

## **University Senate**

October 20, 2011

### **Members Present**

Members present at the meeting: 89

### **Call to Order**

Senate Chair Kasischke called the meeting to order at 3:18 p.m.

### **Approval of the Minutes**

Chair Kasischke asked for additions or corrections to the minutes of the September 21, 2011 meeting. Hearing none he declared the minutes approved as distributed.

### **Report of the Chair**

#### Nominations Committee

Kasischke stated that outgoing senators 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 up for election at the annual transition of the Senate in May. They meet only a few times during the period of late-January through March, but they serve a very important purpose. The Nominations Committee submits a slate of candidates for the Transition Meeting elections. 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. The deadline for nominees is October 21, 2011. He 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

Kasischke announced that we have received the Board of Regents Staff Awards announcement. This is an excellent opportunity for our staff to be recognized for the amazing work that they do. Nomination packets are due in the Senate Office by Friday, November 11, 2011. Information about the nomination process and criteria are listed on the Senate website at <http://www.senate.umd.edu>. He encouraged senators to nominate a staff member.

#### Next Meeting

The next senate meeting will be held on Wednesday, November 9, 2011. President Loh will be presenting his vision for the campus. This meeting will be held in the

Colony Ballroom of the Union to accommodate the larger audience that is anticipated.

**Consideration of a Campus-Wide Helmet Policy at the University of Maryland (Senate Doc. No. 10-11-33) (Action)**

Marcia Marinelli, Chair of the Campus Affairs Committee presented the proposal and gave a brief overview of the committee's recommendations.

Kasischke opened the floor to discussion.

Senator Calderon, Part-Time Undergraduate, stated that the survey shows that people who ride scooters do not want a helmet policy. We are enforcing a rule that we do not want.

Majed Kurtom, SGA Outlying Community Legislator, stated that the Student Government Association (SGA) voted against a helmet policy because it violates First Amendment rights, specifically our freedom of choice, and discourages scooters. Anyone that does not have a helmet will not ride a scooter. He also stated that crash helmets for automobile motorists or a midnight curfew would do more to save lives than helmets for scooter riders. It is as irrational to propose a helmet policy for scooter riders as for car drivers. Thus this bill exceeds its boundaries. The State of Maryland does not require license plate registration for scooters but the University does. This policy means taking a giant leap beyond just registering scooters. He also raised concerns about implementation and whether having two transportation staff taking pictures of violators was appropriate. He stated that there is a predominate tone of making money in this bill. Fines could range from \$30-\$75. He does not feel comfortable with staff taking pictures of students without helmets.

Marinelli stated that the committee did consider First Amendment rights and respects those rights. She stated that the Department of Transportation Services (DOTS) has the authority to enforce a helmet policy for safety reasons. Even though the State of Maryland does not have a law, we can still enforce this policy on our campus. She introduced J. David Allen, Director, Department of Transportation Services, to respond to the concerns about implementation.

David Allen stated that the plan is to use cameras with existing DOTS staff to enforce the policy. The Campus Transportation Advisory Committee (CTAC) approved a fee of \$15 for helmet violations. This fee would barely cover the expense of enforcing the policy so this is not a moneymaking plan. There is currently one staff member dedicated to enforcing scooter violations who would also be tasked with helmet enforcement.

Senator Henry, Faculty, Libraries, stated that he is not in agreement with the libertarian perspective because the campus has a vested interest in the safety of our students. However, there is a pragmatic rationale for not implementing a helmet policy; not to have such a policy would promote increased scooter use on campus. Noting that it is easier to get around campus on scooters, he stated that neither student injured in scooter accidents last year had a head injury nor were the circumstances for their accidents related to helmet use but rather to motorist and pothole issues. Where, then, is the head injury problem here? The safety forum showed more angst over scooters riding on sidewalks and running stop signs. We need to work on our infrastructure rather than a helmet policy because that will go much further. Why are we using people to take pictures of those without helmets instead of those texting while driving or not wearing seatbelts, which are actual laws being broken?

Senator Tolu, Undergraduate, College of Computer, Mathematical, and Natural Sciences, stated that she is in full favor of this bill. Safety at the University should be one of our highest priorities. This bill does not apply to bicyclists. While the recent injuries were not head injuries, it just takes one severe accident with a head injury to make this policy worth it. The Department of Intercollegiate Athletics (DIA) now requires all athletes to wear helmets. Why do athletes have more safety than other students? All students should be valued equally. When the policy is implemented, she encouraged a low fine such as the \$15 fine proposed by Allen. She encouraged senators to vote for the proposal.

Senator Milton, Faculty, School of Public Health, stated that his son had a severe bicycle accident while in college. His son is only still alive because he was wearing a helmet. This is a first step to requiring helmets for cyclists. From an environmental point of view, we should be encouraging bikes not scooters because they will reduce our carbon footprint and help fight obesity. Scooters are a danger to bicyclists. If we are going to encourage other forms of transportation on our campus, we need to separate scooters from bikes from pedestrians. We are investing a lot in our students. We should protect that investment.

Senator Blagadorskiy, Undergraduate, College of Letters and Sciences, stated that this policy is a proactive way of saving lives, but we are not fixing any current real issues that would justify implementing this policy. There has not been a head injury involving a scooter. We are looking at redesigning the campus infrastructure so this may be a more relevant discussion then but nothing necessitates it right now.

Senator Ethridge, Graduate Student, College of Arts & Humanities, stated that he was in full support of the bill, and declared that this is a real issue. 15-30 mph plus concrete equals a lower probability of survival. It is true that if you have a helmet, you are less likely to get injured. We should not wait for bad things to

happen in order to implement this policy but rather to prevent them from happening. We already limit choice by forcing people to wear seatbelts because it is safer. So the question is not whether scooter riders want the policy; it is about what is best for them. It is obvious that this is an issue. This policy shows that we care about safety. This policy does not change the world but is a step in the right direction.

Senator Ahmed, Undergraduate, School of Public Health, raised concerns about the policy because helmets are not a requirement in the State of Maryland. How can we enforce it on our campus if it is not a law? Students coming from off-campus putting on helmets when they get here is not practical. How do we regulate students who live around the campus? If we choose to approve the policy, we should consider extending it to any type of bike. Motorized scooters should not be the only group on which this policy is imposed. Also, there appear to be too many technicalities in the proposed policy and its limitations.

Senator Fleischmann, Faculty, College of Information Studies, inquired whether the survey showed results of scooter riders vs. non-scooter riders and also whether the committee considered subsidizing the cost of buying a helmet.

Marinelli stated that those results were included in the materials. She also stated that Heyser Cycles in Laurel, MD came to campus to fit and sell helmets on campus, but she was unsure of whether the cost was subsidized.

Senator Calderon, Part-Time Undergraduate, stated that because the State of Maryland does not have a law, it is not recommended that we approve this policy. We seem to be debating whether it is a good idea to wear a helmet instead of whether we should impose this on people who can make their own choices. We are implying that we are smarter than the State at large.

Marinelli stated that this policy was vetted up through the State Attorney General's Office on whether we could enforce such a policy.

Matthew Popkin, Member of the Campus Affairs Committee, stated that the freedom of choice is not included in the First Amendment. He initially voted against the policy in the committee because he did not think it was complete but that can be addressed during enforcement. The SGA considered mitigating enforcement by working with DOTS, but that was rejected. Mitigation of enforcement efforts should be considered during implementation. The policy is great in that it is proactive. He stated that he was injured riding a bicycle but did not suffer a head injury because he was wearing a helmet. The impact of a head injury should be taken into consideration. Enforcement should also be considered further. The goal is to change behavior, and this policy will greatly increase the use of helmets. If you are coming from off campus, you do not have to wear a helmet until you get to campus but hopefully you will keep it on even

when you leave campus. Scooter owners make a decision to buy a scooter in the first place instead of a bicycle so it is reasonable to expect that they wear a helmet. It is also reasonable that the University considering offering assistance for buying a helmet for those that need it. Athletics does require athletes to wear helmets on scooters. If Athletics values their students why don't we?

Senator Miletich, Undergraduate, College of Arts & Humanities, asked whether we are going to wait for a head injury before we implement this policy. A lot of our other policies have been instituted incited because of students being hurt or killed. We have the opportunity to pass a law to save a life. We have already seen major injuries so we should not wait for a serious head injury to implement this policy. The main concern is safety.

Senator Leone, Faculty, College of Behavioral & Social Sciences, asked for clarification on how long pictures of violators of the policy would be kept and whether they would be shared with other law enforcement agencies such as the College Park Police or Prince Georges County Police. What will they be used for other than levying a fine?

Marinelli stated that Campus Affairs will revisit how long all images will be kept later in the year and asked David Allen to respond to pictures of students without helmets.

David Allen responded that pictures of violators would only be kept until the appeals process is over. They will be deleted after 15 days. They will not be shared with any other agencies.

Senator Parsons, Exempt Staff, stated that we do not have a right to tell someone else what to do especially if their actions do not hurt others. She would prefer that we force bicyclists to wear lights because their visibility directly impacts everyone else. Unless there is evidence that not wearing helmets causes the University or an individual a safety problem, we do not have a right to tell our adult students what to do. We should not be requiring "yes, mom". We are a place where students can be treated as adults. They will bear the consequences of bad decisions. Just because the State has vetted this policy does not mean that we have to enact the policy. All that means is that the policy is legal.

Kasischke clarified that our guidelines state that speakers can only speak once until all others who wish to speak have had the opportunity.

Senator Buchanan, Faculty, College of Agriculture & Natural Sciences, stated that he was in favor of the policy but found the implementation to be inconsistent with evidentiary standards. There is no chain of evidence. It is a good policy but we need to make sure evidentiary standards and appeals are considered.

Kasischke reminded senators that we are considering the committee's recommendations to create a policy not implementation of that policy.

David Allen responded that violations of the policy would not be appealed through a district court. It is a University policy much like any other policy. A chain of evidence does not apply for enforcing such a policy, the enforcement of which is similar to enforcing our policies against cheating on an exam.

Senator Yuravlivker, Graduate Student, College of Behavioral & Social Sciences, stated that seatbelt laws negate the argument that we should not impose a policy that does not affect us. If we can take a small step to make things safer, we should take that step. It is their choice not to use a scooter on campus if they do not want to follow the policy. He does not see a problem with us approving this policy even if it is "yes, mom". He also suggested that we end the debate and move on.

Senator Calderon, Part-Time Undergraduate, introduced Majed Kurtom.

Majed Kurtom, SGA Outlying Community Legislator, stated that he did not say that freedom of choice was part of the First Amendment. He also stated that imposing a helmet policy for athletes does not necessarily mean that we value them more but rather there is concern over the financial repercussions of injured athletes. We should channel our efforts to prevent injury instead of helmet use.

Senator Blagodarskiy, Undergraduate, College of Letters & Sciences, stated that we should do everything in our power to save lives. There are a lot of scooter riders on campus who will ignore the policy until they are given fines. It is not our business to force people to wear helmets. Students know they are safer if they wear a helmet but it is their choice. They should be able to willingly take that chance.

Senator Alt, Faculty, Robert H. Smith School of Business, thanked Marinelli and her committee for their work. He stated that he was strongly in favor of increasing student safety. He stated that the policy states that the police enforce "moving violations." He does not want to burden the police with enforcing helmet use but also does not think that this is under DOTS purview. In the recommendation, "protective headgear" is a broad category including bum caps that provide little protection. Our peers all use the term "safety helmets." He hopes that we go the extra mile during enforcement of this policy. He also inquired whether the policy has to be approved by the Board of Regents.

Marinelli stated that the committee did not want to burden the police with this. Because DOTS had the license plate recognition system already, this fit within their purview.

Senator Smela, Faculty, College of Engineering, stated that we all understand that wearing helmets is good, but she was concerned about taking away liberties using the rationale that we are doing so for students' own good. She was concerned about where we stop if we use seatbelt laws as the rationale for imposing this policy. We need to be concerned about personal responsibility. She also had concerns about using the photography aspect for implementation because it could set precedence for using pictures for other things.

Provost Wylie stated that the police officers are sworn to enforce laws not signs or campus policies. It is not appropriate for police officers to pull over students without helmets. She also inquired why the committee did not also consider bicycles in this policy.

Marinelli responded that the committee did consider bicycles but responded to the specifics within the charge.

Kasischke called for a vote on the proposal. The result was 55 in favor, 31 opposed, and 1 abstention. **The motion to approve the proposal passed.**

**Special Order of the Day**  
**Donna Hamilton**  
**Associate Provost and Dean for Undergraduate Studies**  
***The New General Education Program: Implementation Update***

Kasischke introduced Donna Hamilton, Associate Provost & Dean for Undergraduate Studies.

Hamilton gave a brief overview of the General Education Program implementation thus far.

Overview

- Undergraduate Studies held meetings in June 2011 with five area community colleges to discuss the transfer policy and general education requirements. Representatives were asked for their opinions on how the policy should be implemented. They were very appreciative to be involved in crafting the policy before it was finalized.
- In the end of July seat targets were sent out to the colleges.
- In August, they met with each college to discuss methodology and background information used to calculate how much instruction was needed and to set the seat targets.
- The faculty boards were reappointed in late August 2011. All of last year's members were asked to continue, and the majority agreed. The boards are facilitated by Donna Hamilton in Oral Communication and I-Series; Doug Roberts in Analytic Reasoning, Humanities, Scholarship in Practice; Betsy

Beise in Writing, Robert Gaines in Diversity, History, and Social Sciences, and Natural Sciences; The members of the faculty boards have taken a great deal of ownership in these boards.

- In October 2011, Hamilton reported the implementation progress to the Senate's General Education Committee.
- New recruitment brochures highlighting the new general education program have been created, and a new website will be ready in a week.
- The process of coding courses for categories in the Student Information System (SIS) is now complete but the coding process is ongoing in Testudo.
- There have been General Education workshops this fall in the Center for Teaching Excellence. The Lilly fellows will focus on the scholarship in practice component of the program. The I-Series faculty seminars are running again.
- There have been three workshops thus far for advisors. There is one more scheduled. Undergraduate Studies is happy to make individual presentations within colleges and departments if needed.
- They are in the process of planning the next steps for academic advisors and are preparing FAQs for advisors.
- Academic programs will now need to write new 4-year plans by the end of the semester. These will help incoming and transfer students.

#### **New Business**

There was no new business.

#### **Adjournment**

Senate Chair Kasischke adjourned the meeting at 4:18 p.m.