

Faculty Senate Meeting Minutes

October 10, 2017

Senators in attendance included: Thomas Robinson, Timothy Phin, Phyllis Robinson, Mariajosé Castellanos, Joel Liebman, Curtis Menyuk, Lisa Dickson, Patricia Young, Diane Flint, Tanya Olson, Mejdulene Shomali, Erle Ellis, Dan Ritschel, Gunes Koru, Joanna Gadsby, Bev Bickel, Hal Schreier, Liang Zhu, Liz Patton, Elaine Rusinko, Brian Kaufman, Mike Nance, Pengwang Zhai, Jeffrey Davis, Diane Alonso, Lauren Edwards, Adrienne Ekas-Mueting, Andrea Kalfoglou, Alan Kreizenbeck, Vin Grabill. President Kimberly Moffitt was also in attendance.

I. Call to Order

President Moffitt called the meeting to order.

The meeting agenda has been distributed electronically and the agenda was approved.

II. Report of the President

President Hrabowski began his report by drawing attention to recent tragic world events. He noted a number of these tragedies were the result of natural disasters and that another was the result of gun violence. He underscored the importance of understanding that, although natural disasters are the types of tragedies that cannot be changed; there are many things that people can change based on their own choices. President Hrabowski then asked the Senators for a moment of silence for all of the families that have suffered and in memory of those that have passed. He also asked the Senators to think about our children and what we can do to support them and their families around the world.

President Hrabowski continued his report with an overview of the problems arising from the Graduate Student Association's (GSA) practice of using a lottery system to confer graduate student research and travel awards. He and Provost Rous recently reviewed this approach and have determined this is not sustainable given the amount of funding available to the GSA. President Hrabowski has asked the Provost to work with the Vice Presidents and Deans to develop a viable solution. Janet Rutledge, Dean of the Graduate School, is currently working with Dean Casper to provide a short term solution to unfunded awards that were conferred to students in that College.

He also announced the launch of this year's *Grit and Greatness Campaign* that will focus on ways of making big breakthroughs, forging true partnerships, and transforming lives at UMBC and beyond. He stressed that this is a community building activity that establishes our ownership of this campaign. The campaign has raised \$92 million and, with the committed money from our largest donors, we have exceeded \$100 million overall in endowment. He noted that only 15% of all of the universities in the country have an endowment of over \$50 million. In comparison, George Mason University, which is 10 years older than our university, has an endowment of ~\$75 million and UMCP, which is 100 years older, has ~\$400 million. He stressed that, unlike many institutions, the *Grit and Greatness Campaign* is heavily focused on supporting the academic side through the creation of endowed professorships and teaching assistantships, to

merit and need-based scholarships, “maker spaces” and a wide range of other innovative learning opportunities for students.

President Hrabowski next provided an update on the need to increase our enrollments in order to secure an increase in the amount of state funding per student on our campus. He reminded the Senators that Morgan State received an increase of \$3k per student this year and UMBC would receive ~ \$40 million overall. UMBC needs to increase its enrollments, particularly in our master’s degree programs, in order secure additional state funding.

Finally, President Hrabowski addressed the need to more fully embrace and recognize our programs at the Shady Grove in Montgomery County which is our largest feeder school system for undergraduates. He asked for the Senators’ help in spreading the word about the need to expand our programs and presence at Shady Grove if we are to prevent a very powerful and very large campus from taking over in ways that would marginalize UMBC.

III. Maryland Charity Campaign

Karl Steiner, Vice President for Research, is the Chair of the Maryland Charity Campaign.

He noted that when we see these natural disasters occurring (including the hurricanes that have recently hit the United States), we all have a strong urge to help out. Too often, when the dust settles, people stop helping and forget that there are so many people in Maryland that need our help year round. There are people around us that we interact with on a day to day basis that need our help.

UMBC is very proud to be an active member of the community and we have proved our commitment to this particular program.

There are 900 non-profits in Maryland in this program that can accept donations. It is very important for us, as UMBC to continue making our state and community aware of what we do. We must continue to keep our record of such a strong participation. Dr. Steiner urged the Senators to go back to their departments and encourage them to participate. Our participation sends an important message to the other USM institutions.

Last year, contributions consisted of \$230k just for UMBC. Across Maryland \$2.9M in contributions were received. This equates to our contributions being 8% of the State contributions in the total.

American Charities, Inc. served as our vendor for this campaign last year and we will continue with them this year. Dr. Steiner assured the Senators that many of the “kinks” in the program have been worked out and he is confident that this year will run much smoother.

The Maryland Charity Campaign had its kick-off on October 2nd and will end on December 15th. Normally at the breakfast for the coordinators, the pledge forms and information packets were handed out. This year, the packets have been distributed early in case there are questions.

Dr. Steiner concluded with expressing his appreciation in advance for the campus’ participation to make this years’ campaign a successful one.

IV. Approval of the Faculty Senate minutes from September 12, 2017

The Faculty Senate meeting minutes were approved as submitted.

V. Report of the Faculty Senate President

President Moffitt provided highlights of the UMBC 2017 Homecoming which runs from October 5th through October 14th. This year's events include a poetry slam, a bonfire on Erickson field, talent show and comedy show with Trevor Noah. There will also be Grit-X talks given by UMBC faculty and alumni and a carnival that will include food trucks, carnival rides and games for the entire family. Senators were encouraged to bring their families and partake in the festivities. The celebration will conclude with our Homecoming soccer game on Saturday against Albany.

President Moffitt also shared an article in the *Baltimore Sun* highlighting the experiences of four of our UMBC volleyball players from Puerto Rico: Krytsia Negron, Ashley Ramos, Carola De Jesus and Paola Rojas. The article sheds light on the ways in which our students are balancing the plight of being far from home while also experiencing the impact of hurricane Maria and how it wreaked havoc on their country and their families. These young women have started a GoFundMe account called *Project PRdise* and have raised over \$6k to support efforts in Puerto Rico.

She also reported that, at a recent meeting of President's Council, representatives from Student Affairs highlighted a number of ways in which Student Affairs and Academic Affairs can work together to support the success of our students. A discussion of proposed plans around issues of early engagement of our new students, space utilization on campus and efforts to work with our commuter and transfer student population were shared. Student Affairs also announced that the campus now has a centralized event ticketing system that provides a more seamless process for campus events. The web address for UMBC Tickets is <https://tickets.umbc.edu>.

In addition, our new Event's Center is still on target to open before the end of the year and our May commencement will be held in the new Event's Center for the first time. Our Graduate Commencement is scheduled for Wednesday, May 2nd and Undergraduate Commencement will be divided into two events due to the large number of graduates. One event will include graduates from CAHSS, Erickson and Social Work and the other will include those from CNMS, COEIT and INDS). Tentatively the date will be at 10:00am and 4:00pm on Thursday, May 24th.

President Moffitt reported on the increase in hateful graffiti on our campus since the summer. President Hrabowski has been explicit in asking that President Moffitt share with the community that individuals should report and alert University Police on any instances where such messages are found especially because many of these have been found in classrooms. Our hope is to narrow the possibilities of the culprits but, to also ensure a safe environment for our students on our campus. The number for University Police is Ext. 5- 5555.

Finally, President Moffitt explained that representatives from the Graduate Student Association (GSA) will be presenting to the Senate at today's meeting in order to share information about their current budgetary status as well as the recent changes to the research funds and travel grants program thae GSA provides to graduate students. She asked the Senators to remain open to the message of our graduate students and focus on ways to resolve their current and future situations structurally rather than assigning blame. She emphasized the importance of our support to the work of the GSA as well as the professional development of our graduate students.

VI. Committee Reports

A. Executive Committee

President Moffitt provided a brief report from the Executive Committee.

The Executive Committee met recently and spent a considerable amount of time discussing the GSA matter that is before them today. They also received the budget update that will take place in the Faculty Senate meeting next month with specific detail for review. In addition, Dave Gleason (General Counsel) and Bobbie Hoye (Associate General Counsel), presented an update on Title XI.

The most pressing business is the nomination of Dr. Gunes Koru, Associate Professor in Information Systems, to serve as Vice President on the Faculty Senate. Dr. Koru's resume had been distributed electronically prior to the meeting. Dr. Koru also serves as Senator for Information Systems, Chair of Research Council, and briefly served as Acting-Chair for the APB. President Moffitt asked the senators to vote on the nomination of Dr. Koru as Vice President of Faculty Senate.

Senator Alonso motioned and Senator Ritschel seconded the motion and the recommendation was affirmed with a unanimous vote.

B. Undergraduate Council

Courses that were reviewed and accepted by the UGC were distributed electronically prior to the meeting.

Chair Susan McDonough reminded the senators of the submittal process for courses and requested that the Senators go back to their respective departments to deliver the same message. She reiterated the process for UGC approval and the importance of the role of departmental review. When a change for a current course or a proposal for a new course is submitted, it goes to the UGC, then it gets posted for the UMBC community to review for two weeks. It is then brought to the UGC to be reviewed and either approved or denied. This is the standard process.

Dr. McDonough also added that the meeting is open to the campus and all are invited to attend.

VII. New Business

A. General Counsel (Dave Gleason and Bobbie Hoye)

The UMBC Office of General Counsel provided the following report to the Senate detailing the current status of, and anticipated changes to, Title IX:

On September 22, 2017, the Department of Education's Office for Civil Rights ("OCR") issued a Dear Colleague Letter on Campus Sexual Misconduct, which withdrew two former statements of policy and guidance: (1) the April 4, 2011 Dear Colleague Letter on Sexual Violence; and (2) the April 29, 2014 Questions and Answers on Title IX and Sexual Violence.'

The Department has indicated that it will no longer rely on the withdrawn documents in its enforcement of Title IX.

Contemporaneously with its withdrawal of the 2011 and 2014 guidance documents, OCR issued a Questions and Answers document, titled Q&A on Campus Sexual Misconduct.

OCR intends eventually to issue new policy through a rulemaking process that responds to public comment.

In the meantime, it stated that it will continue to rely on its 2001 Revised Sexual Harassment Guidance document, which was informed by a notice and comment process, and on the Dear Colleague Letter on Sexual Harassment issued January 25, 2006, which reaffirmed the 2001 Guidance.

We believe that OCR might seek the following changes based on their 9/22 FAQ. This FAQ has no force of law and cannot be enforced by OCR. It does provide a good indication of the direction their proposed rules may take.

A. Investigatory Time Frame

Future Department policy is likely to reflect a less stringent time frame within which institutional investigations must be completed. OCR will evaluate an institution's good faith effort to conduct a fair, impartial investigation in a timely manner Page of 5 2 designed to provide all parties with resolution.

The 2001 Guidance provides that whether complaint resolutions are timely will vary depending on the complexity of the investigation and the severity and extent of the harassment.

Courts however may decide differently, and find 60 days to be more than enough when considering the impact of pending cases on the parties.

B. Standard of Proof

Future Department policy will likely provide for flexibility as to the evidentiary standard an institution may apply when determining whether the facts support a finding of responsibility.

The Department also advises that the applicable standard of evidence for evaluating a claim of sexual misconduct should be consistent with the standard the institution applies in other student misconduct cases.

UMBC applies and has always applied a Preponderance of the Evidence standard for all student conduct cases, and for Title IX cases.

C. Informal Resolution/Mediation

Future Department policy may provide for more flexibility as to the use of informal resolution of complaints, but it is unclear to what extent it will do so.

The 2017 Q&A states that an institution may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution, if all parties voluntarily agree to participate after receiving a full disclosure of the allegations and their options for formal resolution, and if the institution determines that the particular Title IX complaint is appropriate Page of 5 3 for such a process. The 2017 Q&A does not specifically prohibit the use of informal resolution in cases involving allegations of sexual assault.

However, the 2001 Guidance states that in some cases, such as alleged sexual assaults, mediation will not be appropriate even on a voluntary basis.

UMBC does not allow for mediation in cases alleging sexual assault.

D. Cross-Examination

It is likely that future Department policy will provide for flexibility regarding an institution's use of cross-examination in disciplinary proceedings.

This option may include an option for the investigator or Board to receive the questions, determine relevance and admissibility, and act as an intermediary to ask the questions rather than direct confrontation.

E. Appeals

The 2017 Q&A states that if an institution chooses to allow appeals from its decisions regarding responsibility and/or disciplinary sanctions, the institution may choose to allow an appeal solely by the responding party.

If the institution allows appeals by both parties -- any procedures must be equally available to both parties.

We are likely to continue our appeals process as is, unless significant OCR change forces us to change.

Heightened Department Focus Areas and Themes

A. Impartiality

The 2017 Q&A addresses impartiality concerns more broadly and in more detail than does prior guidance. Specifically, the Q&A focuses on decision-making techniques and approaches, and investigative techniques and approaches. Curiously, the Appeal process guidance seems to allow for a more one-sided appeal right now.

B. First Amendment and Free Speech Protections

The Q&A indicates a heightened concern for First Amendment free speech protections, stating that institutions must formulate, interpret, and apply their rules in a manner that respects the legal rights of students and faculty.

Likely more detail to come on addressing protected free speech vs. hostile environment.

C. Notice of Investigation

The 2017 guidance reflects more of a focus upon due process rights of respondents. The institution should provide written notice to the responding party of the allegations constituting a potential violation of the institution's sexual misconduct policy, including sufficient details and with sufficient time to prepare a response before any initial interview.

Generally done now, but the "sufficient time to prepare a response before any initial interview" may cause some change once that meaning becomes clearer.

D. "Gag Orders"

The Q&A provides new guidance regarding restrictions or "gag orders" on the ability of either party to discuss the investigation.

UMBC has never issued "gag orders". We have always recognized the parties' rights to free speech and the need to speak to others who may be potential witnesses. In some situations, we may caution parties that subsequent behavior could rise to a separate violation such as retaliation or harassment.

Conclusion

Although the Q&A creates more flexibility for institutions in some areas, USM BOR VI-1.60 University System of Maryland Policy on Sexual Misconduct remains in effect. That Policy requires that institutions:

- Generally complete investigations within 60 calendar days from the time a report is brought to the institution's attention;
- Apply a "preponderance of the evidence" standard of proof;
- Not require parties to attempt to resolve any sexual misconduct matter informally, and not require or allow mediation in sexual assault cases;
- Not allow a party to personally cross-examine another party; and
- Provide an appeal process that is equally available to both parties.

The above provisions, and all other provisions of USM BOR VI-1.60, remain consistent with currently applicable Department of Education guidance.

Responsible Employee Reporting Obligations

Faculty are considered Responsible Employees and required to share all known details regarding a report that falls under the Sexual Misconduct Policy to the Title IX Coordinator (Bobbie L. Hoyer). The Human Relations Office can provide in-person trainings to faculty during department meetings regarding reporting requirements.

B. GSA Grants Initiative (Roy Prouty)

Roy Prouty, President of the Graduate Student Association (GSA), and Adam Harvey, Vice President of the Graduate Student Association, presented information to the Senators about issues related to GSA travel grants. The GSA presented to the Executive Council earlier this month prior to the Faculty Senate.

The GSA's total budget of approximately \$300k per year is derived from revenue generated by a portion of graduate student fees. Historically, 60% of the annual budget (\$180k) has been devoted to the GSA graduate student travel grant program. The grants program typically has awarded grants to any graduate student in good standing who applies. However, last year, revenue from student fees fell short of projections that resulted in a deficit of approximately \$21k in awarded travel grants.

This year, the GSA Council instituted a temporary freeze on awarding the travel grants, which, according to Mr. Prouty, resulted in a lot of backlash. Under this lottery system, students submit a travel grant application during that specified timeframe and awardees are selected at random. The GSA also decided to give priority to those requesting travel and/or conference support than to those requesting professional development or research grants.

The Graduate Senate is very engaged in this process. At the last meeting, there was a motion put forth that said that the travel grant program should be a "needs based" system. The Graduate Senate has not, as of yet, taken up consideration of criteria for determining need. Further information will be provided as it becomes available.

Mr. Prouty acknowledged the assistance of Dr. Janet Rutledge and Dr. Jeffrey Halverson who have provided support and guidance on this matter.

Senator Ritschel asked what proportions of grants were given out for different types of activities.

Mr. Prouty stated that roughly 300 grants are given out each year. About 260 support are conference grants and 15-20 are awarded to support research activities with the remainder provided to support graduate student professional development.

Senator Ritschel expressed concern about the small number of research grants that are awarded. He noted that the ratio allocated to conferences versus the funds allocated to research is slightly more than 10-1 and expressed concern about continuing that practice.

Mr. Prouty responded that one positive aspect of a “lottery” system is that the distribution of support will vary from year to year.

Senator Ritschel asked for more transparency about this matter on the GSA website. Mr. Prouty stated that they will be meeting tomorrow to discuss the information on the website and how it can be communicated in a clearer manner.

Several senators expressed concerns that the GSA, rather than individual departments and colleges, carried the financial responsibility to support graduate student development. In addition, several senators commended Mr. Prouty and the GSA for finding this deficit and for their diligence on working toward a solution to the problem.

A discussion of the need for timelier award decisions and notifications ensued. In addition, the need for the availability of these grants significantly impact graduate student success and it was felt that access to such support is a larger campus problem that must be addressed.

Mr. Prouty reported that under the “old GSA system” there were maximum award limits. Doctoral students could receive a maximum of \$2500, those in professional programs could receive \$2000, and students in Master’s programs could receive \$2500. The scale for conference grants was \$1000 for presenting and \$250 for simply attending.

Senator Miller questioned the contribution amounts of the students. Not all students have contributed the same amount of fees.

Mr. Prouty agreed that the ways in which these grants support graduate student needs to be evaluated. He concluded by stating that the GSA does offer a variety of services and all of the Graduate program fees go towards funding these services. He noted a few of these services: a campus Graduate Research Conference, Writing Advisors and GSO’s (smaller organizations of Graduate Students).

C. Shady Grove (Ashley Waters, Associate Director of UMBC Shady Grove)

Associate Director Ashley Waters presented the following report on efforts to enhance cross-campus enrollment for UMBC students at Shady Grove.

To aid students in time to degree and to clarify a somewhat unknown process for all students and advisors, a workgroup was formed last Spring to review, enhance, and widely communicate the procedure for cross-campus enrollment (i.e. when a student is taking classes at Main Campus and the Shady Grove campus during the same semester). The workgroup aimed to develop an equitable practice that would support the unknowns of being enrolled on both campuses and improve the ability to monitor activity for future evaluation. The practice also needed to ensure that the limited course options at Shady Grove were protected to honor the commitment UMBC made to students admitted in Rockville. Below is the text located in the Undergraduate Catalog explaining the new and improved process:

Cross-campus enrollment is an option available to students to provide enrollment flexibility between the Main Campus in Catonsville and the Shady Grove campus in Rockville. While students may take advantage of the cross-campus enrollment option at any point throughout the academic year, priority enrollment consideration is based on a student's primary campus designation. The processes and procedures to request enrollment vary depending upon the semester/session. Summer and Winter Sessions: Students may enroll in courses at either location via regular registration procedures. Fall and Spring Semesters: Shady Grove students requesting enrollment in courses at the Main Campus during the fall or spring semesters should complete a Cross-Campus Enrollment Request Form.

Main Campus students requesting enrollment in courses at the Shady Grove Campus during the fall or spring semesters should complete a Cross-Campus Enrollment Request Form. Decisions regarding cross-campus enrollment at the Shady Grove campus are generally made 7-10 days prior to the start of the semester.

Note: Students should consult an academic advisor when considering cross-campus enrollment. Students are responsible for tuition and fees on both campuses. Per credit tuition costs are equal at both campuses and combined will not exceed full-time tuition. However, fee schedules differ and students are responsible for applicable fees at both campuses. This may result in varying total costs dependent on credits of course enrollment at each campus. During the summer and winter sessions, tuition and fee schedules are the same at both campuses

D. The Women's Center (Jess Myers)

Critical Social Justice: Rise will be the week of October 23-27th. This year marks the 5th annual CSJ initiative which is hosted by the Women's Center with Student Life's Mosaic Center.

This year's theme is Rise which speaks to both the resistance and resilience needed by any person working towards positive social change. The events throughout the week will address this theme through various different topics to include Native activism, teaching social justice in the classroom, the experiences of survivors of sexual violence, and the history of Baltimore (and more). The keynote speaker is Dr. Adrienne Keene, a Native scholar. Her lecture is entitled, "Native Appropriations, Indigenous Social Media, and Responding to Racism" and it will take place on Tuesday, October 24th at 6pm in the UC Ballroom. An event for faculty and staff, called Rising Tensions + Teachable Moments will be held in UC 310 at noon on Wednesday, October 25th. All the events can be found on the Women's Center myUMBC page (<https://my.umbc.edu/groups/womenscenter/events>) or the Critical Social Justice blog (<https://critsocjustice.wordpress.com/2017/09/06/critical-social-justice-rise-events/>).

The Critical Social Justice initiative embraces UMBC's commitment to inclusive excellence and the week's events provide a platform to the UMBC community to learn and gain skills to help foster inclusive excellence on campus and beyond.

Critical Social Justice would not be possible without the immense support of campus partners. A full list of co-sponsors can be found at <https://critsocjustice.wordpress.com/co-sponsors/>.

Departments and individuals are encouraged to spread the word about Critical Social Justice: Rise. On social media, we're using #CSJrise to promote the week and there are many ways to re-share content by following the Women's Center on Facebook (www.facebook.com/womenscenterumbc). A short slide show with flyers of the week's events can be [found on Box](https://umbc.box.com/v/CSJrisepromo) (<https://umbc.box.com/v/CSJrisepromo>) for

anyone wanting to include the slides in a class lecture or department meeting. For additional information, contact the Women's Center at [410-455-2714](tel:410-455-2714) or womenscenter@umbc.edu.

VIII. Unfinished Business

The Chemistry and Biochemistry Year Three Review was voted on by the Faculty Senate members and was approved unanimously.

Meeting was adjourned at 5:29pm.

Respectfully submitted by Rose Drohan