

Senate Chairs Meeting  
University System of Maryland (USM)  
at Adelphi, Maryland

**Minutes**

Thursday, April 6, 2012

Attendance:	
<b>Bowie</b>	
<b>Coppin</b>	Nicholas Eugene (CSU), Virletta Bryant (ExecCom)
<b>Frostburg</b>	Robert B. Kauffman (ExecCom)
<b>Salisbury</b>	
<b>Towson</b>	Timothy Sullivan (SC), Jay Zimmerman (ExecCom)
<b>UB</b>	Dan Gerlowski (SC)
<b>UMB</b>	
<b>UMBC</b>	Tim Nohe (SC)
<b>UMCP</b>	Eric Kasischke (SC) , Steve Mount (ExecCom)
<b>UMES</b>	Mark Williams (SC), Bill Chapin (FAC)
<b>UMUC</b>	Theo Stone (UMUC), Joyce Shirazi (ExecCom)
<b>Guests:</b>	Irwin Goldstein (guest), Brit Kirwan (guest, speaker)

**CONVENING THE MEETING - 10:00 AM**

Jay Zimmerman, Vice-Chair, called the meeting to order at 10:00 AM in meeting room at the University System of Maryland at Adelphi, Maryland. Jay asked all the chairs to introduce themselves and any issues that they were facing at their institutions. Several mentioned Meet and Confer as an issue on their campuses.

**CHAIR'S UPDATE - 10:10 AM**

Joyce Shirazi, Chair of CUSF, updated the Senate Chairs on recent issues being addressed by CUSF. As the list of items suggest, CUSF has been very active this year in addressing faculty needs and issues. [Secretary's Note: *When applicable and for the reader's convenience, references are provided to major discussions on the topic in previous minutes. These minutes are available on the CUSF website.*]

**Intellectual Technology Transfer (aka: Commercialization of Intellectual Properties)**: Joyce indicate that in September, Irv brought to CUSF a proposal that would add to the ART Policy (Appointment, Rank, and Tenure) the commercialization of intellectual properties. Based, in part, on the feedback provided by faculty at the September meeting, System made changes to the proposed language. Irv brought these revisions back to CUSF at the January meeting for review and approval. Commercialization

of intellectual properties was now referred to as intellectual technology transfer in the document. After a lively discussion, a motion was passed in support of the proposed language. Subsequently the BOR passed the policy change. [Secretary's Note: *See the Senior Vice Chancellor's Report for the second and most recent discussion of this topic prior to passing the motion in the January 2012 CUSF General Body minutes. See the Senior Vice Chancellor's Report after lunch in September 16, 2011 minutes for a good summary of the initial discussion of this topic.*]

**College Completion Goal:** Joyce indicated that the goal in the Strategic Plan is to have a 55% completion rate of AA and BS degrees by 2025. Currently we are at 44% or roughly 39,000 degrees in 2010. This interprets as 58,000 degrees must be awarded annually in 2025. Two questions were raised by CUSF members. First, in order to meet this goal, there may be a tendency water down our education in order to meet the goal. Second, if we are going to graduate more students, we will need more resources at the front end to do this. [Secretary's Note: *There is not much to add in the discussion of this item in the February 15, 2012 minutes*]

**Lasting Legacy of Shared Governance:** In this time of transition, Joyce noted that CUSF had an interesting panel discussion organized by Steve Mount on maintaining the legacy of shared governance. The panel members included Tim Sullivan, TU Professor and University Senate Chair, Debra Stanley, UB Professor and Shared Governance Work Group Chair, and John Wolfe, USM Associate Vice Chancellor for Academic Affairs. [Secretary's Note: *There is a worthwhile review regarding the future of shared governance in the February 15<sup>th</sup> minutes.*]

**Opposition to the 11.8 M Budget Cut:** Joyce indicated that the CUSF passed a motion opposing the 11.8 M dollar proposed budget cut. [Secretary's Note: *See MOTION #1208 in the March 16, 2012 CUSF General Body minutes.*]

**Child Abuse Policy:** Joyce indicated that CUSF passed a motion requesting that language be added to the policy providing protection to those people reporting child abuse. [Secretary's Note: *See MOTION #1209 in the March 16, 2012 CUSF General Body minutes.*]

**CASA de Maryland:** Representing a consortium of different organizations, Travis Tazelaar gave a presentation on the Dream Act Referendum at the March 16, 2012 CUSF meeting. A motion was passed (**MOTION #1210**) supporting the Dream Act. [Secretary's Note: *The March 16, 2012 minutes provide a brief overview of the issues involved with the Dream Act.*]

**Meet and Confer:** Joe Vivona, Chief Operating Officer and Vice Chancellor of Administration and Finance, addressed the "Meet and Confer" process at the March 16, 2012 CUSF meeting. [Secretary's Note: *There is a good discussion of this topic in the March 16, 2012 CUSF minutes.*]

**New Chairs Workshop:** Joyce noted that CUSF is co-hosting the New Chairs Workshop on April 27<sup>th</sup>.

## DISCUSSION ITEMS - 10:20 AM

**Meet and Confer Process:** Jay introduced the discussion item. In addition, most Senate Chairs were already introduced to Meet and Confer Process on their campuses. Also, they were supplied with the two attachments via email. The following are some summative comments regarding the discussion. Although they are representative, they don't necessarily include all comments.

- Currently, the meet and confer process is a process to determine the process.
- The challenge is how do the adjuncts actually organize. It was noted that the devil is in the details.
- It was noted that at UMUC shared governance was only ten years old, having been instituted in 2002.
- The issue was raised regarding how to address shared adjuncts or adjuncts teaching on multiple campuses.
- There is a problem of defining adjuncts. First, there are contract by year, and second, contract by course. In addition, many full-time faculty teach as adjuncts during summer school or intersession.
- The issue was raised regarding how many adjunct faculty are needed to approve anything that was agreed upon? It was suggested that in normal collective bargaining situations (Note: This is not collective bargaining), a vote of approval of 51% of the adjuncts maybe necessary to approve any initiatives. It was noted that BOR Policy requires at least a 50% vote of eligible people.
- One Senate Chair noted that the Governor had instituted a version of meet and confer before and suggested that this might be the reason when why it is being pursued in this instance with adjuncts.

**Technology Transfer in the ART Document:** Since the policy has already passed, the discussion was brief and it focused mainly on its implementation.

- Implementation should be up to the campuses. As with the other parts of the ART document, implementation should eventually be at the departmental level and it should reflect the institutional mission.

**Communications Issues:** This is a followup to the discussion at the December 2012 Senate Chair's meeting. Jay noted that due to the diversity of email systems and the individual policies at different institutions, it is difficulty to derive a recommendation of common practices. Regardless, if anyone has any suggestions, they should forward their suggestions to Jay.

- Nicholas Eugene, Senate Chair at Coppin, briefly discussed the vote of no confidence for the President at Coppin State University. He suggested that it was less an issue of mis-communications than of other things. He summarized these items for the group present.
- In part, the communications issue was addressed at the recent panel discussion on the Lasting Legacy of Shared Governance at the February 15, 2012 General Body Meeting of CUSF.

LUNCH - 11:30 - 11:40 AM

CHANCELLOR AND SENIOR VICE CHANCELLOR - Brit Kirwin and Irv Goldstein - 11:45 AM

**Budget:** In response to submitted questions, Brit indicated that this has been a difficult year. The following is a summary of his points and discussion.

- By law, the Legislature must adjourn on Monday (4/9/12). This will necessitate some interesting negotiations by next week.
- Regarding the backdrop, there is a structural deficit. The Legislature passed a statute last year to eliminate the structural deficit within two years. This means that roughly 550 M dollars will need to be cut this year and the following year to address the 1B structural deficit.
- Currently, there is an issue of who will bear the burden of paying teacher benefits. Brit noted that currently the counties determine teacher salaries, and then they send the retirement funds to the State. There is an effort to return this responsibility from the State to the counties.
- There is an issue regarding the recommendations between the Senate and the House. The Senate recommended a 5.3 M cut. The House recommended a 11.6 M cut. Traditionally, they split the difference which would have major consequences for the System. There are other options: a) split the difference, b) split the difference and take the difference out of the fund balance, c) have no cuts and take the entire 10 M cut out of the fund balance. Brit noted that unlike other state agencies whose budgets revert to the State at the end of the fiscal year, System can place surpluses into a fund balance. Essentially, the use of the fund balance would minimize the impact of any cuts.
- Brit noted the impact of the email campaign to the Legislature and noted that it had a significant impact. It helped to prevent significant recommended cuts.
- This year there are no monies in the budget for salary increases. There is a COLA increase of 2% effective January. Also, this will result in an increase in base salaries.
- Although it is premature to know for sure at this time, hopefully there will be merit next year.
- On the capital side, the State has been supportive and all projects have been approved. Brit was asked if the Legislature was generally more supportive of increases in capital expenditures than General Fund expenditures. The answer is yes, and it results from the difference in funding requirements. Capital expenditures are contingent on the bond market where the burden of the debt is the payment on the debt rather than the debt itself. In contrast, an increase in General Fund spending requires a corresponding increase in revenue to offset the increase and to keep the budget balanced.
- Brit noted that not a lot of bills have been passed this year.

- He noted that there is a 5 M fund where research institutions need to match to facilitate the commercialization of intellectual properties.
- In response to a question, Brit noted that the CUSF resolution to oppose the 11 M cuts was very helpful.
- Brit commented on the status of benefits to State employees. The only change this year was in health care benefits. There will be higher costs.

**USM Policy for Maternity and Family Leave for Faculty:** (See Attachment) Brit noted that developing a policy turned out to be more complicated than originally anticipated. He expects the policy for faculty to be ready for approval fall 2012. Because of the differences in employment categories, the policy will initially only focus on faculty. A policy for staff will be forthcoming. He thanked Towson for their effort in this area. [Secretary's Note: *Although this topic was discussed in varying degrees at most CUSF meetings, the after lunch discussion titled Family Leave Policy in the December 8, 2012 minutes with JoAnn Goedert, Assistant Vice Chancellor for Business and Finance, provides a good summary of the issues from a faculty perspective that should be incorporated into the policy.*]

**Empowering the State:** This is the former Strategic Alliance. Brit provided a brief update on the initiative and noted that it has resulted in a good outcome.

**Meet and Confer:** Each campus will have representatives to meet with people at System to develop procedures under three or four approved options that campuses can use. He noted that this is not collective bargaining. He provided a history of why we are where we are today. He noted that the General Assembly had considered a bill to allow collective bargaining, but that it was resoundingly defeated. Then there was a summer study group that was an outgrowth of the bill. One of their recommendations was the meet and confer process where adjunct faculty can meet and discuss the issues.

**Presidents in Trouble:** At least two institutions had Presidents in trouble (UMUC and Coppin). There was a discussion with Brit of the shared governance process vis-a-vis the presidents. Brit noted that "*at the core of shared governance is good communication.*" He noted that he does listen. For example, the Senate Chairs meeting is one venue to hear of campus unrest or problems with a president. Second, there is a five year review of each new president. It is a formal process with a structured set of interviews involving key personnel at the institution. The group noted that it might be desirable to have more "touch points" of evaluation opportunities.

With no further business Brit Kirwin and Irv Goldstein left the meeting.

## OPEN DISCUSSION - 1:30 PM

There was a brief open discussion. The discussion focused primarily on the previous discussion regarding developing additional "touch points" to evaluate the presidents by the Senate and/or Senate Chairs. The discussion focused on whether this should be an informal or formal process. One issue identified suggested that Senate Chairs may currently consider it a violation of the chain of command communicating directly with the Chancellor about their president. The general consensus was that CUSF should develop a resolution that would recommend an annual report from Senate Chairs to the

Chancellor.

ADJOURNMENT - 1:40 PM

With no further business, the meeting was adjourned at 1:30 PM.

Respectfully Submitted,

*Robert B. Kauffman*

Robert B. Kauffman  
Secretary

Attachments: Statement from USM regarding “Meet and Confer Process” for Graduate Assistants,  
Adjunct Faculty  
Implementation Proposal - “Meet and Confer” Process for Adjunct Faculty and Graduate  
Assistants at USM Institutions  
Enhancing Family-Centered Policies for USM Faculty and Staff; Phase 1:  
Maternity/Paternity Leave for Faculty; (March 7, 2012 Draft...)

Approved

**STATEMENT FROM UNIVERSITY SYSTEM OF MARYLAND REGARDING “MEET AND CONFER PROCESS”  
FOR GRADUATE ASSISTANTS, ADJUNCT FACULTY**

March 8, 2012

**Adelphi, MD** -- The USM is committed to protecting and enhancing the status of its employees and students. In the recent economic downturn, the USM consistently dealt with budget reductions and constraints in proactive ways that softened their impact on staff, faculty and students. Working closely with state officials and our staff unions, we minimized furlough burdens, avoided layoffs, and protected salaries despite dire economic conditions. At the same time, the USM took serious measures to implement the recommendations of the legislative Task Force on the Status of Adjunct Faculty and Graduate Assistants with the goal of improving the status of both of those groups.

These measures included the adoption and ongoing implementation of new policies to ensure that representatives of adjunct faculty and graduate assistants have regular opportunities to meet with institution administrators to share their concerns and discuss ways to address those concerns. At some USM campuses, graduate assistants and adjunct faculty have asked to be represented by an outside organization in their discussions with administrators. In response to these requests, the Chancellor consulted with the institution presidents and the USM Board of Regents to develop a plan by which graduate assistants (GAs) and adjunct faculty (AF) at USM institutions may select an outside organization to represent them in a “meet and confer” process with institution administration. Governor O’Malley and key legislators, notably Delegate Heather R. Mizeur and Senator Jamie B. Raskin, provided critical support and guidance in this effort.

The attached plan is the result of those deliberations. It establishes the basic principles that will guide the USM as it develops sound and productive “meet and confer” procedures. Consistent with those principles, we will work with both institution leadership and our adjunct faculty and graduate assistant communities to put in place a system that advances USM’s commitment to enhancing the status of its graduate assistants and adjunct faculty.

With Governor O’Malley, Del. Mizeur and Sen. Raskin, the USM is pleased that we have established a meet and confer process for graduate assistants, adjunct faculty and their representative organizations at USM Institutions.

**IMPLEMENTATION PROPOSAL – “MEET AND CONFER” PROCESS FOR ADJUNCT FACULTY AND  
GRADUATE ASSISTANTS AT USM INSTITUTIONS**

**3/1/12**

The USM is committed to protecting and enhancing the status of its employees and students. In the recent economic downturn, the USM consistently dealt with budget reductions and constraints in ways that softened their impact on staff, faculty and students. Working closely with state officials and our staff unions, we minimized furlough burdens, avoided layoffs, and protected salaries despite dire economic conditions. At the same time, the USM took serious measures to implement the recommendations of the legislative Task Force on the Status of Adjunct Faculty and Graduate Assistants with the goal of improving the status of both of those groups. Consistent with these commitments, the USM is supportive of establishing a system for graduate assistants (GAs) and adjunct faculty (AF) at USM institutions to select an outside organization (or organizations) to represent them in a meet and confer process with institution administration.

The USM will establish a process by which AF and GA organizations on campus may undertake the selection of an outside representative.

- This process will be consistent with appropriate legal parameters, requirements for fairness and adequate representation, fundamental principles of higher education shared governance, and administrative feasibility.
- Upon demonstration through the selection process that the GA or AF organization wishes to be represented in the meet and confer process, the representative may work in conjunction with GAs/AF for three years at the discretion and direction of the GAs/AF. Upon completion of a three year period, the representative organization may seek reappointment through the established selection process. During this three year process the Adjunct faculty and Graduate Assistants who voluntarily elect to pay dues to a representative organization may have this done through a payroll deduction.

The purpose of the meet and confer system is to provide AF and or GAs with an opportunity to have outside representation in periodic meetings to share their concerns with institution administrators. This process offers an opportunity for dialog and discussion about matters of concern to AF and GAs and possible options for addressing those concerns. However, as current state law does not enable USM to engage in collective bargaining with GAs or AF, these discussions are not negotiations as part of a collective bargaining process. The Institution will give serious consideration to the information, views and suggestions gained from the meet and confer process in any relevant policy decisions regarding AF and GAs and retains final authority over such decisions.

- The Meet and Confer process will be closely monitored by the Chancellor’s Office to help ensure a meaningful and productive engagement. In furtherance of this goal the Chancellor’s Office shall:
  1. Require that each institution establish a format and timeframe for discussions to take place between GAs/AF and designated institution personnel.



2. Require that each institution provide support to the process by which GAs/AF engage in the meet and confer process, including the selection of a representative organization to join with them in discussions with the designated institution personnel.
  3. Affirm the institutions' final authority regarding matters raised in the meet and confer process.
  4. Provide that the institution will inform GAs/AF in writing of decisions resulting from meet and confer discussions. The decisions resulting from the meet and confer process will become part of the institution's policies if applicable.
- The existence of the meet and confer process on a campus is not intended to, nor will it, restrict the role or function on institution shared governance. Shared governance bodies and other groups of GAs or AF (directly or through representatives) remain free to confer with administrators regarding any matters of concern to those groups.

Approved

**Enhancing Family-Centered Policies for USM Faculty and Staff**  
**Phase I: Maternity/Paternity Leave for Faculty**  
**(March 7, 2012 Draft: For AAAC and VPAF March meeting discussion purposes)**

***Note: This proposal was developed by a workgroup of four vice presidents for administration and finance, four provosts, and USM staff. It was presented to the USM presidents at their March CUSP meeting, where the consensus of the presidents was that improvements to staff maternity/paternity leave should be implemented at the same time that improvements are made for faculty.***

- **Purpose:** The enhancement of leave and other policies to support faculty and staff in balancing their professional and family demands during and after the birth of a child and during a period of family medical crisis. In its first phase, the proposal is intended to offer faculty members adequate time away from full-time teaching and other duties to care for a new child through a combination of paid leave and workload modifications.
- **General Principles:**
  - The USM wants to be recognized as a family-friendly higher education system, and needs to improve upon current policies to reach that goal.
  - While the issue of family-centered policies arose at the USM in the context of faculty, it is also important to address the needs of staff.
  - Enhancements may need to include not just maternity/paternity leave, but also the needs of employees who have to care for critically ill immediate family members.
  - While many exempt and 12-month faculty have opportunities to accrue considerable amounts of leave under current USM policies, those policies often fall short for two groups of employees, especially in their child-bearing years:
    - 9- and 10-month faculty
    - Nonexempt staff.
- **Phased Approach:** Although efforts to enhance family-centered policies in the USM should encompass both faculty and staff, and include supports for employees to care for critically ill family members as well as newborns, it is prudent to phase in such improvements:
  - Most possible measures, especially those related to improvements in paid leave, will have an impact on cost and productivity. For various reasons, it is not possible to estimate those costs with any confidence. Maternity/paternity leave is an area with the most circumscribed potential cost impact, and implementing improvements in that area will help to inform our consideration of other measures.
  - Over the past year, the USM has completed an analysis of the need for and the options to address improvements to the range of supports for faculty parents of new children.
  - Through that analysis, it appears that the most pressing need across the USM relate to the approximately 75% of full-time instructional faculty who have 10-month appointments and few opportunities to accrue paid leave under current policies.

## **Phase 1 Elements of a USM Policy to Enhance Supports for Faculty Parental Leave**

We propose the following four measures to enhance supports for faculty who are new parents, through birth of an infant or adoption of a child under 6 years old:

1. Minimum assured paid maternity/paternity leave
2. The adoption of “Family Support Plans” at each institution
3. Minimum requirements for stopping the tenure clock for new parents
4. The availability of nursing rooms on each campus.

### **1. Assured Minimum Paid Leave**

- Eligible faculty members will be assured eight weeks of paid maternity/paternity leave.
  - That period will consist of any form of paid leave that the faculty member has accrued, to be supplemented by the institution to achieve an eight-week period.
  - The eight-week paid leave assurance will be available to a faculty member parent during the period surrounding the birth of a newborn or recent adoption of a child under the age of 6; with affirmation that the parent will be the child’s primary caregiver during the maternity/paternity leave period.
- Operational questions to be determined:
  - Other eligibility criteria: minimum period of USM employment, application to other than tenured/tenure track faculty
  - The nature of the leave guarantee in excess of the faculty member’s paid leave: e.g., a new form of leave, part of a new leave bank for faculty; or informal institution leave assistance
  - Any maximum number of times that this benefit is available to a faculty member.

### **2. Faculty Family Support Plans**

- Each institution shall assure each tenured/tenure track faculty member in need of maternity or paternity leave a “Family Support Plan.”
- The plan will be developed jointly by the faculty member and department chair.
  - If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator will participate in completing the plan.
  - Each completed plan will be shared with the appropriate dean or other academic affairs administrator to foster even-handed treatment of faculty members across departments.

- The plan will allow the faculty member to modify workload, especially teaching duties, during the semester in which maternity/paternity leave is taken, though a combination of:
  - Leave, including:
    - All accrued annual, personal and sick leave;
    - Additional paid leave, up to the eight-week total
    - Collegial leave;
    - Unpaid leave, up to the 90-day FMLA limit; and
  - Workload modifications--to the extent authorized by the institution and feasible within the faculty member's department--which may include:
    - Part-time employment
    - The spreading of the semester's teaching responsibilities over multiple terms preceding and succeeding the maternity leave semester;
    - Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
    - Other options identified by the institution or department.
  
- Operational questions to be determined include eligibility criteria, e.g., minimum length of USM service; limited to instructional faculty; tenured/tenure track faculty?

## 2. Tenure Clock Stoppage

Most institutions informally or through policy afford faculty members an opportunity to stop the tenure clock for family reasons. The USM should establish minimum standards allowing faculty to stop the tenure clock when they become new parents.

- USM policy standards would include minimum requirements for:
  - Eligibility for faculty on maternity/paternity leave
  - Length of tenure clock stoppage per birth/adoption
  - Number of times that a faculty member can stop the tenure clock.
  
- Institutions may have more expansive tenure clock stoppage policies, including both more generous standards, and application of the policy to groups other than faculty on maternity/paternity leave.

## 2. Nursing Rooms

Under the federal health reform law, institutions are required to have lactation rooms, other than rest rooms, available for non-exempt employees who are nursing mothers. USM policy should clarify this requirement.

- Operational questions include: whether there are minimum standards for the number of rooms required on a given campus, basic furnishings in each nursing room.