



COUNCIL of UNIVERSITY
SYSTEM FACULTY

Minutes

*CUSF Council Meeting at UMB
397 Gira Building
Frostburg State University
Frostburg, MD 21532*

Monday, October 16, 2017

Bowie (2)	Patricia Westerman
Coppin (2)	Mona Calhoun, Chris Brittan-Powell (by phone)
Frostburg (3)	Robert Kauffman, Kelly Rock, Ronna Schrum
Salisbury (3)	Paul Flexner, Dave Parker Roberta Adams (by phone)
Towson (4)	Beth Clifford, Rajeswari Kolagani Bill Hellman, Jay Zimmerman (by phone)
UB (2)	Stephanie Gibson, Julie Simon
UMB (5)	Karen Clark Isabel Rambob (by phone)
UMBC (3)	Nagaraj Neerchal, Lina Zhou (by phone)
UMCES (2)	David Nelson
UMCP (6)	Ethan Kaplan
UMES (2)	Bill Chapin (by phone)
UMUC (3)	Elizabeth Brunn, Mary Crowley, Sabrina Fu
Guests:	Joann Boughman, (USM) Zakiya Lee (USM, by phone)

	:Carolyn Skolnik (USM office of HR) Elena Langrill, Emily Bolyard, Katherine Levy (Office of Attorney General) Ron Nowaczyk, Elizabeth Throop (FSU)
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10:04 Call to order

Robert Kauffman called meeting to order and welcomed all present..

10:05 Greetings from campus -- Dr. Ron Nowaczyk, President and Dr. Elizabeth Throop, Provost -- Introduction by Kelly Rock, Assistant Professor, Nursing

After attendee introductions, Kelly Rock introduced Frostburg Provost Elizabeth Throop and Frostburg President Ron Nowaczyk. Provost Throop discussed shared governance as inclusive of both faculty rights and responsibilities. She stated that she was very proud to be associated with FSU and USM, and she praised the work of CUSF in its enhancement of communication between faculty and administrators at the campus and System levels. President Nowaczyk sought support and assistance from faculty on issues of free speech on university campuses and of diversity in the student population. He also asserted the importance of understanding that institutions of higher education, in addition to providing skills and knowledge that will be useful in students' current and future careers, are responsible for educating citizens for all of their roles. For this reason, we must infuse ethics, writing skills, and other components throughout the curriculum.

Q&A:

Question: How are Interdisciplinary/interprofessional collaborations working out for you here?

President Nowaczyk: We see a bit of it, but not much of it.

Provost Throop: There is some going on, and I am encouraging it. For example, we have a leadership program that cuts across mostly humanities, but also business.

President Nowaczyk: We need to reward faculty for working across disciplines, because it is challenging but important. We need to, in advertising for positions, identify that we would like to hire faculty who are interested in working in an interdisciplinary fashion.

Question: Are you integrating health care into some of these programs as well?

Provost Throop: All of our students will be working, in their careers, in interdisciplinary teams. We are developing a nurse practitioner program and it is, by its nature, interdisciplinary. I am very sympathetic to the challenges but also aware of the many strengths of such an approach.

Question: Some long-term faculty are teaching a more and more diverse student population. Are you providing training for this?

President Nowaczyk: We are not providing this training, and we should. Perhaps we could offer this training through webinars, etc.

Joann: I will talk a bit later about this as addressed by the Inclusion/Diversity (I/D) council. All USM campuses have different challenges with regard to their student populations, but I know that the FSU administration is ensuring that FSU be an economic driver for the community. Also, FSU is very involved with Hagerstown. They are positioning their students to contribute to the progress in their communities.

President Nowaczyk: We are working with, for example, the President of UB on tele-health and other such issues because we are on the front lines of these matters.

10:20 Approval of CUSF Council Minutes -- September 2017

Add the following: Jay Zimmerman, Lina Zhou attended by phone.

Approved.

10:25 USM Update - Joann Boughman, Senior Vice Chancellor for Academic and Student Affairs

Joann: On Title IX: With the relaxation of federal guidelines, the USM believes that our policy is where it should be. We believe we will stay where we are on the two areas in which there are issues: 1) timeline of investigations—60 day timeline; the new guideline is suggesting a relaxation of timeline, but USM will try to stay with 60 days as a target; 2) preponderance of the evidence may be increased to clear and convincing evidence, however we believe we will stay with our current evidentiary standard. At all campuses except UMCP, we require preponderance of the evidence. At UMCP, the evidentiary standard for all issues is clear and convincing evidence, so they are reluctant to relax their title IX-related charges. We are waiting for College Park to go through their discussions. If guidelines come out requiring a formal response, we will work on that. We feel very strongly about not having attorneys able to speak at student conduct hearings; advisors can speak, and attorneys can attend hearings, but not speak. There is pressure from the federal government to allow attorneys to speak. We are not a court, and we advise students that they may use court processes, if desired.

Q&A:

Question: Have campuses thought of reviewing HR policies in light of Harvey Weinstein-related sexual harassment and assault issues to ensure that retaliation not occur against faculty and staff who file charges?

Joann: We believe there is underreporting, so we are encouraging full reporting of instances, and that this should be encouraged by the situation with Harvey Weinstein. We should provide info to all constituents that we have processes in place for this type of issue.

Question: Is there a need to have the same evidentiary standard for all issues? I can see why different standards would be logical.

Joann: When there are different standards, one is opening oneself up to a lawsuit.

OAG panelist: In the letter from the department of education, it was stated that there must be same standards for all issues of student conduct.

CUSF member: Schools are not lawyers, and so distinguishing among standards of evidence is not something that the schools may be good at differentiating.

Question: Do you know what percentage of false claims is now? We were told a few years ago that false claims outnumbered real claims 9-to-1.

OAG panelist: If a claim is withdrawn or is not supported strongly enough, it will be included in the "false claims" category.

Question: As a person who was accused of discrimination, I think it is important that we be aware of this situation.

Joann: Information going out to all parties has been clearly articulated.

CUSF member: It's terrible when people are falsely accused, but we also need to protect the rights of young women to attend school and to have their rights protected. And, with regard to constitutional rights, this is not a court of law, so the only constitutional right here is right to due process.

Joann: My summary statement is that there is no case that is not messy. Our campuses have improved over the last 18 months and they are working hard on it and we will continue to work on the process.

Robert: We're going to need to have consistency then?

Joann: USM: Title IX—USM policy will be preponderance of evidence.

OAG panelist: Sex discrimination cases would be processed according to policies on the campus.

Joann: With regard to Amazon, the regents had a special meeting to discuss the USM proposal to support the Maryland proposal for Amazon's 2nd headquarters, which will allegedly employ 50,000 highly paid high skilled employees. If we are awarded this site, we believe that USM can support the state by offering Amazon employees and their spouses and dependents living in Maryland, in-state tuition in their first year of residency. This would be a minimal impact on any one campus.

On TURFA and other retired faculty associations, we talked about it at the provosts' council. Many campuses are doing a wide variety of things around retired faculty, who desire engagement, parking, retention of email rights, etc. Faculty Senates should call their provosts to talk about this.

With regard to the I/D council, we will have a one-day symposium where two campuses and the USM will provide information about activities they are having on their campuses to recruit and retain diverse faculty, including the STRIDE program from UMBC. We will also work on faculty training to handle, as discussed this morning, diversity, inclusion, and free speech related issues

Campus climate and mental health issues are becoming more important. Students are experiencing stress because they are away from home, in a different place, etc. or they are experiencing stressful situations, including hurricanes, etc. Faculty senates should engage student affairs people about when and how faculty can refer students who seem to be in trouble and need help. Campus-based counseling centers are struggling to keep up; faculty are needed in this effort.

Question: With regard to the democratization of education, how has this changed the mental health picture of our students?

Joann: At this point, across the USM, we are admitting, retaining, graduating more students in a shorter time frame than a few years ago, for students with the same or less debt than three years ago, and on a more diverse and inclusive set of students. And we are doing this without a massive influx of money. We are expecting more of faculty, because we have more students and more diverse students and more

students who have a variety of challenges that we have not dealt with before. We need to remind legislators of our successes in these areas.

On the workload committee: It is still operational. That group will get back together shortly. We will present data to them on student credit hours, rather than using 3-credit courses as basis for workload. In any change that we make, there will be a shift at the provost, dean, and department levels, because USM will not provide a required 3-credit course load number as the basis for decision making. We will have a white paper to the chancellor in the next few weeks.

Question: On mental health, we need to expand counseling centers on campuses, even though it requires more money.

Joann: Each campus is looking at long-term care for students. Many campuses have tried to handle this, but Vice Presidents for student affairs will address the increasing needs by deciding upon support needed to meet all students' needs. Student affairs people are looking at all kinds of new models.

11:07 Regent's Award Committee - Motion to approve committee composition: 1) Jay Zimmerman, TU; 2) Joseph Arumala, UMES; 3) Vanessa Jackson, CSU; 4) Karen Clark, UMB; 5) Ethan Kaplan, UMCP

Robert: We have retained diversity with regard to gender, research/comprehensive universities, etc.

Approved.

11:09 Chair's Report – Robert Kauffman

Robert: Please read my first commentary. Much of my report was covered by Joann.

On the academic dishonesty commentar: We are pursuing that discussion. The commentary goes to regents, so we will get their feedback on this. We also had a robust discussion on it at the last AAAC meeting.

Thank you to Jay, Stephanie, and Bobbi on reviewing FMLA and parental leave policies. And congratulations on a job well done.

11:11 Proposed Amendments to FMLA and Parental Leave Policies – Office of Attorney General: Elena Langrill, Emily Bolyard, Katherine Levy, and USM office of HR:Carolyn Skolnik

Panel: We're appreciate of everyone's time and input. We'll give a brief overview of our policies and changes (see powerpoint).

Q&A:

Question: If there is a conflict of opinion of two people who are both using their best judgment, what should we do?

Panel: Bump it up to the next level of decision making for the decision.

Question: What happens if the supervisor doesn't know that a request its FMLA qualified? Is there potential trouble for the supervisor?

Panel: The supervisor has to say, "This is what I know," and then pass it along to the person on campus who knows that policy. The policy is here to guard against retaliation, etc. Also, the employee must give adequate information to allow the supervisor to know why the employee is requesting leave, in order that the supervisor can make a good decision about it. If a faculty member is taking off for, say, a week at a time, you may want to call the provost or HR and have that person ask questions of the faculty member. Faculty need to tell HR, but not the supervisor, the reasons for their requests.

Panel: The major changes include using a rolling calendar, rather than calendar year or academic year, for determining eligibility; requiring use of department of labor forms; clarifying compensation; and incorporating newer military-related benefits.

Question: Can FMLA be used by a faculty member who can work mornings but not afternoons, for example, for a period of time?

Panel: This would be addressed as intermittent leave. The number of hours you would be out would determine what you have available to you. For full-time absence, you have 12 weeks. So if you're taking it half time, it would amount to 24 weeks.

Question: How does sick leave differ from FMLA?

Panel: Not all things that would qualify for sick leave would qualify for FMLA.

Stephanie: Sick leave is about how you get paid. FMLA is about how much time you may miss without jeopardizing your job.

Panel: Most reasons that would qualify for FMLA would qualify for sick leave. According, to section IV, if you take sick leave and the reason is FMLA-qualifying, then you'll use both simultaneously.

Question: Why can't we bank sick leave or donate it to others?

Jo: It's a distribution problem. That's the major objection to it. Our benefits are already very generous, in that we allow staff and faculty not to be doing their duties and to have a variety of resources from which they can be paid.

Panel: The State of Maryland passed a sick leave bill last legislative session that was vetoed. It would have required most employers to allow five days of paid sick leave per year. USM provides 12 days of paid sick leave per year that you start accruing from your first day of work. In addition to annual leave, personal leave, etc. faculty may also have approved leave without pay, even if not covered yet by FMLA, if authorized by the institution's president, in a hardship case.

Panel: You also have parental leave. After being employed for a year, you may take up to eight weeks of paid parental leave.

Robert: What would USM like for CUSF to do with this policy at this point?

Jo: A motion of approval would always be extremely helpful.

Question: If there is no time pressure, is it possible to move this to our next meeting?

Stephanie: This is a very good policy. The System gives us good leave; the USM HR and AG representatives gave us a very clear description of these changes, which we believe have been changed consistent with federal law, and in support of our interest.

Motion: We support changes in FMLA and parental leave policies, as presented here.

Approved with 1 abstention.

Jo: It is important for OAG and USM HR to have representatives here so that you know that these representatives will work with your campuses, if there are any concerns, challenges.

12:02 Shared Governance Report -- Ben Norris, Senate Chair, FSU

Ben: I am new in this role, as is the provost, so we are working together on some things, and I am optimistic about how things will go. We had a strategic planning process last year, with a broad-based task force and with input from almost 1000 people. So shared governance appears to be on good footing and will remain so going forward.

I just administered a faculty morale survey, with a 30% response rate electronically. I will analyze the data and report back to the faculty.

And, finally, I very much appreciate the relationship we have with CUSF.

Question: I am interested in seeing the questions from your survey, if you're willing to share.

Ben will send survey to Robert.

Question: What triggered the survey?

Ben: My predecessor thought it would be helpful, in support of MSCHE standard 7, which is institutional effectiveness. We had addressed faculty bullying with a process implemented by my predecessor. The questions ask about morale, resources, shared governance at department/school/institution levels, support/engagement from department chair/dean/senate chair/provost/president, support for service, is your office sufficient for you to do your job, compensation and benefits, work-life balance, etc.

Question: What is percentage of adjuncts in your faculty?

Ben: It is growing. We have about 215 full-time tenure-track, 40 full-time non-tenure-track, and about 200-300 part-time non-tenure-track faculty.

Question: And the student population?

Ben: About 5000; 600 grad; 4400 UG

Question: How are adjuncts represented on the faculty senate?

Ben: There are two seats for non-tenure-track faculty; one is full-time and the other is an adjunct.

Question: Do you have any support services for adjuncts, including perhaps an adjunct office?

Ben: We do not have something centralized. Our policies say that any support offered would be provided within one's department.

12:15 LUNCH -- Committee Meetings -- [Tasks: 1) update committee membership; 2) review action plan (page 17); 3) work on action items and/or activity for next year.] (see committees: page 22)

Legislative Affairs -- Chris Brittan-Powell

Educational Policy (Academic Affairs) -- Elizabeth Brunn

Faculty Concerns -- Benjamin Arah

Membership and Rules -- Bill Chapin

1:15 Committee Reports

Legislative Affairs -- Chris Brittan-Powell

Karen Clark reported, as Chris Brittan-Powell (committee chair) attended by phone: The subcommittee may have a meeting with two legislators to discuss the issues for which the subcommittee would wish to advocate.

Robert: Please coordinate with System or with Andy Clark or Patrick Hogan, so that we have a coordinated movement.

Jo: Be very careful what you ask for. We want to be sure that we are not asking legislators to write laws that will give us unfunded mandates, for example.

Karen: Could CUSF give us as a subcommittee topics or directions about what to work on?

Elizabeth Brunn: Net neutrality is very important and the new FCC head is in favor of allocating time and resources to anyone that they favor, or that pays more money, e.g., rather than have to balance time. This impacts our job on the state level, if there's some pressure that we could bring to this issue, it could be helpful.

Robert: To Karen: So your request is to give some time at a CUSF meeting to seek input about the issues that we'd like for you to support?

Ethan: Yes, that would be very helpful.

Jo: And maybe we could invite Andy or Patrick.

Robert: We will set aside an hour at our next meeting.

Educational Policy (Academic Affairs) – Elizabeth Brunn:

Elizabeth Brunn: On academic dishonesty, we've decided that there is a need to raise awareness among our faculty colleagues as to the different aspects of academic dishonesty. We are working toward a December panel on this, and we would like to ask CUSF representatives to identify people on your campus who are knowledgeable about this and send us their names for possible identification to work on the panel. Our institutes' names and logos come up on the "cheat" sites, and we could legislate that this is not legal. Also, 17 states have outlawed these groups operating in their states. Cultural differences are challenging, when deliberating about academic dishonesty. Also, our students are on Pell grants but they're spending money on "tutors," which is fraud.

Faculty Concerns – Benjamin Arah

Patricia Westerman, standing in for Benjamin Arah today: With regard to retired faculty: we will survey faculty at the USM campuses about what is being done on their campuses, what level of interest exists, what services and resources retired faculty would like to have, and what they may contribute to the campus. The committee will also undertake a discussion on administration-faculty relations. We will identify what problems exist and how faculty may work to improve them.

Membership and Rules -- Bill Chapin

Bill: Most of the group knows that we have a constitution that was created a long time ago. As a result, the current method of modifying the constitution requires a vote by all shared governance bodies on all campuses. We need to get this fixed by going through the current process one time. I will try to bring an innocuous version of a resolution stating that we do not need to go through this process in order to modify the constitution. I think we can do this with relative ease. For our next meeting, I will have a version to present to CUSF.

Nagaraj: We may need Senate Chairs' help with this, so I could add this to the Senate chairs' meeting agenda. And it would be helpful if Bill would send me a short note about what is being contemplated.

1:43 Review and Discuss Action Item Plan -- [Motion to Approve Plan]

Nagaraj: The Membership and Rules committee resolution should be on action item list, right?

Bill: I don't think so.

Robert: I could add it under item 5.5.

Zakiya: Under 3.0, we have task forces on all of these topics, so it may be a better use of time if representatives that CUSF has on these bodies can report back to CUSF.

Robert: We are, indeed, tapping into the existing workgroups.

Jo: When we have these workgroups, it is essential that the faculty members of these workgroups attend, speak up, loop back with their own organization, and reach out even beyond CUSF to faculty on their own and other campuses. I count on the faculty at those meetings to tell us what the faculty as a whole want and need. In some cases, such as with FMLA and parental leave, whose revisions were based on changes at the federal level, I said to our panel that the faculty needed to have input on this revised policy. That's one kind of process. The workgroup process tends to be that a group is pulled together, with the right representation, and then we move forward together. The faculty workload workgroup, for example, identified that what we had was not working, and that we needed a new strategy. That type of process is from the bottom up. And those processes take much longer.

Motion: To amend action items to include the constitutional modification under item 5.5.

Approved.

1:55 Old Business/New Business

1:56 Adjournment

Schedule of Future CUSF Meetings		
Month	Schedule of CUSF Council Meetings for 2017-18 Academic Year	Location
November	Wednesday, Nov 15, 2017 (joint)	UMCP
December	Thursday, Dec 14, 2017	UB
January	Thursday, Jan 18, 2018	USM, Adelphi
February	Wednesday, Feb 21, 2018	BSU
March	Monday, March 26, 2018	UMB
April	Wednesday, April 18, 2018	UMBC
May	Friday, May 11, 2018	TU
June	Friday, June 8, 2018 (optional)	USM, Adelphi
Schedule of Senate Chair's Meetings		
Semester	Schedule of Senate Chair's Meetings for 2017-18 Academic Year	Location
Fall	Tuesday, October 31, 2017	USM, Adelphi
Spring	Tuesday, April 17, 2018	USM, Adelphi