

Faculty Senate Meeting Minutes

July 14, 2020

Senators in attendance included: T. Robinson, S. Fouts, M. Jones-Lewis, K. Omland, M. Castellanos, J. Liebman, C. Menyuk, A. Clemmonson, C. Viauroux, S. Sauro, D. Flint, T. Olson, K. Kein, M. Fagan, A. Rubin, A. Everhart, S. Yohannes, B. Bickel, M. Rathinan, H. Schreier, W. Zhu, L. Patton, R. Lambert-Bretiere, B. Kaufman, M. Nance, J. Kestner, W. Blake, D. Alonso, P. Bennett, A. Ekas-Mueting, T. Yamashita, E. Muson, K. O'Dell, Orianne Smith, and S. McDonough were in attendance.

Other attendees: President Hrabowski, Provost Rous, P. Dillion, J. Squire, K. Hoffman, V. Sipe, D. D'Maria, R. Quinton, L. Schaefer, D. Bradley, Y. Mozi-Ross, A. Arnold, A. Moreira, A. Plaisance, K. Steiner, J. Kogan, G. Simmons, L. Dickson, K. Michel, K. Dettloff, K. Cole, S. Casper, P. McDermott, A. Biswas, A. Schwartz, B. Chapin, A. Lane, D. Flint, C. Sheffield, C. Dodson-Reed, D. Gleason, D. Chai, E. O'Brien, E. Arevalo-Guerrero, E. Feeser, F. Ferraro, J. Dixon, J. Schaible, J. Rutledge, J. Suess, J. Wolf, K. Eun-Yoon, L. Ojo-Chikware, L. Loeper, L. Aldana, M. Gobbert, M. Hayden, M. Kushner, N. Young, P. Dawson, P. Joeg, S. Shin, S. Chard, S. Purushothom, R. Quiton, S. Pitts, T. LeGates, W. LaCourse, Z. Zhang, C. Shorkey, J. Schumaker, L. Achkin, and L. Wilson.

I. Call to Order

President Smith called the meeting to order. She welcomed the senators and thanked them for attending the July meeting. President Smith introduced herself for those who were new in attendance, noting that this would be the second of three meetings of the Faculty Senate this summer to discuss the impact of the COVID19 on our campus community and issues related to the reopening of our university in the fall.

Susan McDonough, Vice President, will serve as timekeeper and will monitor the "chat box" to assure that all questions are brought forward. She will announce when time limits have been reached and will take note should there be queries regarding our process and procedures.

The chat function is for those interested in posing a question or comment during the Q/A. Dr. McDonough will recognize senators in the order in which these requests are made.

President Smith noted too that the Senate had invited the leaders of the Fall Planning Work Groups to join the meeting and also that the meeting would be recorded to assist in the preparation of the Faculty Senate minutes. She added that the minutes for this meeting will be available prior to our next special summer meeting.

The senators received a copy of the proposed agenda prior to the meeting. There were no objections to the agenda and the agenda was approved unanimously.

II. President's Remarks

President Hrabowski expressed his sincere appreciation for everyone attending the meeting.

He shared that he and other administrators took part in the COVID testing at UMBC the previous day. Dr. Hrabowski noted that although the old test was very intrusive the new test is not uncomfortable at all and that results are provided within a few days.

On the topic of the Fall Re-opening, Dr. Hrabowski reminded the Senate that UMBC has chosen to be very conservative, more so than any of the other universities. Most of our classes will be online (10% in person; 90% online). In addition, only a small fraction of the in person classes will be taught face to face: the vast majority will be hybrid.

President Hrabowski mentioned that he and other administrators had a meeting with students to discuss their questions about financial challenges. He stated that the meeting was very productive: the students asked important questions and they were reassured that all undergraduate full-time students will be paying on average \$1300 less in the fall compared to last year. This is because they are not being charged many of the fees associated with services that cannot be provided at this time. Dr. Hrabowski also shared with the students the fact that many of their teachers are participating in intensive training sessions to ensure that the classes that are being taught remotely will be high quality and will exceed students' expectations.

Dr. Hrabowski also noted that Provost Rous and Vice Provost Cole made the decision to return to regular grading in the fall semester. He ended his remarks by anticipating some good news that Dr. Di Maria will be sharing later in the meeting and thanked the senators and the administrators once again for all that they are doing.

III. Provost's Remarks

Provost Rous addressed the senators. He thanked the faculty and their departments for their continued spirit and diligence through the pandemic.

Dr. Rous stated that the Academic Working Group is in the process of working on providing faculty with access to their offices during the summer and during the fall semester. This process will enable faculty to make these requests online. He shared that this process has to take into account the university's objective to maintain low density at all times while recognizing that many faculty members may need or want to use their offices to teach or to fulfill their research obligations.

The Provost noted that UMBC will continue to adjust P&T expectations to accommodate any set-backs caused by the pandemic. He said that he will work with Dr. Smith and Faculty Affairs to come up with adjusted P&T policies to do what is necessary to protect people's careers, ensuring smooth progression through the ranks. He added that the Provost's office is currently working on changing the template letter that is sent to external reviewers to remind them of the remarkable circumstances of the pandemic and how this might be reflected in research

productivity during and after COVID-19. He will be sharing this with Dr. Smith and expects to announce these changes soon.

Dr. Rous also mentioned that his office is thinking through ways to help faculty during this difficult time by modifying our current family support plan and ways in which we might expand the “on-ramps” pilot programs that have been offered through the Provost’s Office to accelerate progress of faculty to full professor. He stated that an update will be provided later.

Provost Rous provided an update on academic progression. He said that—despite the tremendous upheaval in Spring 2020—the grade distribution did not change significantly from the previous spring. Eighty-four percent of our undergraduate students in the spring got A’s, B’s or C’s compared with 83% from the previous spring and 80% the spring before that. The DFW rate went down from 12% to about 9 %. Dr. Rous noted that many of the students who received a D last spring chose to replace it with a “Pass” grade, and that some students decided to take advantage of the adjusted withdrawal dates to withdraw from their classes.

Dr. Rous emphasized that the minor differences between the grades received by our undergraduate population during this past spring and in recent years reflects the tremendous amount of work that faculty did in order to ensure student success last spring. He noted that our campus will return to regular grading in the fall.

IV. Approval of Minutes

The senators received an electronic copy of the June 9th meeting minutes and they were approved unanimously without changes.

V. Budget Update—Lynne Schaefer

Lynne Schaefer provided a presentation outlining the current budget as it currently stands. She noted that every revenue source we have has been negatively impacted by COVID-19. This presentation was shared with the senators after the senate meeting.

Question: If the students are only paying half of their activity fees, does that mean that the SGA’s funds are also cut in half?

Answer: The SGA is not the only entity that benefits from activity fees, but as it happens the SGA passed a resolution asking UMBC to charge only half of the activity fees. Although some activities will be suspended during the fall semester, there will still be student support services offered to students through the SGA and also the Retriever, SEB and a number of other functions.

Question: Are furloughs off of the table?

Answer: We are not thinking about that right now but this does not mean that temporary salary reductions are off the table. Currently we are focusing on the hiring freeze. We are following the

directions we've received from the USM and the state and doing our best to incorporate them into our plans.

The difference between a furlough and a temporary salary reduction is that furloughs are a day off without pay. "Furloughing" is problematic because taking a day or two off without pay during a pay period affects benefits and can potentially change an employee's status just for that pay period. This is why, if we were to consider anything along these lines, it would be a temporary salary reduction.

In these difficult times UMBC remains committed to its employees and we are committed to having no layoffs if at all possible.

Question: I didn't quite follow the transition from \$79M to \$22M. How did those two relate?

Answer: The \$79M is the estimated hit to the entire university budget. The \$22M is just the state supported budget portion of that total.

Question: Adjuncts are considered contractual. As this power point circulates, it could cause concern that reductions to their services might be considered a tool for covering costs. In addition, how will we manage workload in departments if the lines of recently retired faculty are eliminated?

Answer: We still need to teach all of our students, which means that adjuncts will continue to be part of our teaching strategy. As usual, the decision to hire adjuncts remains within the department. Ultimately, it is up to colleges and divisions to decide what is feasible in terms of maintaining or eliminating lines that have been vacated by faculty who have recently retired.

Question: Faculty are wondering if research travel monies could be converted to support new kinds of research expenses as people are figuring out how to continue robust research and creative achievements in the new environment.

Answer: If we are talking about institutional funds, then that will be a college-level decision. As we are all aware, travel is currently severely limited. If faculty have an external award we recommend that they reach out to their respective program directors to discuss budgeting concerns.

Question: Will the state impose temporary salary reductions or will that be driven by us and then part two of that question, will those salary reductions be across the board?

Answer: We are not discussing these temporary salary reductions at the moment. But what I can say is that if we do have to reduce salaries temporarily then these reductions will be scaled progressively according to salaries. In other words, people who make more money would see greater reductions than those who make less. This is what UMBC has done in the past and that is likely what we would do in the future.

Question: Are we going to be charged the parking fee?

Answer: No, we will not charge the parking fee in the fall.

Lynne Schaefer concluded her report by noting that many of the budget cuts will be absorbed outside of academic units. Capital projects are being deferred, which means that it will take us years to rebuild those reserves that we will need to use to cover our losses.

VI. International Update—David Di Maria

Dr. David Di Maria, Associate Vice Provost for International Education, provided an update on the status of the international students.

Dr. Di Maria noted that, as many of us are aware, new guidance was issued from ICE recently that would have required all international students to take at least one hybrid or in-person course in the fall. This would have been devastating not just for UMBC's international student population but across the nation. The University of Maryland joined the lawsuit that was filed to counteract this new guidance.

Luckily, this guidance was rescinded by the US Government just prior to this senate meeting. Dr. Di Maria thanked UMBC's administration for their support and advocacy for our international students during the past week. He also thanked the faculty and the deans for their alacrity in putting together a comprehensive plan that would enable our international students to maintain their enrollment status.

President Hrabowski thanked Dr. Di Maria for his efforts on behalf of our international students and noted Dr. Di Maria's expertise and his status in the larger community of international education.

VII. Suggested Interim Amendments to UMBC Policies impacted by new Title IX Regulations—Dave Gleason and Ariana Arnold

The Director of the Office of Equity & Inclusion, Ariana Arnold, provided contextual information for these interim changes. She noted that over the past two years, as many of us are aware, the US Department of Education has been working on policies that clarify expectations regarding Title IX Regulations. These new policies were released on May 6, 2020, and universities have until August 14 to implement them.

This August deadline is extremely challenging. UMBC's policies will have to undergo extensive revisions. Many of these revisions will take place over the coming year with Ms. Arnold's team reworking the language of our policies and taking these proposed changes through our shared governance system.

There is one area in particular that requires urgent attention now in order for UMBC to remain compliant. There are four or five categories covered by the new regulations that specifically impact the policies outlined in UMBC's Faculty Handbook. These include training and conflicts requirements. The one item that must be addressed now is the new regulation that requires that

all policies that include sexual misconduct and Title IX regulations must have the same standard of evidence and proof.

Currently, our policy regarding the Faculty Board of Review uses “clear and convincing” as the measure of proof whereas with all other policies at UMBC “preponderance of the evidence” is used to judge cases. The proposed interim changes amend the policy for the FBR to remove alleged sexual misconduct violations from investigation and adjudication by the Faculty Board of Review. These sexual misconduct violations would be investigated and adjudicated through a separate process as dictated by Title IX procedures.

President Smith advised the senators to digest this information and take it back to their respective departments for feedback so that the senators can be prepared to vote on the interim changes in August.

Dave Gleason, General Counsel, underscored the vital importance of aligning our policies with the new Title IX regulations, noting that if we are not compliant then we run the risk of losing our funding.

Question: Could you provide an example of how a path through a case would look different?

Answer: If, for example, a student files a complaint alleging sexual misconduct by a staff or faculty member, under the new Title IX process we would conduct an investigation with a live hearing including witnesses and cross-examination. This is quite different from the process outlined in the Faculty Handbook with the Faculty Board of Review. The FBR process is more like an employer/employee process and is not designed to protect the rights of the victim. The student would not have the right to be present, and it is only the faculty member who has the right to request a Faculty Board of Review hearing.

The new regulations make it clear that both the respondent and the victim have the right to a live hearing and that they also have a right to be involved in every step of the process.

Question: Given the example you’ve mentioned, are we moving from “preponderance of evidence” to “clear and convincing” or the opposite?

Answer: According to the new regulations we can use either one of these standards as long as it is the same across all kinds of misconduct that involve discrimination and harassment. When we (General Counsel and the Office of Equity & Inclusion) examined our policies we noted that student conduct, Title IX and Title VII use preponderance and that the union collective bargaining agreements use something less than preponderance. The only place that uses a standard of evidence higher than preponderance is the provision in the Faculty Handbook that specifically discusses termination of faculty and the process of the Faculty Board of Review. If we don’t change this then we’d have to raise the standard across the board.

VIII. Recommended Template Language for Inclusion in Syllabus on Blackboard—Diane Alonso and Steve Pitts

Diane Alonso and Steve Pitts presented template language to the senators that was suggested by the Academic Working Group and reviewed by the Faculty Senate Executive Committee. Included in this document is information that would be useful to students in the fall semester including UMBC's vision statement, information about technology, COVID-19 safety expectations and guidelines and academic integrity in an online environment. It also includes enrollment dates and deadlines, accessibility and disability accommodations as well as guidelines and resources provided by the Office of Equity & Inclusion on discrimination, harassment as well as sex and gender-based violence.

None of this language would be required and faculty could decide for themselves what to include on their syllabi.

Question: Can we require students to have a webcam/mic?

Answer: To require that at this point would be next to impossible at this point.

Question: On-camera requirements can be challenging for students with religious prohibitions against being photographed. Can language be added to the current policy?

Answer: Ms. Arnold noted that she can provide some religious accommodation language.

Comment: If we don't require a webcam, it will be hard to proctor exams. There is going to have to be some ongoing discussion about webcams and academic integrity.

IX. Testing and Monitoring COVID-19 – Lucy Wilson

President Smith introduced Lucy Wilson, Professor, Emergency Health Services, Infectious Disease Specialist. Dr. Wilson serves on an interdisciplinary team of experts advising the National Governors Association (NGA) on COVID-19 and on the USM Chancellor's Advisory Committee. She is also a member of UMBC's Fall Planning Coordinating Committee.

Dr. Wilson shared a presentation with the senators on the topic of testing and monitoring COVID-19. These slides were made available to the senators after the meeting.

Question: When do you anticipate that a system-wide plan will be in place?

Answer: We hope to have one in the next few weeks.

Question: Will faculty be able to get tested regularly for COVID19 if they're teaching face to face classes?

Answer: All faculty and staff who will be on campus are expected to do the online training and symptom monitoring. They will also be strongly encouraged to participate in baseline testing, which should begin around the second or third week of August. UMBC is working on developing its relationship with local testing centers which will facilitate testing off campus for members of the university. We hope that we will have a list of available testing sites to share with the campus community by early August.

Question: Will both residential and non-residential folks have the cost of their test covered? Where will those tests occur? What testing results would trigger UMBC to go fully online?

Answer: USM is forming a committee and task force to create guidelines on when campus closures should occur. Testing will occur on campus at the expense of the university. Additional testing would be at the discretion of the university depending on the situation. For example, if there is an outbreak in a particular area, the university may decide to retest there in an attempt to control and manage the outbreak. If an individual wants to get tested repeatedly they would be advised to consult their medical provider on how to proceed.

Dr. Wilson reminded the senators that the CDC does not recommend ongoing regular testing unless a person is symptomatic.

X. UMBC's Contact Response Team (CRT) and The Coronavirus Report and Intake Plan and XI. Strategies for Safe On-Campus Behavior—Paul Dillon

Dr. Smith introduced Paul Dillon, UMBC's Chief of Police, who shared the Contact Response Team plan and a draft version of UMBC's expectations regarding masks, social distancing and gatherings.

Chief Dillon walked the senators through the CRT plan. He noted that although formal investigation and contact tracing will be conducted outside of UMBC by the local health department, UMBC has developed a process for members of the UMBC community to report positive tests or symptoms to University Health Services. In his presentation Chief Dillon identified five steps in the COVID-19 response process at UMBC: detection, review, response, mitigation and resolution.

Chief Dillon also outlined the safety precautions that all members of the university are expected to follow and what the consequences will be for those who do not take these steps to ensure their safety and the safety of others.

Question: Do we know how many cases among UMBC faculty, staff and students to date and will we be apprised of this information moving forward? Follow up question to that: Will there be a website where the daily number of positive results will be updated daily?

Answer: We have no recent cases to report. We did have one person on campus who tested positive awhile ago.

Lynne Schaefer added that the issue of sharing this data is complicated because of legal considerations and privacy issues. She stated that this topic is being discussed by the Chancellor's Advisory Committee. She added that it is not likely that UMBC would have a website that would provide this information.

Nancy Young chimed in, noting that UMBC and USM is getting legal advice on what can be shared. She stated that they are attempting to balance privacy with what they think people should know in order to preserve the health of the community.

Concern: A senator noted that some individuals may not be able to wear masks due to psychological or physical constraints. For example, someone suffering from severe anxiety might feel claustrophobic wearing a mask or someone who is deaf may rely on lip reading because many people do not know how to sign.

Response: We should consider adding language into the syllabi that recognizes that certain students will not be required to wear masks in these cases. Alternative safety precautions will have to be put in place in these specific instances.

Question: Should we call the police immediately if someone is not wearing a mask?

Answer: Masks are required by the university and we hope that people will abide by this rule. The UMBC police should only be called as a last resort.

Question: What is the availability of de-escalation training for faculty and staff?

Answer: The de-escalation training for police is quite different from what faculty or staff might find useful.

Pat McDermott noted that she and Dr. Smith will explore the possibilities for this.

Question: what is being done to mitigate the possibility of infection as the result of outside people coming to campus such as parents or contract workers? If one of these people tests positive will that information be shared?

Answer: We don't know yet what we can share. As Dr. Young pointed out, this is a balance between privacy and what the campus community needs to know. What we can say is that the people who have had close contact with someone who we know is infected will be informed. The name of the person will be withheld but advice will be given by medical professionals on how to best protect themselves through symptom monitoring and/or self-quarantine.

Question: What about the possibility of people wearing masks that have offensive images or offensive language?

Answer: If the message on the mask violates our code of conduct or any other university rule or regulation then we will follow university policy in referring that person.

President Smith thanked the senators, administrators and guests for their attendance. She invited the senators to stay after the meeting for an informal discussion.

The meeting adjourned at 4:47 p.m.