

## **University Senate**

October 6, 2016

### **Members Present**

Members present at the meeting: 130

### **Call to Order**

Senate Chair Goodman called the meeting to order at 3:20 p.m.

### **Special Order: Presidential Briefing**

Goodman announced that there would not be a presidential briefing at this meeting because President Loh had to attend a special meeting of the Board of Regents.

### **Approval of the Minutes**

Chair Goodman asked for additions or corrections to the minutes of the September 7, 2016, Senate meeting; hearing none, he declared the minutes approved as distributed.

### **Report of the Chair**

#### Nominations Committee

Goodman stated that outgoing senators, with a term ending in April 2017, should have received a message from the Senate Office requesting volunteers to serve on the Nominations Committee. This important committee is charged with soliciting nominations from the membership of the Senate for the Executive Committee, Chair-Elect, the Committee on Committees, and other University-wide committees and councils whose members will be elected at the annual transition of the Senate in May. The committee serves a very important purpose, yet meets only a few times during the period of late-January through March. The Senate relies on the good judgment of the members of the Nominations Committee to present candidates that reflect the quality and diversity of our campus community. Goodman encouraged any outgoing senators to consider serving on this important committee. Those interested can send an email to [senate-admin@umd.edu](mailto:senate-admin@umd.edu). The Senate will vote on the Nominations Committee slate at its December meeting.

#### Board of Regents Staff Awards

The Staff Affairs Committee is currently accepting nominations for the prestigious Board of Regents' Staff Awards. These annual awards are the highest System-wide recognition of the exceptional work done by staff members across the University System of Maryland. Awardees receive a \$2,000 stipend and formal recognition by the Board of Regents and the University Senate. Exempt and non-exempt staff who have been with the University for at least 5 years are eligible to be nominated in one of the following four categories: Exceptional Contribution to the Institution and/or Unit to Which the Person Belongs; Outstanding Service to Students in an Academic or Residential Environment; Extraordinary Public Service to the University or Greater Community; Effectiveness and Efficiency. There

are coaches available to help nominators gather the necessary materials, and any member of the university community, including students, can nominate an eligible staff member. Nomination packages must be submitted to the Senate Office by **Friday, November 18<sup>th</sup>**. Detailed instructions can be found on the Senate website.

#### Big Ten Academic Alliance (BTAA) Governance Leaders Conference

Goodman reported that he, Reka Montfort, Executive Secretary & Director, and Willie Brown, Past Senate Chair, attended the Big Ten Academic Alliance Governance Leaders Conference at Michigan State University September 28-30. Representatives from all 14 conference schools were in attendance. They met with campus leaders at Michigan State, including their President, members of their Board of Trustees, and their Associate Provost/Associate Vice-President for Academic Human Resources, who is the equivalent to our Associate Provost for Faculty Affairs. They discussed topics such as communication premises & pitfalls, the role of academic governance in developing an institutional response, background and future of the Big Ten Academic Alliance, the Coalition on Intercollegiate Athletics, and Current NCAA Discussion Regarding Student-Athletes and Academic Integrity. They also had an opportunity to hold breakout sessions regarding engagement in governance including topics such as governance structures/systems, the role of governance in campus planning, types of reward/recognition to ensure involvement and engagement, and best practices in governance at all of the Big 10 institutions. It was a productive meeting, and they hope to continue to engage that group throughout the year using a Slack group. Goodman noted that the University Senate is unique because of its representation of all members of campus and noted that senates at other institutions have the university president chair the senate or represent multiple campuses. He reminded Senators that they have specific responsibilities under the Plan of Organization for Shared Governance including advising the President, receiving and considering recommendations from the President, and consulting with the campus community on all matters of concern, submitting proposals to improve the quality of campus life, and formulating and recommending to the President policies relating to education, research, and administration. He encouraged Senators to engage in these matters and noted that they should feel empowered to raise concerns for the betterment of the University.

#### Next Meeting

President Loh was originally scheduled to give his State of the Campus Address at the November 2<sup>nd</sup> Senate meeting. Goodman stated that the President has to travel out of the country that week so his address has been rescheduled to the December 6<sup>th</sup> Senate meeting. We will have a regular Senate meeting on November 2<sup>nd</sup>, including a presentation by David Allen, Director of Transportation Services to address the parking concerns that senators raised on the presidential briefing Slack channel. Both of the next two meetings will be in the Colony Ballroom on the second floor of the Stamp Student Union.

#### **Underrepresented and Diverse Faculty Hiring Initiatives (Senate Doc. No. 16-17-07) (Action)**

Stephen Thomas, Chair of the Joint Provost-Senate Underrepresented and Diverse Faculty Hiring Task Force, presented the Task Force's recommendations on both the President's Postdoctoral Fellowship Program and the Senior Strategic Faculty Hires initiatives.

Goodman thanked Thomas for his presentation and stated that the Senate would discuss and vote on each initiative separately, so that one does not adversely affect the other, starting with the President's Postdoctoral Fellowship Program.

Goodman opened the floor to discussion of the President's Postdoctoral Fellowship Program.

Senator Kahn, faculty, College of Computer, Mathematical, and Natural Sciences, noted that this was a great idea, but was concerned that the issue that needs to be addressed is not at the postdoctoral level. He noted that barriers existed beyond the postdoctoral level among minorities seeking to become junior faculty members. He added that bringing people into the postdoctoral program does not necessarily mean that they will be faculty members following the program.

Thomas noted that the task force had discussed these issues, including the promotion and tenure of junior faculty.

Dean Pines, A. James Clark School of Engineering, noted that he was a member of the task force and stated that there were some cases in Engineering in which some applicants for faculty positions had potential but not enough experience. They were given postdoctoral appointments for a year and then we hired them as faculty members. He noted that there is a large backlog of people in postdoctoral roles that are waiting for a faculty position due to the hiring freezes over the past few years. He concluded that the postdoctoral program is a worthwhile program as it does produce new faculty members.

Dean Ball, College of Behavioral and Social Sciences, noted that there are a number of fields on campus that do not regularly have postdoctoral appointments. He added that there have been a number of applicants for tenure-track positions that were not quite ready and that the postdoctoral program would help to bring these people into the community to prepare them for the tenure-track position.

Thomas noted that one of the interviewees the task force contacted lamented that their postdoctoral fellowship program saw people leaving to go to other institutions and that the point of this program was to bring people into the University and train them for future faculty positions. He added that the other institutions that are part of the common application have restricted the postdoctoral fellowship program to science, technology, engineering, and math (STEM) fields only, while UMD has opened it up to all fields.

Senator Kahn raised concerns about bringing people in with an implicit promise of a tenure-track position.

Thomas noted that some other institutions did allow for that option, but that this was not recommended for our University.

John Bertot, Associate Provost for Faculty Affairs, noted that the report identified this option as a best practice from other institutions but that units should follow normal search procedures and guidelines.

Senator Payne, faculty, College of Computer, Mathematical, and Natural Sciences, noted that the postdoctoral fellows would need very strong mentors to succeed in obtaining faculty positions at the conclusion of the fellowship.

Thomas noted that the National Master Mentor Network training was conducted recently for the first time and that it was successful in training senior faculty to be excellent mentors. This initiative will be continued in order to create more successful mentors.

Senator Baden, faculty, College of Computer, Mathematical, and Natural Sciences, raised concerns about postdoctoral fellows going elsewhere after the fellowship has concluded and the scale of the program in that there are only three people a year for this opportunity. He questioned whether it would have been better to suggest that the money used for this program be put towards the hiring of underrepresented and diverse candidates at the assistant professor level.

Thomas noted that the task force had discussed this issue as well and noted that other postdoctoral programs and assistant professor initiatives on campus are still operating and encouraged the other programs to look at diversity in their hiring practices.

Bertot noted that UMD joined the postdoctoral fellowship program consortium for two reasons. One was to bring more diverse fellows to our campus and to contribute to the larger academy, while the other was to increase the recruitment pool for faculty hires, as UMD would have the ability to recruit from postdoctoral fellows at other institutions within the consortium. He added that the investment is relatively small for the potential payoff.

Senator Jones, faculty, A. James Clark School of Engineering, asked if search committees for faculty members should be identifying potential candidates that are not ready to be faculty members but would do well in a postdoctoral fellowship, or if this is outside that process.

Dean Pines responded that this initiative is a separate program and noted that his examples only served to show the ability of a postdoctoral fellowship leading to a faculty position even though there is no guarantee that postdoctoral fellows will obtain a faculty position.

Seeing no further discussion, Goodman called for a vote on the President's Postdoctoral Fellowship Program initiative recommendations. The vote was in 105 favor, 13 opposed, and 5 abstentions. **The motion to approve the recommendations passed.**

Goodman opened the floor to discussion of the Strategic Senior Faculty Hire initiative.

Senator Singer, faculty, College of Computer, Mathematical, and Natural Sciences, raised concerns about hiring senior faculty due to the cost and the effectiveness of improving diversity. He noted that hiring people who have already made it does not do more than hire good people.

Thomas noted this issue had been discussed by the task force. He noted that this is one of the most common ways in which institutions advance in increasing diversity.

Dean Pines noted that this does not mean recruiting solely from academia. This initiative also looks at recruiting senior people from industry who will help advance the research being done here but may not have the right resume for academia.

Senator Martinez-Miranda, faculty, A. James Clark School of Engineering, agreed with Senator Singer's concerns about the senior faculty hiring initiative. She noted that hiring senior faculty from outside the University may result in less promotions for junior faculty at UMD. She suggested a network like the previously mentioned mentor network to assist junior faculty in preparing their dossiers for promotion.

Thomas highlighted the advancing faculty diversity initiative noted in the appendix of the report. He stated that the National Research Mentoring Network, which UMD has access to as part of the Big Ten Academic Alliance, also has resources and opportunities for promotion guidance for junior faculty.

Bertot added that the task force was charged with two specific initiatives, so that is why the discussion is tailored to those areas. He added that these recommendations are part of a larger ecosystem of initiatives happening at the University. ADVANCE and the Office of Faculty Affairs (OFA) regularly address the issues Senator Martinez-Miranda spoke about with Appointment, Promotion, and Tenure (APT) workshops. OFA is working to build a more cohesive approach to these issues.

Senator Martinez-Miranda asked whether diversity issues had been addressed in the workshops.

Bertot noted that OFA had been working with the Office of Diversity & Inclusion (ODI) to address diversity issues in the workshops.

Kumea Shorter-Gooden, Chief Diversity Officer, stated that some of the issues may lie in underrepresented and diverse faculty members navigating the APT process. She noted that Thomas is one of the people that works with ADVANCE to assist faculty of color in navigating the APT process. She added that one of the challenges is a lack of underrepresented and diverse full professors to provide mentorship for junior faculty.

Thomas noted that several faculty had gone through a year-long APT workshop program through ADVANCE and were successfully promoted. He agreed that this needed to be highlighted more.

Senator Lathrop, faculty, College of Computer, Mathematical, and Natural Sciences, noted that this is a national problem. He stated that he is in favor of this report because it allows for the opportunity to look beyond our country and to talented scholars from all over the world.

Senator Blanchard, faculty, College of Behavioral and Social Sciences, asked for clarification on the process and when the candidate would be informed of UMD's interest.

Thomas noted that the letter of intent stage was created to ensure that the proposals are feasible, but added that the process still lies within the unit.

Bertot stated that the purpose of the first stage was to gauge the possibility of moving forward. After the letter of intent would be a good time to engage the candidate in order to develop the full proposal with accurate representation of what it would take to get that person to come to campus.

Senator Baden stated that the postdoctoral fellowship program would look at the pre-tenure level, and the senior hire program would look at it from the top-down. He noted that UMD also needs more underrepresented faculty at the assistant professor level and stated the difficulty of doing this given the hiring climate. He asked about a timetable for review of the initiatives.

Thomas noted that the report calls for an annual evaluation of the programs. He added that critical mass matters, and there is a tipping point in which things begin to take off on their own.

Mary Ann Rankin, Senior Vice President and Provost, noted that the original report had stated a review every three years. She stated that this would be looked at every year. Realistically, it takes a long time to hire people from other institutions. She suggested a commitment to a serious review in five years.

Seeing no further discussion, Goodman called for a vote on the Strategic Senior Faculty Hire initiative. The vote was in 98 favor, 14 opposed, and 4 abstentions. **The motion to approve the initiative passed.**

Goodman thanked Thomas and the members of the Task Force for their work.

**Special Order of the Day**  
**Robert Dooling**  
**Chair, IP Policy Subcommittee of the Research Council**  
***Intellectual Policy Review Update***

Robert Dooling, Chair of the IP Policy Subcommittee of the Research Council, provided an update on the progress the subcommittee has made since the presentation to the Senate in Fall 2015.

Goodman opened the floor to questions.

Senator Cumings, faculty, A. James Clark School of Engineering, suggested a review of best practices in regards to revenue sharing to ensure that there is proper motivation for all parties involved. He raised a concern that 25% for the University under-motivates the University to pursue patents.

Dooling agreed with that statement and noted that this point was still up for discussion.

Senator Kahn asked whether the graduate students own their lab notebooks, or if he as the faculty member running the lab keeps them.

Dooling noted that this is murky, that people make copies of notebooks, and that there are often informal agreements between the involved parties for these issues.

Ann Bowden, Office of General Counsel, noted that the University is going to own the research the majority of the time because it is federally funded. She explained that the point in the presentation regarding students owning their work is focused on coursework not research. The University has to maintain copies of the data in whatever form it is in.

Senator Locke, exempt staff in Divisions, noted that many donors and corporations are interested in partnering with UMD but are also interested in maintaining some of the IP rights and see an unclear path in the policy, which makes them less likely to donate.

Bowden noted that there is a separate effort that is addressing the issue Senator Locke raised, which is being headed up by the Provost's Office.

Senator Raghavan, faculty, Robert H. Smith School of Business, asked whether videos of him teaching for online courses could still be used if he were to go to another University.

Bowden noted that online courses are treated the same as face-to-face courses, except that the University is putting resources into the technology of online courses, so it gets to use the information if it wants to, but that the faculty member would still own the work.

Senator Raghavan stated that the way the policy is worded right now, it sounds as if even if the faculty member leaves the University, the University has the right to offer that course online with the content generated by the faculty member that is no longer employed at the institution.

Bowden agreed that the subcommittee should relook at that issue and clarify the language.

Senator Hurtt, faculty, School of Architecture, Planning, and Preservation, stated that his school goes through an accreditation process in which the accreditors need to see proof of the School meeting the academic standards specified in their process. This proof is shown through the work of the students, and so the School has a statement in their materials which says that all student work belongs to the School so that it can be used as part of the accreditation. He asked if this statement would be in conflict with the University's policy.

Dooling noted that he had heard of this in another unit and suggested that the School speak with the Office of General Counsel.

Bowden stated that she believes this statement is in conflict with the University's current IP policy, but added that obtaining a waiver through the Office of the Vice President for Research is an option.

Senator Cumings stated that he had created some videos for a course that were used over the summer by a different instructor, which was the intention. He noted that it is unclear whether the University could use those videos for another purpose and asked if he could tell the University that they cannot use his videos because he owns them.

Bowden explained that the policy states the University can only use materials in accordance with copyright law.

Senator Knapp, undergraduate student, College of Behavioral and Social Sciences, stated that the section regarding online courses creates the potential for the University to use materials in online courses from faculty members who have not taught at the University in a long time. He noted that it is not beneficial to students if material is presented in a class online, but students have no way of contacting the professor.

Goodman thanked Dooling for his presentation.

Chair-Elect Falvey made a motion to extend the meeting by 15 minutes. The motion was seconded.

Goodman called for a vote on the motion to extend the meeting by fifteen minutes and noted that the motion required a 2/3 vote in favor. The result was 51 in favor and 29 opposed. **The motion to extend the meeting failed.**

**Special Order of the Day**  
**Catherine Carroll**  
**Director & Title IX Officer, Office of Civil Rights & Sexual Misconduct**  
***Title IX Update***

Catherine Carroll, Director & Title IX Officer, Office of Civil Rights & Sexual Misconduct (OCRSM) provided an update on the University's initiatives surrounding sexual assault and other Title IX concerns.

Goodman thanked Carroll for her presentation and noted there was no time for questions.

**New Business**

There was no new business.

**Adjournment**

The meeting ended at 5:05 p.m.