asked all voting senators to take out the ballots for the vote of the Committee on Committees. He opened the floor to nominations. Hearing none, he asked the senators to complete their ballots.

Athletic Council

Novara asked all faculty senators to take out the ballots for the vote of the Athletic Council. He opened the floor to nominations. Hearing none, he asked the faculty senators to complete their ballots.

Council of University System Faculty (CUSF)

Novara asked all faculty senators to take out the ballots for the vote of the Council of University System Faculty (CUSF). He opened the floor to nominations. Hearing none, he asked the faculty senators to complete their ballots.

Campus Transportation Advisory Committee (CTAC)

Novara requested that all faculty, staff, and undergraduate senators take out their ballots for the vote of the Campus Transportation Advisory Committee (CTAC). He opened the floor to nominations. Hearing none, he asked the senators to complete their ballots.

Chair Novara stated that Reka Montfort would announce the results of the special elections by email following the meeting.

Novara announced that the Senate Meeting Schedule for 2013-2014 has been finalized and will be emailed to senators. He reminded everyone that only senators or those introduced by senators may speak. For the record, all speakers should state his or her name and constituency prior to speaking.

Committee Reports

Code of Student Conduct Expansion of Jurisdiction (Senate Doc. No. 12-13-26) (Action)

Jason Speck, Chair of the Student Conduct Committee, presented the Code of Student Conduct Expansion of Jurisdiction and provided background information about the committee's work and its recommendation to expand the Code's jurisdiction.

Novara opened the floor to discussion of the report.

Senator Burns, Undergraduate, College of Computer, Mathematical, and Natural Sciences (CMNS), introduced Sasha Azar, President of the Residence Hall Association (RHA). She stated that the RHA met a few weeks ago and raised concerns regarding vague language in the new policy, the lack of boundaries, and that the expansion itself appears to go far beyond combatting hazing and sexual misconduct. They believe that the police should handle noise and other violations. The Office of Student Conduct's role is not to fill in the gaps in the criminal justice system. RHA will continue to work with the administration about these concerns and will advertise the changes should this pass.

Speck stated that it is understandable that there are concerns about the language, but it does align with other USM and peer institutions. The language is broad to give the Office of Student Conduct discretion but also provides protection for students living off-campus.

Samantha Zwerling, Student Government Association (SGA) President, submitted a resolution recently passed by the SGA in support of the expansion of jurisdiction to be entered into the Senate record. The SGA supports the ideal that the University ensures the safety of its students. She is confident that the goal of this expansion is not to crack down on under-age drinking. We should be in-line with our peer institutions on this issue. Overall, this is good for the students.

Senator Ratner, Undergraduate, College of Behavioral and Social Sciences (BSOS), stated that he is also the SGA City Council Liaison and has been working with the City of College Park on different policies to improve relationships between students, landlords, the community etc. This policy is important to the City. It shows that the University is invested in the City and in making the community better by holding students accountable for actions off-campus. We are representatives of the University so we should be accountable for our actions regardless of location.

Speck stated that this policy reflects the reality that so many students do live off-campus.

Senator Ellis, Research Faculty, recalled the initiation of the riot policy. There was enormous pressure from the Board of Regents and athletics donors because they were displeased with image problems caused by rioting incidents. The new language appears to allow the Office of Student Conduct to throw students out of the University for bad language or other smaller infractions. Did the committee consider the influence of senior administrators and/or legislators to apply pressure to broadly interpret the policy?

Speck stated that the policy has been of interest to many groups throughout the campus. We did not go through specific scenarios but rather to broaden the scope of the existing practice. The Office of Student Conduct does have discretion, and it is incumbent on that office not to bow to public or outside pressure. He commented that the Office of Student Conduct utilizes progressive discipline and has an educational component that will be more helpful to students than the criminal justice system.

Senator Davis, Graduate Student, College of Computer, Mathematical, and Natural Sciences (CMNS), stated that he appreciates the intent of the policy but proposed an amendment. The amendment was seconded.

(c) not on University premises if the conduct would otherwise constitute a violation of this Code had it occurred on University premises and if in the judgment of the Director of Student Conduct the conduct affects the ~~health, safety, or well-being~~ of the University community or the orderly operation of the University, ~~or other distinct University interests.~~

Chair Novara opened the floor to discussion of the amendment.

Senator Mallios, Faculty, College of Arts & Humanities, stated that it is important for the University to play a role but he feels that it give the Director of the Office of Student Conduct a lot of discretion. What happens if there is not a good Director? Is there an appeals process in place? Is there a handbook to explain the rationale for the policy? Does the Director determine whether the act occurred or presume that the offense occurred?

Speck responded that there is an appeals process in place where the Student Conduct Committee plays a role and clarified that the Director does not try or decide

these cases but rather the Honor Board does. The committee did discuss an educational campaign for the students. The code is in place but now it applies whether you are on or off campus.

Hearing no further discussion on the amendment, Chair Novara called for a vote on the amendment. **The result was 45 in favor, 41 opposed, and 9 abstentions. The amendment passed.**

Novara opened the floor to discussion of the policy as amended.

Senator Cox, Graduate Student, Robert H. Smith School of Business, stated that this policy would also affect the other satellite campuses of the University such as Shady Grove. She stated that the policy is unclear especially related to criminal offenses whether they are convicted or not. She feels that the policy is abstract and opens a dangerous door.

Speck responded that creating a specific list of offenses risks missing an offense. Peer institutions have similar guidelines.

Andrea Goodwin, Student Conduct Committee Member, noted that the Code already does apply to students at the Shady Grove campus. In addition, currently, if students were charged with a criminal offense on campus, the same scenario would apply where the University could pursue disciplinary actions regardless of the outcome of the criminal case. If there is a sexual misconduct case that was not prosecuted, the student could still use the Code as a mechanism for recourse.

Senator Lathrop, Faculty, College of Computer, Mathematical, and Natural Sciences (CMNS), asked whether (10. b.) would prohibit students from participating at shooting ranges or hunting without campus permission.

Andrea Goodwin, Student Conduct Committee Member, stated that that would not be considered "unauthorized" use or possession of a weapon. The Code refers to weapons in student housing or on campus. If they have a license to carry the weapon or it is authorized by the facility, we would not consider it to be "unauthorized" use.

Senator Burns, Undergraduate, College of Computer, Mathematical, and Natural Sciences (CMNS), questioned the fairness of punishing students under the code when they were found not guilty through the criminal justice system.

Speck responded that the policy already allows the code to be applied regardless of the outcome of criminal offense if the incident occurred on campus. This change would allow that same principle to apply off-campus.

Senator Burns further stated that Code puts the burden of proof on the student. He expressed concern that the new policy would cause more harm than good, and students would not be able to adequately defend themselves.

Speck stated that the burden of proof is always on the person that brings the case forward.

Senator Good-Cohn, Undergraduate, College of Behavioral & Social Sciences (BSOS), introduced Matthew Popkin, Undergraduate. Popkin stated that he believes that the policy has been thoroughly vetted and well reviewed. It is extending the current Code, which works pretty well on campus. It would help the safety of this community so he urged senators to support the policy.

Senator Lathrop proposed an amendment to the policy. The amendment was seconded.

(b) ~~Unauthorized~~ **Illegal** use, possession, or storage of any weapon

Andrea Goodwin, Student Conduct Committee Member, stated that because guns are unauthorized on campus, the language would have to say illegal or unauthorized use because the code applies on campus right now. It is not illegal all the time to carry a weapon but it is unauthorized on this campus. She is afraid that the amendment would hurt our on-campus constituents and change the policy significantly.

Senator Lathrop agreed to alter his amendment and the change was seconded.

(b) Unauthorized **on campus or illegal off campus** use, possession, or storage of any weapon

Chair Novara opened the floor to discussion of the amendment; hearing none, he called for a vote on the amendment. **The result was 69 in favor, 20 opposed, and 2 abstentions. The amendment passed.**

Chair Novara opened the floor to discussion of the proposal as amended.

Senator Burke, Part-Time Graduate Student, inquired whether campus security could now expand into off campus.

Speck responded that simultaneously, the Department of Public Safety would expand its concurrent jurisdiction with the Prince Georges County Police. They will be present in areas where they had not in the past. That will happen regardless of this legislation.

Chair Novara called for a vote on the proposal as amended. **The result was 68 in favor, 18 opposed, and 4 abstentions. The proposal passed.**

Proposal Updating Policy III-1.20 (B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading - Undergraduate Students (Senate Doc. No. 12-13-43) (Action)

Reid Compton, Member of the Academic Procedures & Standards (APAS) Committee, presented the Proposal Updating Policy III-1.20 (B): University of Maryland Procedures for Review of Alleged Arbitrary and Capricious Grading - Undergraduate Students and provided background information about the committee's work and its recommendation to align the undergraduate and graduate policies.

Novara opened the floor to discussion of the proposal. Hearing none, he called for a vote on the proposal. **The result was 78 in favor, 5 opposed, and 4 abstentions. The proposal passed.**

Special Order of the Day
Cynthia Hale
Chair, Joint President/Senate Sexual Harassment Policies &
Procedures Task Force
Feedback on the Task Force's Charge

Chair Novara introduced Cynthia Hale, Chair of the Joint President/Senate Sexual Harassment Policies & Procedures Task Force.

Hale gave a status report of the task force's work to date.

Overview

The task force was convened in July 2012. President Loh and the SEC charged the task force with reviewing the University's Sexual Harassment Policies and Procedures. The task force expected to report back by March 2013 but requested an extension to October 2013 in order to thoroughly review the issue.

Charge

Hale explained the elements of the task force's charge:

1. Consult on current practices and procedures regarding cases of sexual harassment and misconduct with relevant campus units and programs.
2. Review the consistency and understanding by the campus community of existing policy and procedures.
3. Recommend enhanced communication strategies.
4. Assess the efficacy, frequency, and scope of the current sexual harassment and misconduct training options.
5. Assess whether existing definitions, policies, and procedures comport with current legal requirements.
6. Review and assess the existing appeals process for sexual harassment and misconduct cases.

Review Process

Hale explained that the University has hired nationally recognized consultants to assist the Task Force – Leslie Gomez and Gina Smith with Pepper Hamilton, LLP. The consultants have conducted interviews with key constituents on campus on four separate occasions. The task force will review their findings and incorporate any

recommendations into its final report, as appropriate.

Timeframe

The task force has met on ten occasions to develop a course of action, discuss research findings, and draft recommendations. The task force will continue to meet over the summer. Recently, the SEC referred a proposal on mandatory trainings for students related to sexual misconduct. The task force will consider the proposal and incorporate it into its deliberations.

Feedback

The task force is currently looking for feedback from the community on its charge and process. We have created an anonymous survey to gather input from the community. Comments will be collected until June 2, 2013.

Chair Novara opened the floor to questions and reminded Senators to keep questions broad and unrelated to specific cases. Hearing none, he thanked Hale for her presentation.

New Business

There was no new business.

Adjournment

Senate Chair Novara adjourned the meeting at 4:46 p.m.