



CALL TO ORDER

Senate Chair Walsh called the meeting to order at 3:15 p.m.

APPROVAL OF THE OCTOBER 2, 2018 SENATE MINUTES (ACTION)

Chair Walsh asked for additions or corrections to the minutes of the October 2, 2018, meeting; hearing none, he declared the minutes approved as distributed.

REPORT OF THE CHAIR

Emergency Special Senate Meeting

Walsh reviewed the events of the Emergency Special Senate meeting on November 2, 2018. He thanked Pam Lanford, Chair-Elect, for giving the Senate an update on the work of the SEC related to its charge on reviewing the outcomes of the Athletics reports, and Nicholas Hadley, Chair of the Athletic Council, for providing an overview on the work of the Council. Walsh thanked Senators and members of the campus community who participated in the discussion the previous meeting. He reported that the Senate ultimately revised and approved the resolution proposed by the Senate leadership, taking a stance on the Board of Regents' overreach and interference with the autonomy of the University. He noted that the presentations from that meeting and the final approved resolution were available on the Senate website.

Board of Regents Staff Awards

Walsh announced that 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. Walsh reminded Senators that nomination packages must be submitted to the Senate Office by Friday, November 16th. Detailed instructions and contact information for staff who can assist with the nomination process can be found on the Senate website.

Big Ten Academic Alliance Governance Leader's Conference

Walsh stated that the Big Ten Academic Alliance (BTAA) Governance Leader's Conference was held October 25-27, 2018 at the University of Iowa. Some of the topics discussed at the conference included a panel discussion on fixed-term and part-time faculty; an overview of the process to remove the American Association of University Professors (AAUP) sanction on the University of Iowa; discussion of the the AAUP censure of the University of Nebraska Lincoln regarding an incident involving academic freedom and free speech; Purdue University's decision to buy Kaplan and create Purdue Global University; and a panel discussion on promoting shared governance. Walsh noted that they also shared best practices on a variety of issues in higher education.

Next Meeting

Walsh reported that because President Loh was unavailable to attend this Senate Meeting, the State of the Campus Address had been rescheduled to the December 4th Senate Meeting.

INTERIM HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (SENATE DOCUMENT #18-19-05) (INFORMATION)

Chair Walsh presented the University's interim Health Insurance Portability and Accountability Act (HIPAA) policy. He reported that the University had made non-substantive changes to its HIPAA policy in order to be in compliance with the Department of Health and Human Services' regulations. The revisions include updates to names, a few internal operational procedures, and the list of units in Attachment A. The revisions were made in consultation with the Office of General Counsel, the Division of Information Technology's Chief Information Security Officer, and the HIPAA Privacy Officer in the Health Center.

Walsh noted that interim policies with substantive changes go through a formal Senate review before they are finalized. He stated that in order to keep a record of non-substantive policy changes and raise awareness of these changes, the Senate Executive Committee (SEC) was providing the Senate with an edited version of the policy as an informational item. Walsh noted that following the meeting, the policy would be finalized by the President.

RESOLUTION TO IMPROVE THE STATUS OF SHARED GOVERNANCE AND ATHLETICS IN THE UNIVERSITY SYSTEM OF MARYLAND (SENATE DOCUMENT #18-19-05) (ACTION)

Walsh reminded Senators that the Resolution to Improve the Status of Shared Governance and Athletics in the University System of Maryland was presented during new business at the Emergency Special Senate meeting but noted that the Senate voted to postpone discussion of the resolution to this meeting due to time constraints. He stated that the language for the resolution was included in the meeting materials.

Walsh opened the floor to discussion of the resolution.

Senator Kenny, undergraduate student, College of Behavioral and Social Sciences, made a motion to amend the resolution. He explained that after the Emergency Special Senate meeting, he spoke with members of the Senate leadership and other members of the campus community and drafted the following series of amendments:

Implores the Maryland General Assembly to reconsider the way in which the USM ~~state legislation that would require a significant portion of the~~ Board of Regents **is appointed and held accountable in order to make it more responsive to the concerns of students, faculty, staff, and all Marylanders** ~~be chosen by statewide elections when vacancies open.~~

Demands Requests that seats on University of Maryland, College Park presidential search committees be awarded in the same proportion as the University Senate, with regards to faculty, staff, and student constituencies.

Advises that President Loh should **retire in the coming year, honor his previous statement to retire and that he should serve as President until the presidential search committee has had sufficient time to select a replacement** ~~in June of 2019.~~

Senator Kenny explained that the first section of the resolution would be amended from requesting that the Maryland General Assembly (MGA) pass legislation requiring a democratically elected

Board of Regents (BOR) to rather request that the MGA reconsider the way in which the BOR is appointed in order to provide more accountability and oversight. The third section of the resolution would be amended to address concerns about the BOR's power to appoint an interim president, and asks President Loh to retire only when a suitable replacement had been found.

Chair Walsh asked for a second to the motion. The motion was seconded.

Walsh opened the floor to discussion of the amendment.

Senator Gor, faculty, College of Arts & Humanities, made a motion to divide the sections in the resolution so that the Senate could discuss and vote on each point individually, and better determine which sections are supported by the Senate.

Chair Walsh asked for a second to the motion. The motion was seconded.

Walsh clarified for the body that with the resolution divided, each section of the resolution would be discussed and potentially amended individually. He advised that members who opposed the resolution as a whole may wish to vote in opposition to the motion to divide. He noted that with the resolution divided, the Senate would vote on each section, and there would be no vote on the resolution as a whole.

Walsh called for a vote on the motion to divide the resolution. The result was 74 in favor, 26 opposed, and 8 abstentions. **The motion to divide passed.**

Walsh opened the floor to discussion of the first section of the resolution.

A Senator asked for clarification that the Senate would now discuss each section individually.

Walsh confirmed that the Senate would be discussing each individual section, beginning with the amendment to the first section.

Senator Kenny encouraged other Senators to state any disagreements with the first section of the resolution so that the Senate could discuss how to amend the resolution to better reflect the opinion of the entire body.

Parliamentarian Novara clarified for the Senators that they would now discuss each amended section item by item, voting on the amendment and then voting on whether each section should be included in the resolution.

Senator Coles, faculty, College of Arts and Humanities, made a motion to amend the amendment to the first section to make clear that the Senate is making a demand of the MGA rather than a request:

~~Implores~~ **Petitions the** Maryland **General Assembly** to reconsider the way in which the USM ~~state legislation that would require a significant portion of the~~ Board of Regents **is appointed and held accountable in order to make it more responsive to the concerns of students, faculty, staff, and all Marylanders** ~~be chosen by statewide elections when vacancies open.~~

Walsh asked for a second to the motion to amend the amendment. The motion was seconded.

Walsh opened the floor to discussion on the motion to amend the amendment by replacing “implores” with “petitions”.

Senator Baker, faculty, College of Education, expressed her support for the amendment to the amendment.

Walsh called for a vote on the motion to amend the amendment. The result was 105 in favor, 5 opposed, 5 abstentions. **The motion to amend the amendment passed.**

Walsh called for discussion on the amendment to the first section as amended.

Senator Vishkin, faculty, A. James Clark School of Engineering, commented that he is unsure how the Board of Regents can be held accountable. He noted that “the buck stops” at the individual, not at the Board as a whole.

Senator Bhargava, faculty, School of Public Policy, agreed with Senator Vishkin and suggested that the number of Regents be limited to better hold the Board accountable for specific actions.

Senator Huntley, undergraduate student, College of Agriculture and Natural Resources, expressed opposition to limiting the number of Regents and stated that he believes that a larger Board has a better opportunity to represent every campus constituency.

Senator Kenny noted that this disagreement between Senators is an example of why the issue cannot be solved with a specifically scripted solution, and noted that he believes that there are many opportunities to hold the Board accountable and to reconsider how members are appointed. He urged the Senate to keep the resolution broad to allow for a wider variety of policy decisions in the future.

Pam Lanford, Chair-Elect introduced Betsy Beise, Associate Provost for Academic Planning and Programs. Beise provided a point of information for Senators that any action of the type outlined in the resolution would likely need to be approved by the Council of University System Staff (CUSS), Council of University System Faculty (CUSF), and the University System of Maryland Student Council, as these Councils are the larger advisory body to the Chancellor. She advised that the Senate keep this in mind as they consider the first and second sections of the resolution.

Hearing no further discussion, Chair Walsh called for a vote on the amendment to the first section of the resolution as amended. The result was 90 in favor, 16 opposed, and 8 abstentions. **The amendment to the resolution passed.**

Walsh called for discussion on the first section of the resolution as amended.

William Idsardi, Chair, Department of Linguistics, noted that the title was also amended.

Senator Huntley asked Beise if she believes that the resolution should be amended to address the Councils in addition to the MGA.

Beise responded that she was not sure.

Senator Sehgal, faculty, School of Public Health, made a motion to amend the first section to address all possible bodies to whom the Regents must respond.

Walsh asked for a second to the motion. There was no second.

Janice Reutt-Robey, Chair, Department of Chemistry & Biochemistry, spoke as a previous member of the Council of University System Faculty. She noted that the Councils advocate for the University System as a whole, and that the Councils could be petitioned to advocate on behalf of the campus community.

Senator Breslow, emeriti faculty, stated that he believes that nothing precludes or prevents the Senate from petitioning the MGA directly. He noted that he has never known the Councils to stand in the way of any unit of the University System of Maryland, and urged that the Senate continue with petitioning the MGA.

Lanford stated that the Regents are appointed by the Governor so the MGA should be the appropriate body to be petitioned in this regard, due to the accountability between the Governor and that body.

Hearing no further discussion, Walsh called for a vote to adopt the first section of the resolution as amended. The result was 101 in favor, 9 opposed, and 4 abstentions. **The first section of the resolution was adopted.**

Walsh opened the floor to discussion of the amendment to the second section of the resolution.

Senator Stanley, undergraduate student, College of Letters and Sciences, urged the Senate to be deliberate in its discussion of the resolution.

Chair-Elect Lanford made a motion to amend the amendment to directly address the Chancellor in the resolution:

Demands Requests that seats on University of Maryland, College Park presidential search committees be **awarded allocated by the Chancellor** in the same proportion as the University Senate, with regards to faculty, staff, and student constituencies.

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

Walsh called for discussion of the amendment to the amendment.

Senator Breslow expressed concern that this request would not be appropriate for all future search committees. He also expressed concern that the request would limit the search committees to only the constituencies represented by the Senate, which precludes the inclusion from certain stakeholders who should and have traditionally been represented on such search committees. He noted that it is unreasonable to expect that committees will be satisfied with only the input of the constituencies represented on the Senate.

Senator A. Brown, faculty, College of Computer, Mathematical, and Natural Sciences, asked for clarification that the current discussion was specifically on the amendment to the amendment to the second section.

Walsh confirmed that the amendment to the amendment was the point of discussion.

Senator Coles responded to Senator Breslow to note that the resolution as amended would make a request rather than a demand, and expressed that she felt the amended language to be appropriate.

Hearing no further discussion, Chair Walsh called for a vote on the motion to amend the amendment. The result was 90 in favor, 11 opposed, and 13 abstentions. **The motion to amend the amendment passed.**

Hearing no further discussion on the amendment as amended, Walsh called for a vote on the amendment to replace “demands” with “requests”:

~~Demands~~ **Requests** that seats on University of Maryland, College Park presidential search committees be allocated by the Chancellor in the same proportion as the University Senate, with regards to faculty, staff, and student constituencies.

The result was 87 in favor, 14 opposed, and 6 abstentions. **The motion to amend the second section of the resolution passed.**

Chair Walsh opened the floor to discussion on adopting the second section of the resolution.

Senator A. Brown asked if there would be more than one presidential search committee and suggested that the resolution should read “committee” rather than “committees”.

Walsh clarified that there would only be one committee for the upcoming search, but that the resolution was intended to apply to all future committees.

Senator Stanley urged the Senate to focus less on wordsmithing each section of the resolution as the Senate is simply making a recommendation to the Chancellor. He presented a possible amendment to the second section of the resolution that was a page long.

Senators and the Senate leadership expressed concerns about the length of Senator Stanley’s amendment. In response to the concerns raised by Senators, Senator Stanley stated that he would streamline his amendment and made a motion to postpone consideration of the second section of the resolution until after the Senate deliberates on the third section of the resolution.

Walsh asked for a second to the motion to postpone consideration of the second section. The motion was seconded.

Walsh opened the floor to discussion of the motion to postpone consideration of the second section until after the Senate deliberates on the third section of the resolution.

Senator Queen, non-exempt staff, University Libraries, noted that the proposed amendment is lengthy and difficult to discuss without the Senate having time to fully read and digest the proposed language. He suggested that the Senate instead postpone deliberation of the amendment until a future meeting so that the remaining agenda items could be addressed at this meeting.

Senator Kirschenbaum, faculty, College of Arts and Humanities commented that Senators sitting in the back of the audience are too far from the screen to read the proposed amendment as projected, and noted that they would be being asked to vote on language that they have not read at all. He expressed support for Senator Queen’s suggestion that Senator Stanley’s amendment be postponed to a future meeting.

Senator Kenny expressed his support of the suggestions to postpone deliberation of the proposed amendment and encouraged the Senate to vote to postpone deliberation.

Senator Abana, graduate student, A. James Clark School of Engineering, suggested that the Senate pass the second section before it considers Senator Stanley's amendment, which may provide guidance on how to achieve the goals of the resolution.

Parliamentarian Novara advised that absent a motion to postpone deliberation of the proposed amendment to a future meeting, the Senate would either have to consider the amendment now or vote to approve Senator Stanley's motion that the Senate postpone consideration of section two until after section three.

Senator Martinez-Miranda, faculty, A. James Clark School of Engineering made a motion to postpone discussion of section two until a future meeting.

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

Walsh opened the floor to discussion of the motion to postpone discussion of the second section to a future meeting.

Senator Huntley expressed his opposition to the motion as he believes that the third section depends on the second section. He stated that both sections should be passed at this meeting in order to align with the President's timeline for finding a replacement.

Senator A. Brown agreed with Senator Huntley and stated that the Senate should pass the entire resolution at this meeting in order to have any impact on the presidential search committee. Senator Coles agreed that she would like to vote on the second section as it stands. She urged Senators to vote against postponing deliberation.

Walsh asked Senator Martinez-Miranda to clarify what she proposed as a motion.

Senator Martinez-Miranda stated that she made a motion to postpone deliberation of Senator Stanley's amendment until such time as Senators have been able to review the language ahead of discussion, and that she wished to vote on the three elements of the resolution as originally proposed.

Senator Stanley withdrew his amendment and tabled discussion. He stated that he edited his amendment to include only three clauses and that he posted it on the Senate Slack channel for Senators to review. He urged Senators to view his proposed amendment on Slack so that it could be discussed during the meeting.

Parliamentarian Novara asked Senator Stanley to clarify what motion he was withdrawing.

Senator Stanley stated that he withdrew his original amendment and proposed that the Senate postpone discussion of the second section until after deliberation of the third section.

Senator L. Brown, undergraduate student, College of Engineering made a motion to call the question on postponing discussion of the second section.

Walsh asked for a second to the motion to call the question. The motion was seconded.

Walsh called for a vote on the motion to call the question and noted that the motion requires a two-thirds vote. The result was 86 in favor, 26 opposed. **The motion to call the question passed.**

Walsh called for a vote on the motion to postpone discussion of section number two until after the discussion of section number three. The result was 59 in favor, 47 opposed, and 3 abstentions. **The motion to postpone consideration of the second section until after the third section passed.**

Walsh opened the floor to discussion of the amendment to the third section of the resolution.

Advises that President Loh should **retire in the coming year, honor his previous statement to retire—and that he should serve as President until the presidential search committee has had sufficient time to select a replacement in June of 2019.**

Senator Huntley made a motion to extend the meeting by 30 minutes.

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

Walsh called for a vote on the motion to extend the meeting and noted that it would require a two-thirds majority. The result was 45 in favor, 58 opposed. **The motion to extend the meeting failed.**

Senator Blanchard, faculty, College of Behavioral and Social Sciences, noted that it was contradictory to ask the President to both retire and remain at the University until his replacement can be found, and expressed opposition to the amendment.

Senator Kenny stated that he did not believe that the amendment weakened the section, and noted that it altered the request for President Loh's retirement by a matter of months in order to keep the BOR from appointing an interim president.

Senator Huntley agreed that the amendment was contradictory but expressed his support for the language. He made a motion to amend the amendment to clarify the intent of the third section:

Advises that President Loh should **retire in the coming year, honor his previous statement to retire, and that he should serve as President as soon as the presidential search committee has had sufficient time to select a replacement in June of 2019.**

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

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

Senator A. Brown noted that if President Loh retires as soon as a replacement has been selected but before they have been instated at the University, the BOR may still choose an interim president for the time in between. She stated that she does not believe that this is the intention of the amendment, but expressed concern at the possibility of President Loh leaving the University before the new president arrives.

Chair-Elect Lanford introduced Betsy Beise, Associate Provost for Academic Planning and Programs. Beise clarified that the search committee does not choose the replacement president; the committee forwards a short list to the Chancellor, and the Chancellor chooses the president with the

recommendation of the BOR. She noted that in light of this, the language of the amendment is incorrect.

Senator Zimmerman, undergraduate student, A. James Clark School of Engineering, expressed his frustration that the Senate is spending so much time discussing the specific language of the amendments that could have been discussed prior to the Senate Meeting. He encouraged Senators to utilize Slack as a forum for discussion before meetings.

Senator A. Brown stated that she thinks it is important to make sure that the language is correct. Senator Huntley withdrew his amendment and made a motion to call the question on the original amendment to the third section.

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

Walsh called for a vote on the motion to call the question and end debate on the amendment. He noted that the motion would require a two-thirds vote. The result was 81 in favor, 18 opposed. **The motion to call the question passed.**

Walsh called for a vote on the amendment to section three. The result was 60 in favor, 36 opposed, and 13 abstentions. **The amendment passed.**

Walsh opened the floor to discussion of the third section as amended.

Senator Callaghan, faculty, College of Arts & Humanities, suggested that the third section either be completely removed from the resolution, or that additional language be added to it. Senator Blanchard noted that the language in the resolution is internally inconsistent. He suggested that there could be advantages to President Loh continuing to serve the University until the end of his term in 2020.

Senator Kenny disagreed with Senator Blanchard's statement that the language of the resolution is inconsistent as long as the search committee can identify a replacement within the coming year. Daniel Falvey, Past Chair, College of Computer, Mathematical, and Natural Sciences expressed concern that nothing in the resolution is binding; the BOR will be able to choose which points of the resolution they will want to comply with. He also noted that the search committee does not make the final decision about personnel choices. He advised the body against voting for the resolution for those reasons.

Senator Callaghan explained that she wishes to remove the third section from the resolution because it may simply be a reactionary decision as the campus continues to grieve for the death of Jordan McNair and respond to the reactions of the BOR. She noted that she believes that firing Coach Durkin was the correct choice, and that singling out President Loh in the resolution fails to hold the Athletic Director equally accountable. She stated that if the third section is not removed from the resolution, she would propose to add language referencing the Athletic Director.

Senator Baker agreed with Senator Callaghan that the Athletic Director should be considered. She made a motion to amend the third section of the resolution to add "in June of 2019" back to the third section of the resolution:

Advises that President Loh should retire in **June 2019** ~~the coming year, and that he should serve as President until the presidential search committee has had sufficient time to select a replacement.~~

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

Walsh opened the floor to discussion of the amendment.

Senator Coles noted that there is no resolution for reconfiguring the presidential search committee if the University would need to do so. She made a motion to call the question on the amendment to the third section.

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

Walsh called for a vote on the motion to call the question and end debate on the amendment. He noted that it would require a two-thirds vote. The result was 70 in favor, 28 opposed. **The motion to call the question on the amendment passed.**

Walsh called for a vote on the amendment to the third section. The result was 49 in favor, 39 opposed, 15 abstentions. **The amendment passed.**

Walsh opened the floor to discussion of the third section as amended.

Senator Huntley made a motion to extend the meeting by 29 minutes.

Walsh called for a vote on the motion. The result was 51 in favor, 47 opposed. **The motion to extend failed.**

Senator Huntley made a motion to call the question and end debate on the third section as amended. Walsh asked for a second to the motion to call the question. The motion was seconded.

Walsh called for a vote on the motion to call the question. The result was 90 in favor, 14 opposed. **The motion to call the question passed.**

Walsh called for a vote to adopt the third section of the resolution as amended. The result was 53 in favor, 48 opposed, 6 abstentions. **The third section was approved as amended.**

Chair Walsh opened the floor to discussion of the second section of the resolution.

Senator S. Kahn made a motion for the Senate to hold another special meeting within the next month in order to complete the remaining items on the agenda.

Walsh noted that the SEC could consider that option at its next meeting.

Senator S. Kahn withdrew his motion. He made a motion that the Senate charge the SEC with scheduling a special Senate meeting. Walsh stated that the motion was unnecessary but could be discussed at the next SEC meeting.

Walsh thanked Senators for their time.

NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting was adjourned at 5:00 p.m.