



## **CALL TO ORDER**

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

## **SPECIAL ORDER: PRESIDENTIAL BRIEFING**

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President Loh reflected on his first eight years at the University of Maryland (UMD), praising shared governance in American higher education as a unique form of academic democracy. He announced that \$975 million had been raised thus far in the *Fearless Ideas: The Campaign for Maryland* capital campaign, fulfilling nearly two-thirds of the campaign's \$1.5 billion goal. He noted that the position of Chief Diversity Officer is being elevated to the Vice Presidential level, and shared that Lucy Dalglish and Warren Kelley, co-chairs of the Joint President/Senate Inclusion & Respect Task Force, are co-chairing the search committee to fill the position. President Loh also noted that there is a search in progress to fill the position of Title IX Director. He stated that the Office of Civil Rights and Sexual Misconduct (OCRSM) is being co-directed on an interim basis by Andrea Goodwin, Director of Student Conduct, and Steven Petkas, Associate Director for Resident Life and Past Chair of the Joint President/Senate Sexual Assault Prevention Task Force, until a permanent director is identified.

President Loh commented on the investigation performed by Walters Inc. on the death of UMD football player Jordan McNair. He noted that Walters Inc. began making recommendations on changes to Athletics protocols before the report was finalized and that the University began implementing those recommendations as quickly as possible. He stated that he was unable to comment on the investigation of the culture of the football program, as the review has not yet been completed.

Chair Walsh thanked President Loh for his briefing and opened the floor to questions.

Senator Stanley, undergraduate student, College of Letters & Sciences, asked how it was possible that University administrators were unaware of a possibly toxic culture in the football program.

President Loh responded that he formed a commission to investigate the allegations as soon as he was aware of them, and that the University is seeking the truth before taking action.

Senator Kenny, undergraduate student, College of Behavioral and Social Sciences, asked about Maryland Today and its potential to create competition for the Diamondback and the inability to opt out of receiving the publication.

President Loh responded that most major universities have an internal communications outlet like Maryland Today, and that different news outlets on campus should be able to report on similar stories without too much overlap. He also noted that there could potentially be a mechanism for opting out.

## **APPROVAL OF THE SEPTEMBER 5, 2018 SENATE MINUTES (ACTION)**

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Chair Walsh asked for additions or corrections to the minutes of the September 5, 2018, meeting; hearing none, he declared the minutes approved as distributed.

## **REPORT OF THE CHAIR**

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### Board of Regents Staff Awards

Chair Walsh explained the significance of the Board of Regents' Staff Awards (BORSA) and announced the 2018 winners from the University. 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. He noted that the winners from the UMD campus are Cheryl Hill, University of Maryland Extension, for Exceptional Contribution to the Institution and/or Unit to Which the Person Belongs (non-exempt); Sara Lopez, Dining Services, for Outstanding Service to Students in an Academic or Residential Environment (non-exempt); Luis Alfonzo, Facilities Management, for Extraordinary Public Service to the University or Greater Community (exempt); and Gary Seibel, Department of Environmental Science and Technology, for Exceptional Contribution to the Institution and/or Unit to Which the Person Belongs (exempt). The Senate recognized the accomplishments of all of the winners, including Alfonzo and Seibel who were in attendance at the meeting.

Chair Walsh announced that the Staff Affairs Committee is currently accepting BORSA nominations. He noted that exempt and non-exempt staff who have been with the University for at least five years are eligible to be nominated in one of five 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 (savings of at least \$10,000 in an academic or administrative context); or Inclusion, Multiculturalism, and Social Justice. Walsh stated that 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 November 16, 2018. Walsh stated that detailed instructions on the nomination process could be found on the Senate website.

### Nominations Committee

Walsh stated that outgoing Senators with a term ending in April 2019 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, and 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. Walsh encouraged any outgoing Senators to consider serving on this important committee. Those interested can complete the form included in the email sent to outgoing Senators. Walsh stated that the Senate will vote on the Nominations Committee slate at its December meeting.

### Senate Executive Committee Motion Follow-Up

Chair Walsh noted that the Senate had charged the Senate Executive Committee (SEC) with reviewing the outcomes of the Board of Regents investigations of the Athletic Department and providing recommendations to the Senate and to President Loh as appropriate. He stated that a subcommittee of the SEC had been formed and would be chaired by Pam Lanford, Chair-Elect. The subcommittee will be responsible for conducting the review and making suggestions to the full SEC.

#### Department of Kinesiology 125<sup>th</sup> Anniversary

Walsh announced that the Department of Kinesiology is celebrating its 125<sup>th</sup> anniversary October 12-13 during Homecoming weekend. Walsh and the Senate recognized the members of the department for their accomplishments.

#### Next Meeting

Walsh noted that the next Senate meeting would be held on Wednesday, November 7, 2018. He stated that President Loh would present his annual State of the Campus Address. This meeting will be held in the Colony Ballroom of the Stamp Student Union to accommodate the larger audience that is anticipated.

### **2018 COUNCIL OF UNIVERSITY SYSTEM STAFF ELECTIONS (SENATE DOCUMENT #17-18-26) (INFORMATION)**

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Chair Walsh presented the Council of University System Staff (CUSS) election results (Senate Document #17-18-26). He noted that the memo from the Staff Affairs Committee explained the election process, and announced the winners. Sarah Goff, Kalia Patricio, and Maureen Schrimpe were elected to serve as primary representatives. Darrell Claiborne, Elizabeth Hinson, and Matthew Nesson will serve as alternates.

### **SPECIAL ORDER OF THE DAY**

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#### **Carlo Colella, Vice President, Administration & Finance** ***Purple Line Update***

Chair Walsh invited Carlo Colella, Vice President of Administration & Finance, to provide his presentation.

Colella provided an update on the construction of the Purple Line light rail system. He presented the Purple Line route on campus and explained the need to relocate the 'M' to an area away from traffic, providing safer conditions for students to interact with the landmark. He noted that students, staff, and faculty will be able to ride the Purple Line fare-free between the five on-campus stops.

Chair Walsh thanked Colella for his presentation and opened the floor to questions.

Chair Walsh introduced Gary Seibel, College of Agriculture & Natural Resources, who stated that several projects located in the H.J. Patterson building have already experienced negative side effects due to the construction taking place on Campus Drive, and asked how the Purple Line may affect research projects or grant funding, especially for graduate students.

Colella responded that the speed of the train will be reduced on campus to help mitigate any electromagnetic side effects, and that the power system has been designed as a split loop to reduce the magnetic field. The Purple Line itself has also been designed to minimize vibration. Colella

noted that possible side effects of the train will be a part of the consideration when new facilities are constructed on campus in the future.

Senator Rozenblit, faculty, College of Arts & Humanities, asked how the introduction of the Purple Line would affect shuttles operated by the Department of Transportation Services (DOTS) on campus and whether the 104 Metro Shuttle would continue operation. Colella stated that the specific question should be referred to DOTS but noted that he is unaware of any specific plans to change shuttle operation at this time.

## **UNDERGRADUATE ADMISSIONS PROCEDURES RELATED TO CRIMINAL BACKGROUND (SENATE DOCUMENT #16-17-29) (ACTION)**

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Thomas Cohen, Chair of the Academic Procedures & Standards (APAS) Committee, presented the Undergraduate Admissions Procedures Related to Criminal Background (Senate Document #16-17-29) and provided background information on the proposal.

Chair Walsh recognized Pam Lanford, Chair-Elect, to make a motion on behalf of the SEC.

Lanford made a motion that all speakers be limited to two minutes during discussion of this agenda item. Walsh asked for a second. The motion was seconded.

Walsh called for a vote on the motion and noted that it required a two-thirds vote in favor to pass. The result was 91 in favor, 11 opposed. **The motion to limit speakers to two minutes passed.**

Chair Walsh opened the floor to discussion of the proposal and noted that a timer would be displayed on the screen.

Walsh called on Senator S. Kahn to present the amendment that was submitted in advance of the meeting.

Senator S. Kahn, undergraduate student, College of Behavioral and Social Sciences, made a motion to amend the proposal to include an additional recommendation:

**The University Senate recommends that this issue be reconsidered in three (3) years as the national landscape around criminal justice evolves and more information on the questions' effects becomes available.**

Walsh called for a second to the motion. The motion was seconded.

Walsh opened the floor to discussion of the amendment.

Senator S. Kahn stated that the criminal background questions could create a barrier for underrepresented minorities and implored the Senate to reject the APAS Committee's proposal in favor of an alternate motion that he planned to present in order to eliminate the questions entirely from the undergraduate admissions process. He stated that the alternate motion could only be considered if the Senate voted to reject the recommendations from the APAS Committee.

Senator Brown, undergraduate student, A. James Clark School of Engineering, stated that continuing to include the criminal background questions on undergraduate applications may be in violation of Maryland State law. She noted that there is no existing mechanism to ensure that

applicants answer the question honestly, as the University does not conduct background checks on every applicant.

Cohen responded that the Maryland Fair Access to Education Act (HB694) states only that criminal background questions cannot automatically disqualify an applicant from consideration for admission.

Senator Callaghan, faculty, College of Arts & Humanities, made a motion to amend the amendment to change the amount of time from three years to ten years. Walsh called for a second. The motion was not seconded. The motion failed.

Pam Lanford, Chair-Elect, made a motion to amend the amendment to change the amount of time from three years to five years, as noted in pink:

**The University Senate recommends that this issue be reconsidered in ~~three (3)~~ five (5) years as the national landscape around criminal justice evolves and more information on the questions' effects becomes available.**

Walsh called for a second. The motion was seconded.

Walsh opened the floor to discussion of the amendment to the amendment.

Senator Schmidt, undergraduate student, School of Architecture, Planning, and Preservation, responded to Cohen's comments on HB694 by citing the Department of Legislative Services analysis of the bill and noting that institutions that use a third-party admissions application may ask questions about the criminal history of the applicant if the institution posts a notice on its website stating that a criminal history does not disqualify an applicant from admission. She stated that she believes that the questions should be removed from the application in order to better clear a path for applicants who may be negatively affected by answering the question.

Walsh asked if Senator Schmidt had an opinion on the amendment to the amendment, and she stated that she was in favor of the change.

Senator Abana, graduate student, A. James Clark School of Engineering, stated that he agrees with the amendment to the amendment. He suggested that the University conduct background checks on all applicants rather than include criminal background questions on the application.

Cohen responded that the APAS Committee discussed the possibility but found it to be cost prohibitive.

Chair Walsh advised Senators to focus their discussion on the amendment at hand.

Walsh called for a vote on the motion to amend the amendment changing the timeline for review from three to five years. The result was 83 in favor, 11 opposed, 6 abstentions. **The motion to amend the amendment passed.**

Walsh opened the floor to discussion of the amendment as amended.

Senator Edwards, faculty, College of Computer, Mathematical, and Natural Sciences, made a motion to amend the amendment to include the word “data” in addition to information, as noted in pink:

**The University Senate recommends that this issue be reconsidered in five (5) years as the national landscape around criminal justice evolves and more information and data on the questions’ effects becomes available.**

Walsh called for a second. The motion was seconded.

Walsh opened the floor to discussion of the amendment. Hearing none, he called for a vote on the amendment to the amendment. The result was 49 in favor, 37 opposed, and 0 abstentions. **The motion to amend the amendment passed.**

Walsh opened the floor to discussion of the amendment as amended. Hearing none, he called for a vote on the amendment as amended. The result was 79 in favor, 14 opposed, 1 abstention. **The motion to amend the proposal passed.**

Chair Walsh clarified the potential scenarios available to the Senate and the implications of those actions:

- The Senate could approve the APAS Committee’s recommendations, in which case the Senate would not consider the alternate motion.
- The Senate could reject the APAS Committee’s recommendations. Only then could the Senate consider the alternate motion.
  - If the Senate approves the alternate motion, it would go to the President for approval instead of the APAS Committee’s recommendation;
  - If the Senate also rejects the alternate motion, nothing goes to the President. The application would remain completely unchanged and the questions regarding criminal background would continue to be asked with no additional information for potential applicants.

Walsh emphasized that the President makes the final decision on anything approved by the Senate. He noted that the President could decide to approve, amend, or reject any recommendations from the Senate, including either the APAS Committee’s recommendation or the alternate motion.

Senator Garcia, graduate student, Robert H. Smith School of Business, asked if the Office of Student Conduct (OSC) monitors applicants who are rejected because of their criminal background.

Walsh introduced Andrea Goodwin, Director of the Office of Student Conduct, who responded that the OSC does not follow up with rejected applicants.

Senator Garcia made a motion to amend the proposal to recommend that the OSC be tasked with conducting a study on applicants who were not recommended for admission because of their criminal background, in order to determine the accuracy of the OSC’s decision and inform the process in the future.

Cohen responded that the University does not retain contact information of rejected applicants.



Goodwin confirmed that the OSC does not retain contact information of rejected applicants and clarified that the purview of the OSC covers only student applicants and current students of the University.

Parliamentarian Novara stated that the amendment was out of order because it is beyond the scope of the University's responsibilities.

Senator Pound, faculty, College of Computer, Mathematical, and Natural Sciences, made a motion to extend the meeting by ten minutes. Walsh called for a second. The motion was seconded.

Walsh called for a vote on the motion to extend the meeting by ten minutes and noted that the motion required a two-thirds vote in favor to pass. The result was 65 in favor, 26 opposed. **The motion to extend the meeting passed.**

Senator S. Kahn urged Senators to reject the APAS Committee's proposal in favor of discussing and approving the alternate motion to completely remove the criminal background questions from the undergraduate admissions application.

William Idsardi, Chair, Department of Linguistics, introduced Shannon Gundy, Director of the Office of Undergraduate Admissions, who spoke in support of the APAS Committee's proposal. She noted that the Admissions Office does a great deal of outreach and strives to make clear to potential students that answering 'yes' to a criminal background question does not automatically disqualify applicants from consideration for admission. The Office of Undergraduate Admissions works with the Office of Student Conduct to ensure that applicants are fully informed of any actions that could adversely impact their qualifications for admission to the University. The Admissions Office is focused not only on paving the way for potential applicants but also on ensuring the safety of all current students, faculty, and staff on campus.

Marvin Breslow, emeriti faculty, College of Arts & Humanities, made a motion to call the question. Walsh called for a second to the motion. The motion was seconded.

Walsh called for a vote to call the question and move directly to a vote on the proposal as amended. He noted that the motion required a two-thirds vote in favor to pass. The result was 73 in favor, 14 opposed, 0 abstentions. **The motion to call the question passed.**

Walsh called for a vote on the proposal as amended. The result was 63 in favor, 26 opposed. **The proposal passed as amended.**

## **NEW BUSINESS**

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There was no new business.

## **ADJOURNMENT**

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The meeting was adjourned at 5:04 p.m.