



UNIVERSITY OF MARYLAND EASTERN SHORE

Division of Academic Affairs

FACULTY HANDBOOK

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UNIVERSITY OF MARYLAND EASTERN SHORE

FACULTY HANDBOOK

SECTION I – THE UNIVERSITY AND ITS STRUCTURE

(a) Historical Overview

The University of Maryland Eastern Shore (UMES), the state's 1890 land-grant institution, was founded in 1886 as the Delaware Conference Academy under the aegis of the Centenary Biblical Institute. Its mission included preparing African-Americans for careers in the clergy and teaching. Shortly after the opening, the University began concentrating its courses in agriculture, mechanic arts (industrial education) and home economics, the three areas that remain the nucleus for the University's offerings.

Since its founding the University has grown steadily, despite social and political challenges that brought several name changes and signaled its need for unwavering support and the endorsement of a unique mission. The name changed from Delaware Conference Academy to Industrial Branch of Morgan State College to Princess Anne Academy, all the while remaining under the control of the Methodist Church. In 1919, the state of Maryland, which operated a land-grant program at the Maryland Agricultural College at College Park, to which African-Americans were not admitted, assumed control of Princess Anne Academy to offer a land-grant program to African-Americans.

The institution was renamed the Eastern Shore Branch of the Maryland Agricultural College. In 1926 the branch became fully owned and operated by the state and the University of Maryland was designated the Administrative agency.

In 1948 the Eastern Shore branch became Maryland State College, with the designation as a division of the University of Maryland. The institution was renamed the University of Maryland Eastern Shore in 1970.

Just as the University established a reputation in academics and athletics during its first half century, in the second half it enjoyed unprecedented growth and expansion among its curricula and enrollment, thanks to the master planning efforts of its recently appointed UMES President and of the Maryland System President. Examples of curricula/program expansions are practical, high demand disciplines such as physical therapy, physician assistant, construction management technology, airway science, computer science and hotel and restaurant management. The University confers bachelor's degrees in a variety of disciplines and master's degrees in education, agriculture, rehabilitation counseling, marine, estuarine and environmental sciences, criminal justice, applied computer sciences, construction technology and business as well as the doctorate in marine-estuarine-environmental science, organizational leadership, educational leadership, food science and technology, physical therapy and toxicology.

Enrollment has spiraled. Between 1989 and 1990, the student body increased by over 60 percent. Today the University of Maryland Eastern Shore has 3,500 students who come from numerous states and countries.

(b) Mission and Objectives of UMES

UMES operates as a University with the three major functions of instruction, research and service. UMES strives to provide quality higher education in the liberal arts and sciences and selected career fields and to provide appropriate research and public service programs to the state and the region that it serves.

The institution maintains a legacy of a historically black institution which emphasizes a commitment to equal educational opportunity for all students. The distinctiveness of UMES will be maintained through its offering of instruction, research and service programs in major academic clusters which include the liberal arts and sciences, agriculture, business, technology, education, environmental and marine sciences, allied health, hospitality and special academic services.

The University System of Maryland (USM)

a) System Organization

On July 1, 1988, the State created a new University System of Maryland. This System was formed from the campuses and research service units formerly governed by the Board of Regents of the University of Maryland and from the six State universities and colleges previously governed by the Board of Trustees of the State Universities and Colleges. The new System is governed by the Board of Regents of the University System of Maryland and serves the State and nation through education, research and service. The University System of Maryland is comprised of eleven campuses at key locations throughout the state, which include fifteen professional schools, a hospital the Maryland Cooperative Extension, Agricultural Experiment Stations with experimental farms and numerous specialized bureaus, centers, clinics, institutes and advisory organizations.

The vision of the University System of Maryland is that it will become a family of distinctive and complementary institutions dictated to nurturing minds, advancing knowledge, elevating the human spirit, and applying its talents to the needs of the citizens of Maryland with professional integrity and elegant simplicity. In so doing, the University System of Maryland will achieve and sustain national eminence, and become a model for American higher education and a source of pride for Marylanders.

The University System of Maryland places emphasis on undergraduate, graduate and professional education, and encompasses a full range of professional schools. Its graduate education and research programs respond to both state and national needs.

The University System of Maryland is made up of the following components:

- Bowie State University
- Coppin State University
- Frostburg State University
- Hagerstown Education Center
- Maryland Cooperative Extension
- Salisbury University
- Towson University
- University of Baltimore
- University of Maryland, Baltimore
- University of Maryland, Baltimore County
- University of Maryland Biotechnology Institute
- University of Maryland Center for Environmental Science
- University of Maryland, College Park
- University of Maryland Eastern Shore
- University of Maryland University College
- USM Shady Grove Education Center, Montgomery County

b) Governance of the University

A sixteen member Board of Regents, appointed by the Governor, governs the University with the administration vested in the Chancellor. The Chancellor serves as the Executive Office of the Board of Regents. The Chancellor and his/her staff constitute the System Administration with offices located at the Wilson Elkin's Administration Building, Adelphi, Maryland.

The Presidents of the various components of the University are charged with administrative responsibility for each campus or subdivision.

c) Board of Regents

The Board of Regents has the authority and is responsible by law for the formulation of all policies under which the University operates. The Regents are appointed by the Governor, with Senate approval, for staggered five-year terms.

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The Board of Regents operates through the following committees:

- Committee on Audit
- Committee on Finance
- Committee on Education Policy
- Committee on Organization and Compensation
- Committee on Technology
- Committee on External Relations

d) System Administration

System administration is responsible for coordinating and supervising in terms of collective leadership, the many operations under the auspices of the University of Maryland.

e) Mission of the University System of Maryland

Maryland must be positioned to respond to this rapid changing environment. The State cannot meet the challenges that lie ahead without concurrent growth and evolution in its system of public colleges and universities. After analysis of current and projected trends, the USM has crafted the following vision of what we must achieve over the next decade for the benefit of Maryland's future.

Goal I

USM academic programs will evolve to meet the changing educational needs of a growing and increasingly diverse undergraduate and graduate student population and will enhance the quality of life for all Maryland citizens.

1. Participation in and access to a USM education will be indistinguishable across racial, ethnic, gender, and income groups. The USM will grow and adapt to meet the enrollment surge generated by the baby boom echo.
2. The USM will help meet Maryland's needs for a highly educated workforce by increasing the number of bachelor's degrees it produces, particularly in areas of high demand. More than ever before, jobs will follow people. In order for Maryland to attract large businesses, close to 40% of the State's workforce will need to hold a bachelor's degree (as compared to 32% today).
3. USM institutions will produce graduates who are fully prepared to be contributing members of a democratic, global society and who seek to enhance the quality of life in their communities.
4. USM institutions will provide prompt, respectful, and efficient student services that are responsive to the changing nature of their populations.
5. An increasing number of USM graduate programs will achieve national eminence, and USM institutions will provide increased access to high quality graduate education.
6. USM institutions will respond to the needs of the part-time graduate student population by offering increased access to high quality, high demand academic programs at times and places convenient to them. To address the unique needs of part-time undergraduate students, we will restructure our financial aid programs, and both undergraduate and graduate students will benefit from increased accessibility to appropriate USM support services.
7. USM institutions will assist people as they change jobs and careers in response to continued economic and technological change. We will accomplish this through our programs and faculty, through continued expansion of our facilities and physical plant, and through growth of our technology infrastructure and distance learning initiatives.
8. The USM will have helped Maryland create a seamless K-16 education system through aligned high school exit and college entrance requirements. Furthermore, the USM will ensure that all teacher candidates we produce have high-level content knowledge in their academic fields and are prepared to bring student performance to high standards.
9. An increasingly global student population will take advantage of USM-based online courses. Our academic institutions will re-engineer their operations to take full advantage of the productivity gains made possible by new technologies.

10. USM academic programs will be created and abolished at rates that more closely mirror the pace of societal, economic, and technological change.
11. The USM will foster partnerships and linkages to facilitate greater cross-fertilization among academic disciplines. At the same time, we will ensure that all disciplines evolve to meet new demands.

Goal II

USM research and scholarship will position Maryland as a national leader in science, technology and other key areas, providing the knowledge and infrastructure to ensure the State's continued economic growth, sustainable development and international competitiveness.

1. Our research institutions and our graduates will help make the life sciences (biotechnology, pharmaceutical research, health sciences, etc.) and other information technology (IT) keystones of Maryland's economy.
2. The USM will be looked to as a national leader in environmental research and the successful restoration and management of estuarine and coastal resources.
3. In all disciplines, from the study of the human genome to the art and literature that are unique to those with that DNA, USM institutions will conduct research that expands and enhances the scope of human knowledge. To that end, USM institutions will also increase the breadth and depth of cross-disciplinary research.
4. Through partnerships with business and other entrepreneurial ventures (such as Baltimore's new concept of a "Digital Harbor"), the USM will help make Maryland the "Silicon Valley" of global higher education and a prime exporter of intellectual capital and knowledge.
5. In collaboration with State government, the USM will work to ensure that Maryland's industries, governments, schools, public libraries, and universities are fully networked via the latest generations of high-speed Internet access and communications technology.
6. In keeping with its mission of public service, the USM will provide guidance on the ethical, social, and public ramifications of new discoveries and technologies.
7. The USM will collaborate with the State in formulating and implementing policies for sustainable development.

Goal III

The USM will achieve its legislative mandate of national eminence and its fundamental mission to serve the public good while carefully managing growth and developing System resources.

1. USM institutions will be top-ranked within their Carnegie classifications as they meet their legislative mandates to achieve national eminence. The USM will offer outstanding undergraduate educational opportunities and nationally prominent graduate and professional programs in a wide range of disciplines.
2. USM institutions will be held in the highest regard by the State's citizens. The public will more fully value the enormous contributions made by USM colleges, universities, and research centers, and the quality of our institutions will be a statewide point of pride.
3. The USM will enhance its public accountability efforts by continuing to develop measurable goals and expectations for its institutions, as well as effective mechanisms to assess educational outcomes for institutions and students.
4. USM institutions will enhance their benefits to Maryland citizens through increased funding from private giving and grants, through effective administration of the capital budget, and through careful management and efficient use and reallocation of resources.
5. People are any institution's greatest resource. With that in mind, USM institutions will develop their human resources by recruiting and retaining the best workforce, preparing the next generation of researchers and faculty, and providing faculty, researchers, and entrepreneurial students with the high-quality facilities, equipment, and professional development they need to be successful.

6. The USM institutions will continue to be involved in public service and support to local communities and the State. Reflecting their unique missions and strengths, USM institutions will make significant public contributions through agricultural extension activities, cultural events, environmental research and education, services to businesses, industry, government agencies, and non-profit organizations, and major outreach efforts in health care, education, and social and legal services.

University of Maryland Faculty Council

I-2.00- CONSTITUTION OF THE COUNCIL OF UNIVERSITY SYSTEM FACULTY

(Approved by the Board of Regents, February 1, 1989; Amended June 11, 1993; Amended July 10, 2002)

Basic to the effective operation of any system of higher education is the acceptance of the concept of shared governance. It is the faculty, whose careers are dedicated to the advancement of learning, who provide the thrust and direction of any academic institution. Therefore, the faculty shall have wide powers in determining professional and academic matters, an informed advisory role in areas of administrative responsibility, and a voice in basic decisions which affect the welfare of the system as a whole.

ARTICLE I

Section 1. Purpose. The Council of University System Faculty advises the Chancellor and reports regularly to the Board of Regents. Its responsibility will be to consider and make recommendations on matters of System-wide professional and educational concern to the faculty and matters to which faculty bring special expertise.

ARTICLE II

Section 1. Membership. The Council will consist of faculty representatives elected by the faculties of the constituent institutions of the University System of Maryland. The faculty of each campus will determine the qualifications for, and procedures for selection of, its representatives.

Section 2. Constituent Institutions. For purposes of representation on the Council, constituent institutions of the University System of Maryland are: Bowie State University (BSU), Coppin State College (CSC), Frostburg State University (FSU), Salisbury University (SU), Towson University (TU), University of Baltimore (UB), University of Maryland, Baltimore (UMB), University of Maryland, Baltimore County (UMBC), University of Maryland, College Park (UMCP), University of Maryland Eastern Shore (UMES), University of Maryland University College (UMUC), University of Maryland Center for Environmental Science (UMCES), and University of Maryland Biotechnology Institute (UMBI).

Section 3. Apportionment of Membership. Initial membership on the Council will be apportioned in the following manner: UMCP-6; TU-3; UMB-3; UMBC-3; BSU-2; CSC-2; FSU-2; SU-2; UB-2; UMES-2; UMUC-1; UMCES-1; and UMBI-1. An institution newly incorporated into the University System of Maryland will receive representation on the Council commensurate with the size of its full-time faculty.

Section 4. Terms of Members. Members of the Council will serve three-year terms, with a staggering of the election of the membership at each constituent institution. The length of the terms of members initially elected will be determined by the Council.

ARTICLE III

Section 1. Officers. The Council will elect annually a chair, a vice chair, a secretary, and two at large members of an executive committee. No more than one elected member of the executive committee will be from a single institution. The executive committee will set the agenda for meetings of the Council and monitor and bring matters of interest to the attention of the Council.

Section 2. Meetings. The Council will meet as specified in its bylaws, but no less than twice during each academic year. Additional meetings may be convened by the chair of the Council or by procedures specified in the bylaws.

Section 3. Bylaws. The Council will develop bylaws consistent with this constitution, will provide for committees, and will establish its own rules of procedure. At a minimum, there will be standing committees of the Council with responsibility for the following areas: academic affairs, faculty rights and welfare, research, and rules and organization.

ARTICLE IV

Section 1. Amendment. Amendments to this constitution may be proposed either by a constituent institution or by a member of the Council. Adoption of amendments will occur according to the following procedures: (1) initial approval by a two-thirds vote of the Council; (2) referral of the proposed amendment to the faculty governing bodies of the constituent institutions for consideration and comment; (3) final approval by a two-thirds vote of the Council; and (4) acceptance by the Board of Regents.

ARTICLE V

Section 1. Adoption. This constitution will become effective following review by the faculties of the constituent institutions and approval by a two-thirds vote of the interim Faculty Council, and upon its acceptance by the Board of Regents.

Officers of UMES

a) President

The President is the Chief Executive Office of UMES. The President is responsible directly to the Chancellor for his/her administration. He/she also:

- establishes and staffs an organization for the education of students and for effective management of University programs;
- provides leadership and guidance in the planning, development, implementation and coordination of all University programs in order to achieve the institution's objective of intellectual and academic excellence;
- assures institutional compliance with equal opportunity regulations.
- recommends institutional policies and directs the implementation of those policies after they have been approved by the UMES Senate, the Chancellor and the Board of Regents;
- issues or authorizes all public statements of the University; and
- submits an annual report concerning the overall operation of UMES to the Chancellor for subsequent submission to the Board of Regents.

b) Executive Assistant to the President

The Executive Assistant to the President is concerned primarily with providing administrative staff support to the President. This involves:

- preparing drafts, memorandums, reports, letters and other information emanating from the Office of the President;
- coordinating the President's schedule and assisting in office management functions and conducting research for institutional reports, development and programs,
- reviewing minutes, reports, correspondence, etc in order to identify special problems and take the necessary action; and
- participating in the review of policy that affects the campus and being the representative for internal and external committees.

He/she reports directly to the President.

c) Executive Vice President

The Executive Vice President coordinates planning, policy-making, and management processes at the University. This division monitors matters of operational and strategic importance and develops protocols and technical reports to define procedures and summarize outcomes related to the achievement of the University's mission. The Division supervises the strategic planning process, development of the operational plan, and the implementation of goals and objectives of the University. The division prepares proposals for external support and routinely engages in review of all programs and services to ensure institutional accountability.

In the absence of a directive to the contrary, assumes the duties of the President when the latter is absent from campus. The Executive Vice President reports directly to the President.

d) Director of Institutional Research, Evaluation and Assessment

The Director of Institutional Research, Evaluation and Assessment Institutional Research has the responsibility of evaluating the overall institutional effectiveness at the mission, program, classroom and service levels.

He/she reports directly to the Executive Vice President.

e) Vice President for Academic Affairs

The Vice President for Academic Affairs serves in a management position as the chief administrative officer of the academic programs of the University and provides leadership and direction in the University's efforts to achieve and maintain intellectual and academic excellence. Additionally, he/she:

- supervises the budgeting, allocation and utilization of resources assigned for academic programs to ensure their effectiveness in fulfilling the University's obligations to provide its students with quality education;
- participates in the formulation of institutional policy making in cooperation with academic deans, department chairs, the general faculty and the UMES Senate;
- represents the President and provides academic leadership;
- represents the University on academic matters;
- serves as a channel of communication between the Office of the President and the academic community, including students, faculty, alumni and academic administrators;
- evaluates the work of academic deans, directors and other staff members who report directly to the **VPAA**;
- serves under the direction and supervision of the President as his principal advisor for academic affairs and faculty matters;
- makes recommendations on faculty related issues in cooperation with academic deans and department chairs, such as but not limited to preparing recommendations the President with respect to appointments, promotions, tenure, resignations, dismissals, salary increments, and leaves of absence.
- Performs other related duties as assigned by the President.

In the absence of a directive to the contrary, assumes the duties of the President when the latter is absent from campus. The VPAA reports directly to the President.

f) Vice President for Administrative Affairs

The Vice President for Administrative Affairs serves in a management position as the chief administrative officer for the planning, development, utilization and protection of the fiscal and physical resources of the University. Additionally he/she:

- works closely with the President as an advisor on external relations, representing the University at meetings and public functions as directed by the President;
- directs and coordinates legislative relations on the local, state and national level;
- participates in institutional policy making as a member of the President's Executive Council;

- provides leadership and coordination for budgeting and fiscal resources and utilization of facilities;
- develops, implements and evaluates appropriate management information systems;
- works with the President in securing funds and grants from non-state sources and in the administration of federal and private grant programs; and
- serves as the principal office in matters of general administration on financial and business affairs.

He/she reports directly to the President.

g) Vice President for Student Affairs

The Vice President for Student Affairs serves in a management position as the chief administrative officer for the University's out-of-class programs and activities for the students that support the institution's academic programs. To accomplish this:

- he/she directs the planning, development, implementation and coordination of the Counseling Center, Student Health Center, Career Center, Radio Station, Admissions and Recruitment, New Student Advising, Retention Center, International Student Affairs, housing programs and student activities for purposes of enhancing the total educational growth of the students under policy guidelines;
- supervises the budgeting, allocation and utilization in resources assigned to these supportive functions;
- serves as the channel of communications-between students and Student Life staff and the Office of the President; and
- participates in institutional policy making as a member of the President's Executive Council and serves in an advisory role on matters pertaining to student housing and out of class activities.

He/she is responsible for the coordination of all student services for the benefit of the campus community. He/she reports directly to the President.

h) Vice President for Institutional Advancement

The Vice President for Institutional Advancement serves in a management position as chief administrative officer in charge of Development, Public Relations, Alumni Affairs and Government Relations. The Vice President:

- serves as legislative liaison for the University and as the President's official representative at appropriate internal and external meetings and events;
- supervises the Office of Public Relations, the Office of Development including University wide special events, and the Office of the Alumni Affairs. The Division of Institutional Advancement serves as legislative liaison for the University and as the President's official representative at appropriate internal and external meetings and events;
- coordinates the University's seven-year (2004-2011) fundraising campaign.

i) Academic Deans

The academic programs, academic support units and research units are grouped into three Schools headed by Deans, who report to the Vice President for Academic Affairs. These entities, the School of Agricultural and Natural Sciences, the School of Arts and Professions, and the School of Business and Technology house academic departments, academic support units and research units assigned to a School structure, as applicable. The deans provide academic leadership for department chairs, faculty, staff and students within the School.

Some of the activities of the deans include but are not limited to:

- planning, implementing and evaluating programs of instruction, research and service in those areas of study and supporting functions which have been assigned to the School.
- processing all budgetary matters of the departments or offices in the School and provide input on budgetary needs based on projected enrollment, support functions and sponsored activities, as applicable;

- overseeing and supporting development of the faculty, including hiring, retention, tenure and promotion;
- setting program priorities consistent with the mission of the University;
- maintaining the records of faculty and general affairs of the School;
- evaluating the quality and output of the School and its departments and support offices, as applicable as well as evaluating the performance of those who report directly to him/her;
- maintaining effective communications with faculty and staff within the School and with administration and personnel of other units of the campus;
- monitoring the activities of the School for adherence to policies and procedures;
- representing the respective Schools to a wide range of academic, professional and public constituencies, including alumni, parents, legislators, government agencies, and foundations;
- acting as facilitators to identify, discuss and resolve issues and problems within the School.

To this end he/she:

- 1) Supports and coordinates the institutional strategic planning process including the development of assessment of student and institutional outcomes.
- 2) Performs statistical and analytical work associated with the collection, review, analysis, distribution and presentation of information;
- 3) Develops and disseminates analytical data related to the academic and administrative programs and services, data supportive of accreditation activities, and enrollment trends;
- 4) Responds to routinely requested reports and data internally as well as requests from the state and national agencies.
- 5) Provides assistance in the analysis and interpretation of academic and administrative data in support of decision-making policy formation.

The Graduate Dean and the Dean of Library Services have more global responsibilities which transcend the academic departments and School structure.

The Graduate Dean is responsible for oversight of all graduate degree programs and provides the leadership for and promotion of graduate education in unison with the faculty and academic departments.

The Graduate Dean:

- processes graduate admissions, assists with graduate registration and course scheduling processes, monitors graduate student progress to degree and degree completion and certifies awarding of graduate degrees;
- maintains standards and quality set by the faculty for graduate programs and graduate education;
- assists with the planning, implementation and evaluating of programs of graduate instruction and the graduate student research experience;
- administers graduate assistantships, fellowships, grants and like graduate student funding support;
- handles the personnel, budget and space needs of the School of Graduate Studies;
- oversees the Office of Continuing Education and Elderhostel and Continuing education programs;
- interacts with campus office and student service units to facilitate services for and resolution of problems and needs of graduate students.

Dean of Library Services

The Dean of Library Services is responsible for overall library administration including planning, budgeting, staffing, public relations and facilities management. The Dean of Library Services is responsible for the following:

- coordinates library activities with academic programs in the various schools;
- plans and establishes overall goals, priorities and policies for development of collections, public and technical services, media services and physical facilities;
- assumes general responsibility for recruiting and supervising professional and staff personnel;
- administers policies and affirmative action plans;
- serves as representative to the Council of Library Directors' of the USM, CALD (Congress of Academic Library Directors), 1890 Library Deans and Directors Association and other professional associations;
- develops programs with other agencies at the state, regional and national level.

The Dean reports directly to the Vice President for Academic Affairs.

j) Department Chair/Director

The Department Chair shall administer the affairs of the department/program in cooperation with the members of the department/program and reports directly to the Dean. He/she shall:

- be a full member of the department and should normally teach nine semester hours each semester;
- call and chair department meetings;
- maintain the records of the department;
- play a role in the personnel recommendations of the department/program and the recruiting of new faculty members;
- develop budgets for the department/program in cooperation with members of the department/program for submission to the Academic Dean;
- supervise the advisory system for the department majors and for other students assigned to the department in cooperation with the faculty;
- makes salary recommendations to the Academic Dean; and
- makes efforts to identify, discuss and resolve issues and problems within the department.

A detailed job description of the Department/Chair/Director is available from the Vice President for Academic Affairs.

k) Executive Council

The Executive Council functions under the authority of the Preside of the University. The Council consists of the Vice Presidents, Deans and major campus administrative/professional staff, and faculty/student representatives who meet to discuss, plan for and evaluate the operations of the institution. Efforts are made to hold monthly meetings.

Faculty participation in governance at UMES is afforded through the Faculty Assembly and the UMES Senate.

Faculty Governance

a) Faculty Assembly

The Faculty Assembly is the voice of the Faculty in recommending policies concerning all factors influencing the academic and intellectual environment of the University. Membership consists of any person holding academic title or rank and whose principal full-time occupation at UMES is defined as teaching, advising and performing research.

The officers of the Faculty Assembly consist of a Chairperson, Vice Chairperson, Secretary, Treasurer and Parliamentarian. There are five standing committees: Faculty Affairs; Finance and Budget; Academic Standards, Curriculum, Programs and Services; Faculty-University Relations; Operations and Development of Physical Facilities. Temporary committees with specific functions are established as needed. The officers, chairpersons of the standing committees and two members-at-large elected from the general membership make up the Executive Council; it is chaired by the Chairperson of the Assembly. The Executive Council is charged with implementing the decisions made by the Faculty Assembly by interaction with the President as prescribed in the Constitution of the Faculty Assembly.

Regular monthly meetings are held during the fall and spring semesters at an announced time and place. Special or emergency meetings may be called if needed.

b) UMES Senate

The governing organization of the UMES campus is the Senate; it is composed of members from the five constituencies of the campus: administration (5 - President and Human Relations Officers – ex-officio – non-voting plus Vice President for Academic Affairs, Vice President for Administrative Affairs and Vice President for Student Affairs – ex-officio – voting), faculty (16 voting – plus the Chairperson of the Faculty Assembly – ex-officio – non-voting), professional staff (2), students (7 voting – plus the President of the Student Government Association – ex-officio – non-voting), and classified personnel (3).

The purpose of the Senate is to provide the President and other administrative officials with the benefits of systematic consultation with members of the UMES campus and enable the community to participate in the formulation of policies of concern to the UMES campus. The Senate has authority to investigate, discuss and make recommendations to the President concerning campus-wide matters submitted to it by the President or by any member of the UMES Community.

Recommendations passed by the Senate are transmitted in writing to the President who has final authority to act on recommendations except in matters reserved to the Chancellor and/or Board of Regents.

The Offices of the Senate are: Chairperson, Vice Chairperson, Secretary and Parliamentarian. There are eight standing committees: Academic Affairs, Admissions, Campus Security, Physical Plant, Faculty Grievance, Athletics, Library and Student Concerns. The chairperson of each committee is elected by the Senate membership. Membership on the committees is not limited to Senate members. Special committees may be created as required.

Regular monthly meetings are held during the academic year on the second Tuesday of the month. Any member of the UMES community may attend meetings and speak. A member of the Senate may invite anyone to participate in the discussion of the Senate.

Administration of Policies and Procedures

Director of Human Resources

The Director of Human Resources is assigned the authority and responsibility for administering the campus personnel function as defined by policies of UMES and the University System of Maryland.

40.0 II-3.00- POLICY ON THE ROLE OF FACULTY IN THE DEVELOPMENT OF ACADEMIC POLICY

(Approved by the Board of Regents, November 30, 1989)

1. At all institutions, faculty will have a primary role in the development of academic policies through representative bodies advisory to the chief executive officer or designees of the institution. The faculty handbook shall include a statement emphasizing that faculty role. Charters, constitutions, or similar documents establishing advisory bodies shall be approved by the chief executive officer.
2. The Council of University System Faculty, comprising institutional representatives, is advisory to the Chancellor on academic matters having a System wide impact, and may from time to time, make reports and recommendations to the Board.

Replacement for: BOT VII-I

SECTION II – FACULTY POLICIES AND PROCEDURES

49.0 II - 1.00 UNIVERSITY SYSTEM POLICIES ON APPOINTMENT, RANK, AND TENURE OF FACULTY

(Approved by the Board of Regents, April 5, 1989; Amended November 12, 1993; Amended October 6, 1995; Amended April 4, 1997; Amended July 11, 1997; Amended July 10, 1998; Amended December 4, 1998; Amended April 7, 2000; Amended October 27, 2000; Amended December 8, 2000; Technical Amendment September, 2002; Amended February 21, 2003; Amended October 22, 2004; Amended June 22, 2005)

This policy describes the general criteria and procedures related to faculty personnel actions which shall apply to all constituent institutions of the University of Maryland System. The specific criteria for the appointment, promotion, and granting of tenure to faculty by constituent institutions are dependent upon institutional mission. Final authority for the appointment, promotion, and granting of tenure of faculty resides in the chief executive officer of the institution.

I. APPOINTMENT OF FACULTY

A. SEARCH PROCESS FOR FULL-TIME FACULTY

1. Each constituent institution and the System Office shall have written procedures to describe the search process for full-time faculty members. These procedures shall anticipate and describe the manner in which all new faculty members will be recruited, including special arrangements for inter-institutional appointments, interdepartmental appointments and appointments, in new academic units. A copy of these procedures shall be filed in the office of the Chancellor.
2. Visiting faculty appointments are usually made for one academic year or less. Only in unusual circumstances shall a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a search process before or after the initial appointment in accordance with the institution's procedures, including adherence to affirmative action guidelines. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as probationary years for purposes of consideration for tenure.
3. Search procedures shall reflect the commitment of the institution and the System to equal opportunity and affirmative action, and shall be widely publicized within the institution.
4. Faculty review committees are a part of the review and recommendation process for new full-time faculty appointments. In principle, the procedures which lead to faculty appointments should hold to standards at least as rigorous as those that pertain to promotions to the same academic ranks.

B. OFFERS OF APPOINTMENT

1. A final offer of appointment can be made only with the approval of the chief executive officer of the institution, or designee.
2. All faculty appointments shall be made to a designated rank and shall be effective on a specific date. Each institution shall develop a standard contract or letter of appointment for each rank and tenure status, which shall be approved by the Office of the Attorney General for form and legal sufficiency. Each institution shall also develop a faculty handbook which shall include system-wide policies and procedures approved by the Board of Regents and institutional policies and procedures approved by the chief executive officer of the institution that set forth faculty rights and responsibilities. The contract or letter of appointment shall constitute a contractually binding agreement between the institution and the appointee.

C. PROVISIONS RELATED TO APPOINTMENTS, PROMOTION, TENURE, AND PERMANENT STATUS

The following provisions are to be furnished to all new faculty at time of initial appointment.

1. Adjustments in salary or advancement in rank may be made under these policies, and, except where a definite termination date is a condition of appointment, the conditions pertaining to the rank as modified shall become effective as of the date of the modification. For tenure-track appointments, the year in which the appointee is entitled to tenure review under this policy

("mandatory tenure-review year") shall be specified in the original and subsequent contracts/letters of appointment.

Tenure review shall occur in that year unless otherwise agreed in writing by the institution and the appointee. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review.

2. Appointments and reappointments to the rank of full-time Instructor without tenure may be for one to three years, provided no appointment without tenure may extend beyond the end of the mandatory tenure-review year. An appointment to the rank of full-time Instructor will be renewed automatically for one additional year unless the appointee is notified in writing to the contrary in accordance with the following deadlines: not later than March 1 of the first academic year of service if the current appointment expires at the end of that year, not later than December 15 of the second academic year of service if the current appointment expires at the end of that year, and not later than August 1 prior to the third or any subsequent academic year of service if the current appointment expires at the end of that year. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of nonrenewable dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of Instructor may be terminated at any time in accordance with paragraphs I.C.6 through I.C.11.

Tenure in the rank of Instructor can be awarded only by an affirmative decision based upon a formal review. An Instructor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service commencing on or after July 1, 1990, shall receive no later than during that sixth year a formal review for tenure. If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointee is entitled to a further one-year appointment during which the tenure review shall take place. The appointee reviewed for tenure shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision either to grant or deny tenure.

An instructor who has been reviewed during a mandatory review year, and notified in writing that tenure has been denied, shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for tenure.

An Instructor with or without tenure may be promoted to Assistant Professor. If an Instructor without tenure is appointed as an Assistant Professor, the provisions of I.C.3 apply to the appointment, except that the appointee's review for tenure must occur no later than the sixth year of continuous full-time employment, commencing on or after July 1, 1990, in the ranks of Instructor and Assistant Professor. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review.

3. Appointments and reappointments to the rank of full-time Assistant Professor without tenure may be for one to three years, provided no appointment without tenure may extend beyond the end of the mandatory tenure-review year. An appointment to the rank of full-time Assistant Professor will be renewed automatically for one additional year unless the appointee is notified in writing to the contrary in accordance with the following deadlines: not later than March 1 of the first academic year of service if the current appointment expires at the end of that year, not later than December 15 of the second academic year of service if the current appointment expires at the end of that year, and not later than August 1 prior to the third or any subsequent academic year of service if the current appointment expires at the end of that year. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of nonrenewable dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of Assistant Professor may be terminated at any time in accordance with paragraphs I.C.6 through I.C.11.

Tenure in the rank of Assistant Professor can be awarded only by an affirmative decision based upon a formal review. An Assistant Professor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service shall receive no later than during that sixth year a formal review for tenure. If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointee is entitled to a further one-year appointment during which the tenure review shall take place. The appointee reviewed for

tenure shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision either to grant or deny tenure.

An Assistant Professor who has been reviewed during a mandatory review year, and notified in writing that tenure has been denied, shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for tenure.

4. Appointments or promotions to the rank of full-time Associate Professor require the written approval of the chief executive officer of the institution. New full-time appointments to the rank of Associate Professor may carry immediate tenure provided that each such appointee has been formally reviewed for tenure. Otherwise, such appointments shall be for an initial period of one to four years, except that initial appointments for individuals with no prior teaching experience may be for a maximum of six years, and shall terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. Promotions to the rank of Associate Professor carry immediate tenure. Consequently such promotions may only be awarded subsequent to a formal tenure review and an award of tenure.

An Associate Professor who is appointed without tenure shall receive a formal review for tenure during the period of appointment in accordance with the following deadlines. If the appointment is for an initial period of one year, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by March 1 of that year. If the appointment is for two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than December 15 of the second year. If the appointment is for more than two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than August 1 prior to the beginning of the final year of the appointment. For appointments beginning at a time other than the start of an academic year, the institution may adjust the notice of tenure denial dates accordingly by specifying the adjustments in the initial contract or letter of appointment. Appointments to the rank of Associate Professor may be terminated at any time as described under paragraphs I.C.6 through I.C.11.

Tenure in the rank of Associate Professor can be awarded only by an affirmative decision based upon a formal review. If the institution fails to conduct a tenure review and provide the required notice in accordance with the schedule provided in this policy, the appointment (unless it is converted to an appointment with tenure) shall be extended for an additional year, so that the notice required by this sections may be provided in full. An Associate Professor who has been notified in writing that tenure has been denied, barring exceptional circumstances, shall receive no further consideration for tenure.

5. Full-time appointments or promotions to the rank of full-time Professor require the written approval of the chief executive officer of the institution. New full-time appointments to the rank of Professor may carry immediate tenure provided that each such appointee has been formally reviewed for tenure. Otherwise, such appointments shall be for an initial period of one to four years, except that initial appointments for individuals with no prior teaching experience may be for a maximum of six years, and shall terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. Promotions to the rank of Professor carry immediate tenure. Consequently such promotions may only be awarded subsequent to a formal tenure review and an award of tenure.

A Professor who is appointed without tenure shall receive a formal review for tenure during the period of appointment in accordance with the following deadlines. If the appointment is for an initial period of one year, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by March 1 of that year. If the appointment is for two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than December 15 of the second year. If the appointment is for more than two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than August 1 prior to the beginning of the final year of the appointment. For appointments beginning at a time other than the start of an academic year, the institution may adjust the notice of tenure denial dates accordingly by specifying the adjustments in the initial contract or letter of appointment.

Appointments to the rank of Professor may be terminated at any time as described under paragraphs I.C.6 through I.C.11.

Tenure in the rank of Professor can be awarded only by an affirmative decision based upon a formal review. If the institution fails to conduct a tenure review and provide the required notice in accordance with the schedule provided in this policy, the appointment (unless it is converted to an appointment with tenure) shall be extended for an additional year, so that the notice required by this sections may be provided in full. A Professor who has been notified in writing that tenure has been denied, barring exceptional circumstances, shall receive no further consideration for tenure.

6. A term of service may be terminated by the appointee by resignation, but it is expressly agreed that no resignation shall become effective until the termination of the appointment period in which the resignation is offered except by mutual written agreement between the appointee and the chief executive officer of the institution or designee.
7. (a) The chief executive officer of the institution may terminate the appointment of a tenured or tenure- track appointee for moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty, provided that the charges be stated in writing, that the appointee be furnished a copy thereof, and that the appointee be given an opportunity prior to such termination to request a hearing by an impartial hearing officer appointed by the chief executive officer or a faculty board of review as provided for by the relevant institutional policy body. With the consent of the chief executive officer, the appointee may elect a hearing by the chief executive officer rather than by a hearing officer or a faculty board of review. Upon receipt of notice of termination, the appointee shall have thirty calendar days to request a hearing.

The hearing shall be held no sooner than thirty calendar days after receipt of such a request. The date of the hearing shall be set by mutual agreement of the appointee and the hearing office or faculty board of review. If the chief executive officer appoints a hearing officer or a faculty board of review is appointed, the hearing officer or board shall make a recommendation to the chief executive officer for action to be taken.

The recommendation shall be based only on the evidence of record in the proceeding. Either party to the hearing may request an opportunity for oral argument before the chief executive officer prior to action on the recommendation. If the chief executive officer does not accept the recommendation of the hearing officer or board of review, the reasons shall be communicated promptly in writing to the appointee and the hearing officer or board. In the event that the chief executive officer elects to terminate the appointment, the appointee may appeal to the Board of Regents, which shall render a final decision.

(b) Under exceptional circumstances and following consultation with the chair of the faculty board of review or appropriate faculty committee, the chief executive officer may direct that the appointee be relieved of some or all of his or her institutional duties, without loss of compensation and without prejudice, pending a final decision in the termination proceedings. (In case of emergency involving threat to life, the chief executive officer may act to suspend temporarily prior to consultation.)

(c) The appointee may elect to be represented by counsel of his or her choice throughout termination proceedings.

8. If an appointment is terminated in the manner prescribed in paragraph 7 the chief executive officer of the institution may, at his or her discretion, relieve the appointee of assigned duties immediately or allow the appointee to continue in the position for a specified period of time. The appointee's compensation shall continue for a period of one year commencing on the date on which the appointee receives notice of termination. A faculty member whose appointment is terminated for cause involving moral turpitude or professional or scholarly misconduct shall receive no notice or further compensation beyond the date of final action by the chief executive officer or the Board of Regents.
9. The institution may terminate any appointment because of the discontinuance of the department, program, school or unit in which the appointment was made; or because of the lack of appropriations or other funds with which to support the appointment. Such decisions must be made in accordance with standards and procedures set forth in written institutional policies. The

chief executive officer of the institution shall give a full-time appointee holding tenure notice of such termination at least one year before the date on which the appointment is terminated.

10. Notwithstanding any other provisions to the contrary, the appointment of any non tenured faculty member 50% or more of whose compensation is derived from research contracts, service contracts, gifts or grants, shall be subject to termination upon expiration of the research funds, service contract income, gifts or grants from which the compensation is payable.
11. Appointments shall terminate upon the death of the appointee. Upon termination for this cause the institution shall pay to the estate of the appointee all of the accumulated and unpaid earnings of the appointee plus compensation for accumulated unused annual leave.
12. Appointments to all other ranks not specifically mentioned in II.A.1 and all part-time appointments are for terms not to extend beyond the end of the fiscal year unless otherwise stipulated in the letter of appointment. Faculty appointed to ranks not specifically mentioned in II.A.1 on a full-time basis for a term not less than one academic year shall receive notice of non-renewal of contract based upon their length of continuous full-time service in such ranks. If such service is less than seven years, at least 90 days notice is required. If such service equals or exceeds seven years, at least six months notice is required. If the required notice is not provided prior to the termination of the then-current contract, this condition may be remedied by extending the contract by the number of days necessary to meet the notice requirement.
13. If in the judgment of the appointee's department chair or supervisor a deficiency in the appointee's professional conduct or performance exists that does not warrant dismissal or suspension, a moderate sanction such as a formal warning or censure may be imposed, provided that the appointee is first afforded an opportunity to contest the action through the established faculty grievance procedure.
14. Unless the appointee agrees otherwise, any changes that are hereafter made in paragraphs I.C.1 through I.C.13 will be applied only to subsequent appointments.
15. Compensation for appointments under these policies is subject to modification in the event of reduction in State appropriations or in other income from which compensation may be paid.
16. The appointee shall be subject to all applicable policies and procedures duly adopted or amended from time to time by the institution or the University System, including but not limited to, policies and procedures regarding annual leave; sick leave; sabbatical leave; leave of absence; outside employment; patents and copyrights; scholarly and professional misconduct; retirement; reduction, consolidation, or discontinuation of programs; and criteria on teaching, scholarship and service.

II. FACULTY RANKS, PROMOTION, TENURE, AND PERMANENT STATUS

A. GENERAL PRINCIPLES

1. The only faculty ranks which may involve a tenure commitment are: Professor, Associate Professor, Assistant Professor, Instructor, Distinguished University Professor, Senior Staff Scientist, Associate Staff Scientist, Assistant Staff Scientist, Principal Agent, Senior Agent, Agent, (i.e., II.C. 1a-1d, 2a-2c, 3d-3f) and such other ranks as the Board of Regents may approve. Appointments to all other ranks, including any qualified rank in which an additional adjective is introduced (such as "Clinical Professor" or "Medical School Professor"), are for a definite term and do not involve a tenure commitment (i.e., II.C. 2d-2h, 3a-3c, 4a-4g, 5a-5d, 6a-6g). Notwithstanding anything to the contrary in this policy, faculty in certain ranks may be granted permanent status. The only faculty ranks which may involve a permanent-status commitment are Library II, Librarian III, and Librarian IV and such other ranks as the Board of Regents may approve. Permanent status may not be granted to an individual holding the rank of Librarian I.

Permanent status is defined as continuing employment such that a decision to remove an employee must be made by the President of the campus and must be justified by cause as defined by USM and campus policy. Permanent status is an employment status different from tenure.

Each institution shall develop criteria and procedures for the review process leading to the granting of promotion and/or permanent status to occur no later than the sixth year of continuous full-time employment. An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for permanent status.

Permanent status can be awarded only by an affirmative decision based upon a formal review. Individuals who have been granted permanent status under BOR VII-2.15 – POLICY ON LIBRARIANS, which is superseded by this policy, shall retain this status. Appointments of faculty librarians with permanent status may be terminated at any time for cause. Cause shall include moral turpitude, professional or scholarly misconduct, incompetence, and/or willful neglect of duty. In addition to being terminated for cause, faculty engaged exclusively or primarily in library services may be terminated because of the discontinuation of the department, program, school, or unit in which the appointment was made or because of the lack of appropriations or other funds with which to support the appointment. Procedures for termination of faculty librarians with permanent status are those that apply to tenured and tenure-track faculty, as described in I.C.6 through I.C.11.

Appointments of faculty librarians who do not have permanent status may be terminated for cause under policies and procedures that apply to non-tenure track faculty.

Subject to the approval of the President or designee, the campus libraries of USM constituent institutions shall develop guidelines, procedures, and appropriate criteria for evaluating librarians' performance. These guidelines, procedures, and criteria should be monitored system-wide to ensure equity with respect to standards.

Every institution shall have written procedures governing the processes on granting promotion and permanent status. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval.

A person appointed to the position of Director shall serve in that capacity at the pleasure of the President or his or her designee, regardless of whether the appointee has at the time of the appointment, or obtains during the appointment, permanent status as a librarian.

2. In addition to the ranks listed in II.C (below), there may also be such other faculty ranks as institutions shall define and include in their respective appointment, rank, and tenure policies, subject to the approval of the Board of Regents.
3. Institutions should specify in writing to faculty at the time of appointment the length of appointment and the applicable terms and conditions of the appointment with regard to tenure.

B. CRITERIA AND PROCEDURES FOR PROMOTION AND TENURE

1. The criteria for tenure and promotion in the University of Maryland System are: (1) teaching effectiveness, including student advising; (2) research, scholarship, and, in appropriate areas, creative activities; and (3) relevant service to the community, profession, and institution. The relative weight of these criteria will be determined by the mission of the institution.
2. The activities considered to be within the criteria for promotion and tenure shall be flexible and expansive. The assessment of teaching, research/scholarship/creative activities, and service during the promotion and tenure process shall give appropriate recognition, consistent with the institution's mission, to faculty accomplishments that are collaborative, interdisciplinary, and inter-institutional and to faculty innovations in areas such as undergraduate education, minority-achievement programs, K-16 curriculum development, and technology-enhanced learning.
3. Every institution shall have written procedures governing the promotion and tenure process. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval. These procedures shall include, at a minimum, the following:

Criteria: A statement of criteria upon which reviews will be based, and guidelines for appointment or promotion to each academic rank, with recognition that institutional mission is the primary factor that defines these criteria.

Procedures: A description of tenure and/or promotion review procedures, including participants, documentation, degree of confidentiality, schedule of the annual cycle for reviews, and authority for final approval.

Appeals: A statement of the right of faculty to appeal promotion and tenure decisions, the grounds for such appeals, and a description of appeal procedures.

C. FACULTY RANKS

Following is a list of all faculty ranks utilized within the University of Maryland System. Specific ranks to be utilized within each constituent institution are to be dependent upon the mission of, and contained within the faculty personnel policies of, that institution.

1. FACULTY WITH DUTIES PRIMARILY IN INSTRUCTION, RESEARCH, AND SERVICE

- a. Instructor: The appointee ordinarily shall hold, at a minimum, the master's degree in the field of instruction, preferably with evidence of pursuit of the doctorate or other terminal degree. There shall be evidence also of potential for effective teaching and for a successful academic career.
- b. Assistant Professor: The appointee ordinarily shall hold the doctorate or recognized terminal degree in the field of specialization. The appointee should also show potential for superior teaching, service, and research, scholarship, or creative performance, commensurate with the mission of the institution.
- c. Associate Professor: In addition to having the qualifications of an Assistant Professor, the appointee ordinarily shall have had successful experience in teaching and research, scholarship, or creative performance, and, when appropriate to the mission of the institution, be competent to offer graduate instruction and direct graduate research. There shall also be evidence of relevant and effective service to the institution, the community, and the profession.
- d. Professor: In addition to having the qualifications of an Associate Professor, the appointee ordinarily shall have established an outstanding record of teaching and research, scholarship or creative performance, and, where appropriate to the mission of the institution, a national reputation. There shall be continuing evidence of relevant and effective service to the institution, the community, and the profession.

2. FACULTY WITH DUTIES PRIMARILY IN RESEARCH

- a. Assistant Staff Scientist: The appointee shall hold the doctoral degree in the field of specialization, and shall have indicated promise of a high degree of ability in research in some subdivision of the field.
- b. Associate Staff Scientist: In addition to the qualifications of an Assistant Staff Scientist, the appointee shall have had extensive successful experience in research. Since this position may carry permanent tenure, the appointee's scholarly production and professional achievement in research will be thoroughly documented.
- c. Senior Staff Scientist: In addition to having the qualifications of an Associate Staff Scientist, the appointee shall have demonstrated a degree of proficiency in research sufficient to establish an excellent national reputation. Appointment to this rank carries tenure.
- d. Faculty Research Assistant: The appointee should be capable of assisting in research under the direction of the head of a research project and should have ability and training adequate to the carrying out of the particular techniques required, the assembling of data, and the use and care of any specialized apparatus. A baccalaureate degree shall be the minimum requirement.

- e. Research Associate: The appointee ordinarily should hold the doctoral degree in the field of specialization, or have relatively comparable experience. The appointee should be capable of carrying out individual research or collaborating in group research at the advanced level; should be trained in research procedures; and should have had the experience and specialized training necessary to develop and interpret data required for success in such research projects as may be undertaken. This appointment is made annually, with reappointment possible for a maximum of six years.
- f. Research Assistant Professor; Assistant Research Scientist; Assistant Research Scholar; Assistant Research Engineer: This rank is generally parallel to Assistant Professor. In addition to the qualifications of a Research Associate, appointees to this rank should have demonstrated superior research abilities. Appointees should be qualified and competent to direct the work of others (such as technicians, graduate students, other senior research personnel). The doctoral degree will be a normal requirement for appointment at this rank. Initial appointment to this rank is for periods up to three years, and reappointment is possible.
- g. Research Associate Professor; Associate Research Scientist; Associate Research Scholar; Associate Research Engineer: This rank is generally parallel to Associate Professor. In addition to the qualifications required of the Assistant ranks, appointees to this rank should have extensive successful experience in scholarly or creative endeavors, and the ability to propose, develop, and manage major research projects. Initial appointment to this rank is for periods up to three years, and reappointment is possible.
- h. Research Professor; Senior Research Scientist; Senior Research Scholar; Senior Research Engineer: This rank is generally parallel to Professor. In addition to the qualifications required of the Associate ranks, appointees to this rank should have demonstrated a degree of proficiency sufficient to establish an excellent reputation among regional and national colleagues.

Appointees should provide tangible evidence of sound scholarly production in research, publications, professional achievements or other distinguished and creative activity. Initial appointment at this rank is for periods up to five years, and reappointment is possible.

3. FIELD FACULTY

- a. Associate Agent: The appointee shall hold at least a bachelor's degree, shall qualify for acceptance in a graduate school, and shall show evidence of ability to work with people. The appointee shall have an educational background related to the specific position, and should demonstrate evidence of creative ability to plan and implement Cooperative Extension Service programs. This appointment is made annually, with reappointment possible for a maximum of six years. Attainment of a master's degree in an approved subject area is required before promotion can be considered.
- b. Faculty Extension Assistant: The appointee should be capable of assisting in Extension under the direction of the head of an Extension project and should have ability and training adequate to the carrying out of the particular methodology required, the assembling of data, and the use and care of any specialized apparatus. The baccalaureate degree shall be the minimum requirement.
- c. Faculty Extension Associate: The appointee should be capable of carrying out individual instruction or collaborating in group discussions at the advanced level; should be trained in Extension procedures; and should have had the experience and specialized training necessary to develop and interpret data required for success in such Extension projects as may be undertaken. An earned doctorate shall be the minimum requirement.
- d. Agent: The appointee must hold a master's degree in an appropriate discipline and show evidence of academic ability and leadership skills. The appointee shall have an educational background related to the specific position.

- e. Senior Agent: In addition to the qualifications of an Agent, the appointee must have demonstrated achievement in program development and must have shown originality and creative ability in designing new programs, teaching effectiveness, and evidence of service to the community, institution, and profession. Appointment to this rank may carry tenure.
- f. Principal Agent: In addition to the qualifications of a Senior Agent, the appointee must have demonstrated leadership ability and evidence of service to the community, institution, and profession. The appointee must also have received recognition for contributions to the Cooperative Extension Service sufficient to establish a reputation among State, regional and/or national colleagues, and should have demonstrated evidence of distinguished achievement in creative program development. Appointment to this rank carries tenure.

4. FACULTY ENGAGED EXCLUSIVELY OR PRIMARILY IN CLINICAL TEACHING

- a. Dental School Assistant Professor; Law School Assistant Professor; Medical School Assistant Professor; Nursing School Assistant Professor; Pharmacy School Assistant Professor; Social Work and Community Planning School Assistant Professor: Appointees to this rank shall hold, as a minimum, the terminal professional degree in the field, with training and experience in an area of specialization. There must be clear evidence of a high level of ability in teaching and clinical practice in the departmental field, and the capacity for clinical supervision in a subdivision of this field. Appointees should also have demonstrated scholarly and administrative ability.
- b. Dental School Associate Professor; Law School Associate Professor; Medical School Associate Professor; Nursing School Associate Professor; Pharmacy School Associate Professor; Social Work and Community Planning School Associate Professor:

In addition to the qualifications required of Assistant Professors in this series, appointees shall ordinarily have had extensive successful experience in clinical or professional practice in a field of specialization, or in a subdivision of the departmental field, and in working with and/or directing others (such as professionals, faculty members, graduate students, fellows, residents, or interns) in clinical activities of the profession. Appointees must also have demonstrated superior teaching ability and scholarly or administrative accomplishments.

- c. School Professor; Law School Professor; Medical School Professor; Nursing School Professor; Pharmacy School Professor; Social Work and Community Planning School Professor: In addition to the qualifications required of Associate Professors in this series, appointees shall have demonstrated a degree of excellence in teaching, and clinical and professional practice sufficient to establish an outstanding regional and national reputation among colleagues. Appointees shall also have demonstrated extraordinary scholarly competence and leadership in the profession.
- d. Clinical Instructor: The appointee shall hold, as a minimum, the terminal professional degree in the field. There must be clear evidence of potential in clinical practice and teaching in the departmental field.
- e. Clinical Assistant Professor: The appointee shall hold, as a minimum, the terminal professional degree in the field, with training and experience in an area of specialization. There must be clear evidence of a high level of ability in clinical practice and teaching in the departmental field, and the potential for clinical and teaching excellence in a subdivision of this field. The appointee should also have demonstrated scholarly and/or administrative ability.

- f. Clinical Associate Professor: In addition to the qualifications required of a Clinical Assistant Professor, the appointee should ordinarily have had extensive successful experience in clinical or professional practice in a field of specialization, or in a subdivision of the departmental field, and in working with and/or directing others (such as professionals, faculty members, graduate students, fellows, and residents or interns) in clinical activities in the field. The appointee must also have demonstrated superior teaching ability and scholarly or administrative accomplishments.
- g. Clinical Professor: In addition to the qualifications required of a Clinical Associate Professor, the appointee shall have demonstrated a degree of excellence in clinical practice and teaching sufficient to establish an outstanding regional and national reputation among colleagues. The appointee shall also have demonstrated extraordinary scholarly competence and leadership in the profession.

5. FACULTY ENGAGED EXCLUSIVELY OR PRIMARILY IN LIBRARY SERVICES

The only librarian ranks with non-tenure faculty status are Librarian I, Librarian II, Librarian III, and Librarian IV and such other ranks as the Board of Regents may approve. These titles are to be granted to a limited number of appointees who fulfill roles defined by professional graduate training, such as librarian, curator, archivist, and information scientist. In the overwhelming number of instances, the professional graduate training required is an M.L.S. degree, which is considered the terminal degree in the practice of academic librarianship, from the American Library Association (ALA) - accredited program. However, each constituent institution may define instances when other graduate degrees may substitute for or augment the ALA-accredited M.L.S. Such exceptions will be based on and required by the functional needs of USM libraries. Appointments to these ranks are normally for twelve months with leave and other benefits provided to twelve-month tenured/tenure-track faculty members, with the exception of terminal leave, sabbatical leave, and non-creditable sick leave (collegially supported).

- a. Librarian I: This rank is assigned to librarians just entering librarianship with little or no professional library experience but who have been judged to have demonstrated an understanding of the basic tenets of librarianship and a potential for professional growth. A Librarian I is not eligible for permanent status.
- b. Librarian II: Appointment or promotion to this rank signifies that the librarian has demonstrated effective professional knowledge and skills significantly above those expected of a Librarian I. Normally, a minimum of three years of professional experience is required.
- c. Librarian III: Appointment or promotion to this rank signifies that the librarian has mastered the skills, knowledge, and techniques of librarianship and has made meaningful contributions to the library, the institution, the library profession, and/or an academic discipline. Normally, a minimum of six years of professional experience is required, three of which must be at a level comparable to the rank of Librarian II at the appointing USM institution.
- d. Librarian IV: Appointment or promotion to this rank is exceptional. This rank is awarded to those librarians who have made distinctive contributions to the library, the institution, the library profession, and/or an academic discipline. This rank normally requires a minimum of nine years of professional experience, at least three of which must be at a level comparable to the rank of Librarian III at the appointing USM institution.

Subject to the approval of the President or designee, the campus libraries of USM constituent institutions shall develop guidelines, procedures, and appropriate criteria for evaluating librarians' performance. These guidelines, procedures, and criteria should be monitored system-wide to ensure equity with respect to standards.

6. FACULTY WITH DUTIES PRIMARILY IN INSTRUCTION AT UMUC

- a. Collegiate Instructor: The appointee to this non-tenure rank ordinarily should hold, at a minimum, a master's degree appropriate to the area of instruction and have evidence of potential effective teaching. The appointee also should have academic or professional experience relevant to the field.
- b. Collegiate Assistant Professor: The appointee to this non-tenure rank ordinarily shall hold, at a minimum, a terminal degree appropriate to the area of instruction. The appointee also should show potential for superior teaching as well as professional experience relevant to the field.
- c. Collegiate Associate Professor: In addition to having the qualifications of an Assistant Professor, the appointee to this non-tenure rank ordinarily shall have successful experience in teaching as well as professional experience relevant to the field.
- d. Collegiate Professor: In addition to having the qualifications of an Associate Professor, the appointee to this non-tenure rank ordinarily shall have established an outstanding record of teaching as well as professional experience relevant to the field.

7. ADDITIONAL FACULTY RANKS

- a. Assistant Instructor: The appointee should be competent to fill a specific position in an acceptable manner, but is not required to meet all the requirements for an Instructor. Appointment to this rank requires at least the appropriate baccalaureate degree.
- b. Lecturer: This title may be used for appointment at any salary and experience level of persons who are competent to fill a specific position but who are not intended to be considered for professorial appointment. Appointments to this rank shall be for terms not to exceed three years and are renewable.
- c. Senior Lecturer: In addition to having the qualifications of a Lecturer, the appointee shall have completed at least six years as a Lecturer (or in a rank at another institution of higher education that is accepted as comparable to Lecturer), and shall have established a record of teaching excellence and a record of service. Fewer than six years experience may qualify one for this rank if approved by the President or designee. Appointments to this rank shall be for terms not to exceed five years and are renewable.
- d. Artist-in-Residence; Writer-in-Residence; Executive-in-Residence: This title may be used to designate temporary appointments, at any salary and experience level, of persons who are serving for a limited time or part-time, and who are not intended to be considered for professorial appointment.
- e. Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor: These titles are used to appoint outstanding persons who may be simultaneously employed outside the institution. The appointee should have expertise in the discipline and recognition for accomplishment sufficient to gain the endorsement of the preponderance of the members of the faculty of the department to which he or she is appointed. Appointment is made on a semester or an annual basis and is renewable. These titles do not carry tenure.
- f. Affiliate Assistant Professor; Affiliate Associate Professor; Affiliate Professor: These titles are used to recognize the affiliation of a faculty member or a member of the professional staff with an academic department, program or center when that individual's appointment and salary lie in another department of the institution.

The appointment will be made upon the recommendation of the faculty of the department, and at a level commensurate with the appointee's qualifications, consistent with standards established for regular tenure track faculty, although tenure cannot be earned on an affiliated appointment. Each institution shall establish guidelines and procedures for awarding these titles.

- g. Visiting Appointments: The prefix “Visiting” before an academic title is used to designate a short-term, full-time appointment without tenure.
- h. Emeritus Faculty Appointments: Emeritus status may be bestowed by an institution on the basis of both quality and length of service to the institution. Each institution shall establish guidelines and procedures for awarding this title. Emeritus titles at the System level may be bestowed by the Chancellor.
- i. Distinguished University Professor: This title may be bestowed by an institution to provide special recognition to faculty members. Each institution that chooses to utilize this title shall establish guidelines and procedures for awarding it.
- j. Professor of the Practice: This title may be used to appoint individuals who have demonstrated excellence in the practice as well as leadership in specific fields. The appointee shall have attained regional and national prominence and, when appropriate, international recognition of outstanding achievement. Additionally, the appointee shall have demonstrated superior teaching ability appropriate to assigned responsibilities. As a minimum, the appointee shall hold the terminal professional degree in the field or equivalent stature by virtue of experience. Appointees will hold the rank of Professor but, while having that stature, will not have rights that are limited to tenured faculty. Initial appointment is for periods up to five years, and reappointment is possible. This title does not carry tenure, nor does time served as a Professor of the Practice count toward achieving tenure in another title. Each institution shall establish guidelines and procedures for awarding this title.

III. APPLICABILITY

- A. Except as provided in sections B. and C. below, the provisions in this policy shall apply to all individuals who are employed as faculty members in the University of Maryland System as of July 1, 1989, and individuals whose faculty appointment becomes effective on or after July 1, 1989.
- B. The provisions in this policy shall not apply to any faculty member who receives notice of non-reappointment at any time prior to July 1, 1989.
- C. Each tenure-track and tenured faculty member of an institution (i.e., a faculty member holding an academic rank specified in the first sentence of paragraph II. A. 1.) shall (1) be apprised of the provisions in Part I.C., paragraphs 1 through 14 of this policy at the earliest practical time following approval of this policy by the Board of Regents, and (2) be offered an opportunity to elect to remain subject to his or her written faculty contract in effect on April 4, 1989, to the extent and only to the extent that any provision of that contract is inconsistent with Part I.C., paragraphs 1 through 14 of this policy. The election shall be confirmed in a written and signed notification to the institution’s chief executive officer on or before May 12, 1989. Absent such election by the faculty member, the provisions in Part I.C., paragraphs 1 through 14 of this policy shall apply pursuant to paragraph III. A.
- D. Upon the recommendation of the President of the University of Maryland, Baltimore, the Chancellor may establish alternative terms and conditions for the faculty of the University of Maryland School of Medicine modifying the following sections of this Policy: I.C.2, I.C.3, I.C.4, I.C.5, I.C.7 (a), II.A.1, II.A.3, and II.C. The Chancellor shall specify the alternative terms and conditions in writing. Unless an appointee subject to the alternative terms and conditions agrees otherwise, any changes made in the alternative terms and conditions will not apply to that appointee.

The alternative terms and conditions will apply to a tenure track or tenured faculty member appointed as of June 30, 1998, only upon that person’s written request received by September 1, 1998. The alternative terms and conditions shall apply to other School of Medicine faculty as follows: all faculty first appointed and employed on or after July 1, 1998; non-tenure track faculty beginning new appointment terms or changing from one type of appointment to another on or after July 1, 1998, effective as of the date of the new or changed appointment; and non-tenure track faculty whose appointments end after June 30, 1998, who so request by September 1, 1998.

Replacement for: BOR VII-2.15 – POLICY ON LIBRARIANS

II-1.00 (A) – UMES FACULTY SEARCH AND APPOINTMENT PROCEDURES

(Approved by the President January 1, 1992)

A most important aspect of our University is the life and vitality of our faculty. With decreasing job mobility, and consequently fewer available positions, priority must be given to finding highly qualified candidates when positions become available. UMES is somewhat fortunate in that we have the option to recruit for positions at all levels in contrast with many institutions which are restricted to recruiting faculty at entry-level positions only.

In order for academic searches to function most effectively, the administrative unit in which the candidate is to be housed must assume major responsibility for the search. The task is essentially two-fold: 1) to know and assess critically the ideas and skills of the candidate and 2) to “sell” the department and UMES so that we are able to attract those candidates most highly qualified.

The following is set forth as guidelines for the schools to follow in their search and appointment procedures.

I. BEFORE THE SEARCH

- A. The department chair, after discussion with faculty and in collaboration with the deans, anticipates recruitment needs.
- B. The dean, in consultation with the Vice President for Academic Affairs, defines the nature of the position (new program needs, courses to be taught, research needs).
- C. A job description for the position is prepared by the department chair and approved by the dean/director and the Vice President for Academic Affairs.
- D. Hiring criteria for each position are to be formulated. These criteria are to reflect the needs for each position as agreed on by the faculty in the academic program. As a part of this process, a basic list of questions must be formulated that would be asked of all candidates during the search interviews. An appropriate rating mechanism for these questions should be designed.
- E. The dean develops an advertisement which portrays accurately the academic and job-related requirements. Appropriate wording to establish “deadline” for application is: “In order to receive full consideration, applications and nominations should be received by _____” or “Initial screening for the positions will begin with applications received by _____ and continue until the position is filled.”
- F. The dean arranges for placement of the advertisement in the Chronicle of Higher Education and/or other appropriate journals. Procedures for placing an advertisement in the Chronicle are obtained from the Department of Human Resources.
- G. The dean, in conjunction with the Department of Human Resources, circulates the job description as widely as possible. Personalized contacts with known leaders in the field are a most effective means of identifying candidates. The search committee may identify others on campus to assist with such solicitation.
- H. The dean maintains a list of persons and places contacted, and a copy of the advertisement placed.

II. DURING THE SEARCH

- A. A search committee selected by the dean, in consultation with the Vice President for Academic Affairs, is designated. A written charge is prepared and appointment to the committee is made. In the case of a department chair, the committee is designated by the Vice President for Academic Affairs. The size, composition and method of recommendation of committee membership are determined by school policy.
- B. The search committee arranges to meet with the Department of Human Resources to ensure that Affirmative Action forms and procedures are followed.
- C. The search committee develops voting procedures prior to receiving applications. The method of tallying votes is recorded. Minutes of each meeting should be kept to include members present and accounts of actions taken. Confidentiality of correspondence evaluation and discussion is essential.

- D. After receipt of application, an acknowledgement is to be sent with the Affirmative Action response card. (See letter #1).
- E. The committee acknowledges nominations and solicits expressions of interest. (See letters #2 & #3.)
- F. The search committee records committee deliberations carefully and accurately. (All records including credentials of candidates are deposited with the Department of Human Resources upon completion of the search process. Records should include notes of telephone conversations.)
- G. The search committee assesses credentials of all candidates in relation to job description with as much consistency and objectivity as possible.
- H. The search committee notifies immediately those screened out and notifies others of their status. (See sample letters #4 & #5.)
- I. Recommendations are solicited as appropriate and acknowledged. (See letters #6 & #7.)

III. AFTER SEARCHING FOR CANDIDATES AND SCREENING CREDENTIALS

- A. The committee chair reports recommendations to the dean.
- B. With concurrence of the dean, arrangements are made for a campus visit. The committee chair informs candidates of and special tasks, i.e., making a presentation, meeting with students. The candidate is informed of UMES' travel reimbursement policies.
- C. The search committee arranges for interviews with faculty, students and appropriate campus administrators. All candidates should meet with the dean, Vice President for Academic Affairs and President, or his or her designee. If the candidate potentially is involved in the graduate program, the Dean of Graduate Studies and Research should be included. Prior to meeting with the candidates, the interviewer should receive the job description, candidate's via and schedule.
- D. The search committee chair ensures that faculty members in the department have an opportunity to see the candidate.
- E. If a formal presentation is to be made, the search committee should be certain that the room is available and necessary equipment present. Announcements of the scheduled presentation should be circulated to appropriate campus community members.
- F. The search committee ensures that candidates visiting campus are afforded appropriate courtesies of a VIP.
- G. The search committee ensures that candidates visiting campus are afforded appropriate courtesies of a VIP.
- H. The search committee must get reactions to the candidate from all persons who interview. Reactions may be obtained through a written response, telephone or in person.
- I. The search committee reports recommendations to the Dean.
- J. The Dean presents recommendations of candidates to the Vice President for Academic Affairs with suggestions regarding rank and salary. Candidates should not be ranked; a minimum of two candidates should be presented.
- K. The Vice President for Academic Affairs discusses salary, benefits, and responsibilities with "selected" candidate. NO candidate should be given the impression that an offer is final until a letter of appointment/contract is received from the President. Candidates should be told that they are being recommended for the available position.
- L. The Vice President for Academic Affairs, in collaboration with the Dean, processes the papers necessary for recommending the appointment to the President.
- M. The Vice President for Academic Affairs notifies remaining candidates that the position has been filled, after acceptance by the candidate. (See example.)

IV. DOCUMENTATION OF THE SEARCH

All components of the search, including candidate interviews, are to be documented and become part of the search files for each position.

A final report from the chairman of the search committee describing the search process and outcome should be filed with the Department of Human Resources. The following information should be included:

1. Identification of committee members.
2. A copy of the job description.
3. A list of places where advertisement was run as well as other contacts. Include a copy of each ad.
4. Total number of applicants.
5. Number, sex, and race of applicants interviewed.
6. A copy of any rating form used.

Minutes of the meeting of the committee should record names of committee members present, date of meeting, and any actions taken. The minutes are among the records turned over to the Office of Human Resources.

ACADEMIC SEARCH TIMELINE

<u>October 1</u>	Deans/directors discuss with the Vice President for Academic Affairs potential vacancies and potential search committee(s).
<u>October 30</u>	Send final job description and search committee membership to the Vice President for Academic Affairs for approval.
<u>November 10</u>	Appoint a search committee and meet with the Director of Human Resources.
<u>November 15</u>	Place an ad in The Chronicle and other distribution of job vacancy.
<u>Feb. 15 - March 1</u>	Deadline for completion of screening and interview process.
<u>March 30</u>	Campus interviews completed.
<u>April 1</u>	Appointment papers prepared and contracts issued.

Letter #1

Name of Applicant

We have received your application for the position of _____. It will receive full consideration by the Search Committee and you will be advised of action as soon as possible.

We would like very much to have you complete the enclosed card with respect to affirmative action/equal opportunity data. The information you provide will in no way affect your application. You do not need to identify yourself on the response card.

Your interest in the University of Maryland Eastern Shore is appreciated.

Sincerely,

_____, Chair
Search Committee

Letter #2

Name of Nominator

Thank you for your interest in our search for a position in our Department of _____. We are writing (the nominee) inviting an expression of interest.

Sincerely,

Chair, Search Committee

Letter #3

Name of Nominee

Your name has been suggested to us as a potential candidate for our position in _____. We are enclosing a job description. If you are willing to be considered for this position, we would appreciate receiving your academic vita and the names of three persons who would provide us with information about your qualifications for this position.

In order to receive full consideration all materials need to be received no later than _____.

Sincerely,

Chair, Search Committee

Letter #4

Dear

We are most appreciative of your interest in the position in our Department of _____. The search committee has completed initial screening of a sizeable number of candidates and you are one of several candidates selected for further consideration. The committee will be in touch with you at a later date regarding your specific status in our deliberation.

Sincerely,

Chair, Search Committee

Letter #5

Name

The Search Committee for the position of _____ has completed its search to the point where a small group of candidates is being given further consideration for final selection. I am sorry to advise you that you are not among the group being further considered.

We appreciate your willingness to be considered as a candidate and wish you well in your professional career.

Sincerely,

Chair, Search Committee

Letter #6

_____ is under consideration for a position in our _____ Department and has given your name as a person familiar with his/her qualifications. Any information you can provide to assist us in our search process would be appreciated. A copy of the job description is included for your information.

Your letter will be available to the Search Committee and representatives of the University administration. Your prompt response to this request will be appreciated.

Sincerely,

Chair, Search Committee

Letter #7

Name of Reference

Thank you for your letter of reference on behalf of _____ who is being considered for a position at the University of Maryland Eastern Shore. Your comments will be helpful in our deliberations.

Sincerely,

Chair, Search Committee

(Approved by the President January 1, 1992)

I. INTRODUCTION

The policy statement describes the criteria and procedures governing promotion and tenure for faculty personnel at the University of Maryland Eastern Shore. The ranks utilized and the criteria for individual faculty ranks shall be those described in the overall policy of the University System Policy on Appointment, Rank and Tenure of Faculty, approved by the Board of Regents on April 5, 1989. The specific criteria for promotion and tenure decisions in a particular discipline shall be formulated and maintained by the respective academic departments. Copies of the departmental criteria and procedures statements shall be filed in the Office of the President. Final authority for the promotion and granting of tenure of faculty resides in the Office of the President.

II. DEPARTMENTAL PROMOTION AND TENURE DOCUMENTS

Each department shall be responsible for developing and adopting criteria for appraising the qualities and performance of faculty members, including departmental chairpersons.

Promotion in rank shall be based on merit and cannot be considered automatic, or simply the result of loyal service to the University for a number of years. Moreover, successive reappointments or the completion of a specified period of service do not confer a right to appointment with tenure, except as describe in this policy.

A. Criteria

Criteria used in making evaluations shall be based upon the mission of the University of Maryland Eastern Shore. For most faculty members, criteria will include: (1) instruction and student advising, (2) research and scholarship, (3) contributions to the University, and (4) contributions to the community.

B. Instruction and Student Advising

The responsibility for the evaluation of the teaching performance and advising of students rests on the primary academic unit, and each such unit is required to develop appropriate measures. These measures shall include systematic evaluation from students.

C. Research and Scholarship

An important factor in determining merit for appointment, retention, tenure and promotion shall be the faculty member's contributions in the form of research, publications, and other professional or artistic activities. The nature of the performance will vary from one discipline to another, but the general test to be applied is the extent to which the faculty member is engaged effectively in scholarly and creative activity. In fields where publication in recognized journals and books is the primary activity, such publications will be the primary measure of achievement. Evaluation of this working the form of reviews, or otherwise, by leaders in the field outside the University may be considered important evidence of its value.

In fields such as art, music, theater and dance, distinguished performance or direction shall be judged as creative activity. In agriculture, the sciences, and industrial technologies, patented inventions and discoveries may also evidence creative work.

Other measures of professional development are participation in the activities of professional and learned societies; professional service such as consultants; addresses before educational agencies and civic groups; and workshops or other activities of scholarly or innovative nature.

D. Contribution to the University

Contributions to the University may comprise constructive committee service, service in elected faculty office, administrative service, contributions to the extra-curricular activities of students, the development of new academic programs or courses, and the organization of conferences or institutes.

E. Contribution to the Community

Contributions to the community shall consist of any donation of one's professional competence for the benefit of the community.

When being examined for the purpose of tenure or promotion, contributions to the University or the community should be evaluated in terms of their effect upon the advancement of the department, the institution, or the community.

F. Procedures

1. The tasks of identifying and specifying the elements or factors to be considered in evaluating a candidate, their relative significance, and the techniques to be used, are to be carried out by an elected three-to-five member committee of the department. This committee shall develop a document which sets forth procedures for reviewing the credentials of non-tenured persons for purposes of granting contract renewal and/or tenure.
2. The document developed by the committee shall be discussed by the entire department in a meeting and approved by a vote of departmental faculty. The document shall then be transmitted through the Dean of the School to the Vice President for Academic Affairs, who will subsequently submit it to the President for review and approval.
3. Copies of the documents of all departments shall be made available to the library for examination by interested faculty.

III. PROCEDURES FOR PROMOTION AND TENURE

A. Initiation Procedures

In cases of mandatory tenure review, the department chairperson should inform the faculty member, in writing, by October 1 of the sixth year of appointment for an assistant professor, and by October 1 of the mandatory review year for an associate professor, that he or she is to be considered for tenure and/or promotion. However, a faculty member may receive consideration for promotion and/or tenure by requesting such consideration by October 1 of any year prior to his or her mandatory review year.

A negative decision in a non-mandatory tenure review shall not preclude the faculty member's right to proceed toward a review for tenure in the mandatory review year.

B. Ad Hoc Departmental Promotion and Tenure Committee

By October 15, the department chairperson shall inform the Dean of the School of the composition of the ad hoc departmental committee which will review each candidate. The dean shall in turn so inform the Vice President for Academic Affairs by November 1. This ad hoc departmental committee shall consist of at least three members, all of whom are senior in rank to the individual being considered. Where there are not enough faculty of sufficient rank in a given department, faculty in a related field will be invited to serve on the ad hoc committee. If there are not at least two departmental members of the sufficient rank to serve on the committee, the committee shall seek advice during its consideration of the case from the tenured members of the department.

1. Each candidate will submit a list of five persons to serve on his or her ad hoc committee; the departmental chairperson will select the committee members from among the persons suggested by the candidate.
2. The faculty member under consideration is responsible for furnishing the ad hoc committee with such materials as are appropriate for due consideration of his or her case. The ad hoc committee is also
3. Charged to exercise all due diligence in obtaining documentation of the person's performance. All documentation gathered by the review committee shall be held in confidence.
4. The ad hoc departmental review committee shall forward its recommendation and supporting materials – both those furnished by the applicant and those obtained by the committee – to the department chairperson by February 15. If the review committee's recommendation is negative, the candidate is so informed by the chairperson and the review is terminated. If the committee's recommendation is positive, the department chairperson shall attach his or her own recommendation to the review committee's recommendation and forward both, along with all supporting materials, to the Dean of the School by March 1. The dean shall review the departmental recommendations and attach his or her recommendation, and forward all materials to the Vice President of Academic Affairs by March 15. The candidate's complete file will be transmitted by the Vice President for Academic Affairs to the UMES Faculty Promotion and Tenure Review Committee.

C. UMES FACULTY PROMOTION AND TENURE REVIEW

1. Membership

Within one month of receiving notification of those candidates to be considered for promotion and/or tenure, the Vice President for Academic Affairs shall hold a special meeting of the UMES faculty to elect members to the UMES Promotion and Tenure Review Committee. This committee shall consist of seven members, elected from tenured full and associate professors not having administrative responsibilities. Department chairpersons, however, will be eligible to serve. At least three of the seven member committee will be full professors who, in cases of candidates for promotion to full professor, will deliberate and vote separately from, and instead of, the full committee. The election of committee members shall be by secret ballot, with each faculty member voting for three candidates, one full professor, and two associate professors. Ballots shall be counted by the Vice President for Academic Affairs and the Chairperson of the UMES Senate. The three committee candidates (one full and two associate professors) receiving the most votes are elected to the committee. From among the next seven candidates receiving the most votes, the Vice President for Academic Affairs will select the remaining four members of the committee.

2. Procedures

The UMES Faculty Promotion and Tenure Review Committee shall review every case forwarded to it by the Vice President for Academic Affairs. Upon receiving the materials and recommendations from all levels, the committee is charged to exercise due diligence in obtaining any additional materials required for evaluation. Upon its review of all materials, the committee shall submit its report and recommendation to the Vice President for a final decision. The President's final decision shall be communicated promptly to the candidate in writing. IF the President's decision is negative, then the letter to the candidate shall specify the reasons for the decision and shall notify the candidate of the appeal procedures contained in Part IV of this policy.

D. Notification

A negative recommendation regarding a candidate for promotion and/or tenure from the ad hoc departmental review committee shall be conveyed to the candidate, in writing, by the department chairperson. If, following a positive recommendation by the ad hoc departmental review committee, subsequent review at any level yields a negative recommendation, then the responsible official at that level (department chairperson, the dean, the chairperson of the UMES faculty Promotion and Tenure Review Committee or the Vice President for Academic Affairs) shall notify the candidate of that fact in writing within five days of forwarding the recommendation to the next level of review. The Notification to the candidate shall (a) identify the level that produced the recommendation, and (b) provide a summary of the reasons for the negative recommendation. The candidate shall be entitled to respond in writing to any negative recommendation, and the candidate's written response, if timely submitted, shall be included in the candidate's file for consideration at each subsequent level of review.

IV. APPEALS PROCEDURES

- A. It is the task of the committees specified in the promotion and tenure procedures outlined above to conduct as objective an inquiry into the substantive qualifications of the candidates as possible, to adhere to the prescribed procedures, and to render impartial recommendations and decisions.
- B. A faculty member has the right appeal recommendations and decisions. Grounds for appeal shall be procedural rather than substantive. Was the decision arrived at conscientiously? Was all available evidence bearing on the relevant performance of the candidate sought out and considered? Was there adequate deliberation by department over the evidence in the light of the relevant standards? Was irrelevant and improper information included in consideration? Was the decision an exercise of professional academic judgment? In addition to the above, procedural violations include, but are not limited to, the following:
 - 1. If, upon receipt of a person's application for promotion or tenure, a department chairperson fails to impanel a departmental review committee with adequate time to obtain data on the person;
 - 2. If the candidate is not given sufficient opportunity to present material in support of the application;
 - 3. If the candidate's rights of confidentiality are violated;
 - 4. If evidence of discriminatory practices can be presented;
 - 5. If the various review sources fail to exercise due diligence in obtaining materials for assessment;
 - 6. If violation or failure to follow the published guidelines, including the procedures and criteria listed in this document, occurs.

C. Appeals Shall Observe the Following Sequence of Events

- 1. Following notification of a negative decision by either the ad hoc departmental review committee or the President, the candidate shall be entitled to appeal in accordance with the following procedure.
- 2. The candidate must file a formal notice of appeal in writing with the Vice President for Academic Affairs within ten days of receipt of notification of negative decision. The notice of appeal and the factual contentions supporting each ground.
- 3. As soon as practical after receipt of the notice of appeal, and in no event more than five days thereafter, the Vice President for Academic Affairs shall conduct an informal meeting with the candidate to review the grounds for appeal and determine whether the appeal can be satisfactorily resolved without formal proceedings. No records or minutes of the meeting shall be taken or preserved, and the discussion shall be confidential between the parties. Should the appeal not be resolved informally at that stage and should the candidate elect to pursue the appeal, the candidate shall promptly inform the Vice President for Academic Affairs at or within three (3) days after the meeting. The Vice President for Academic Affairs shall promptly impanel an Appeals Committee, consisting of three tenured faculty members who are senior in rank to the candidate and who have no prior direct involvement in the candidate's application for promotion and/or tenure. The basic function of the Appeals Committee shall be to determine whether adequate consideration was given to the case. The term "adequate consideration" Refers to procedural issues, as explained above.

The Appeals Committee is to contact the Vice President for Academic Affairs, who must supply an explanation of the procedures followed and materials used in coming to his or her decision.

The Appeals Committee is also charged to exercise all due diligence in obtaining further information relative to the specific procedural questions involved. Similarly, the Appeals Committee shall compare the procedures used at all levels with established departmental and institutional procedures to determine whether such procedures were properly carried out. In considering the merits of a particular appeal, the Appeals Committee should distinguish between

minor or technical procedural variations which have not adversely influenced the evaluation process and those procedural deviations which may have prejudiced adequate consideration of the candidates' credentials.

4. The Appeals Committee shall make a recommendation in writing to the President. Should the Appeals Committee determine that procedures were followed appropriately and fairly, the President shall notify the appellant and the process of decision should then continue as though no appeal was made.

Should the Appeals Committee determine that procedural errors did occur, it shall inform both the President and the appellant, setting forth the inadequacies found, and shall make a recommendation to the President on whether or into the case should be reconsidered.

If the President decides that the case is to be reconsidered, no new substantive material may be presented except that which was omitted through procedural error, if applicable. After the case has been reconsidered, with procedures amended, all parties shall be informed of the results of such reconsideration. The process shall then continue as though not modified by the appeals procedure.

The initiation of the Appeals Procedure does not operate to dislodge or delay any formal notifications dealing with contract non-retention or tenure denial actions.

V. REVIEW OF DOCUMENT

The UMES Policy and Procedures on Promotion and Tenure of Faculty is subject to periodic review by the UMES Senate.

VI. APPLICABILITY

Except as provided in Section III of the University Policy on Appointment, Rank and Tenure of Faculty, the provisions in this policy document shall apply to all individuals who are employed as faculty members at the University of Maryland Eastern Shore as of July 1, 1989 and individuals whose faculty appointment became effective on or after July 1, 1989.

NOTE: Throughout this document, "days" refers to working days.

II-1.00 UMES POLICY AND PROCEDURES FOR PROMOTION AND PERMANENT STATUS OF FACULTY MEMBERS ENGAGED EXCLUSIVELY OR PRIMARILY IN LIBRARY SERVICES.

INTRODUCTION

This policy statement describes the criteria and procedures governing the appointment, promotion and permanent status for faculty members engaged exclusively or primarily in library services at the University of Maryland Eastern Shore (UMES). Criteria used in reviews shall be based upon the mission the University of Maryland Eastern Shore Library and its close connection with the academic program. For all librarians the criteria will include:

- 1) job performance,
- 2) professional development activities including continuing education, and
- 3) professional services, i.e. to the University, the library profession, and the community.

Professional librarians are employed by the University System of Maryland within the context of:

- a. their functional position category, and
- b. their professional rank.

Position is based on job responsibilities. Rank reflects the individual's level of professional achievement. Rank and position are independent of one another. Each library faculty is in a probationary status during the first year of appointment at UMES.

The Frederick Douglass Library may employ faculty members engaged exclusively or primarily in library services on a part-time basis. In order to be considered eligible for permanent status, a part-time librarian's commitment shall be at least fifty percent (50%) time for the fiscal year. Appointment, reappointment, permanent status, promotion, and termination of part-time librarians shall follow the same policy, procedures, criteria, and calendar as set forth in this document pertaining to full-time faculty. The length of the probationary period for permanent-status consideration shall ordinarily be based upon the number of full-time equivalent years accrued by the librarian at the institution. Part-time faculty at the ranks of Librarian I, Librarian II, Librarian III, and Librarian IV are eligible for full-time positions consistent with institutional policies.

The maintenance of standards and the recognition of achievement are the responsibility and privilege of the profession as a whole and are shared by all its members. To provide the librarians of UMES the opportunity to discharge this responsibility, peer evaluation is one element of the promotion procedure. A committee of peers helps to keep the evaluation process consistent, systematic, broad-based, and fair. The Dean of Library Services makes recommendations to the Vice President for Academic Affairs. The final authority on appointment and promotion decisions rests with the Office of the President.

I. PROCEDURES FOR ASSIGNMENT OF RANK UPON INITIAL APPOINTMENT

In principle, the procedures which lead to librarian faculty appointments should hold to standards at least as rigorous as those that pertain to promotions to the same ranks. Appointment to any rank requires a master's degree from a program accredited by the American Library Association as well as the professional experience and requirements prescribed for that rank. In cases where alternative credentials for the MLS are to be considered for a position, it must be stated in the announcement for the position and must be based on the nature of the position assignment (See USM. BOR 11-1.00). At the time of a librarian's initial appointment to a position within the University of Maryland Eastern Shore, the Dean of Library Services shall commensurate with the criteria stipulated in this policy. When formally offering appointment, the President or designee shall communicate the assigned professional rank to the faculty librarian. The Dean of Library Services shall provide the librarian with a copy of the policy.

II. CRITERIA FOR PROMOTION REVIEW

LIBRARIAN I

No professional library experience is required for the ranking of Librarian.

The candidate must possess a Master's Degree in Library Science (ML, MSLS, etc.) from an ALA accredited institution.

For reappointment, in this Position, the library faculty must demonstrate the ability to provide effective library service required by the position and evidence of the acquisition of additional knowledge, skills and increasing competence. The individual must earn an overall rating of “Satisfactory” (2) or “Very Good” (3) on each annual performance evaluation.

In addition to the job performance specifications, the librarian must participate in professional association activities, seminars, or workshops. A librarian is not eligible for permanent status in this rank. One who has completed his/her third consecutive fiscal year of full-time employment must undergo mandatory review. Promotion to Librarian II, if granted, is announced immediately and becomes effective as of July 1. If promotion to Librarian II is denied during the employee’s sixth consecutive year of full-time employment as Librarian I, the individual’s appointment will be terminated in accordance with applicable provisions of USM personnel policies and regulations. This rank is parallel to Instructor.

LIBRARIAN II

Review for promotion to Librarian II requires a minimum of three years of progressively responsible experience. A candidate must have met the job performance requirements for Librarian I. In addition, the individual must show satisfactory progress in one or more of the following areas: verifiable contribution to overall operation of an area of responsibility; working independently in one’s position, outside of one’s position, providing assistance to library patrons through public service duty, library orientations, tours, etc.

Satisfactory progress in the area of professional development would be characterized by one or more of the following: membership and participation in professional organizations/conferences on regional, state, national or international levels; a demonstrated growth in the theoretical knowledge of academic librarianship, such as the acquisition of knowledge/skills in multiple areas of responsibility within the library and/or the attainment of new/complex skills via relevant course work or experience. Librarians in this rank must show evidence of professional service to the institution by participating in University affairs, serving on campus committees, or participating in library-wide activities. This rank is parallel to Assistant Professor.

LIBRARIAN III

Review for promotion to Librarian III requires a minimum of six years of professional experience, three of which must be at level comparable to the rank of Librarian II at UMES. In addition to having met the job performance requirements of a Librarian II, the individual must show a willingness and the ability take on new and more complex responsibilities as evidenced by one or more of the following: rating of “Very Good” (3) or “Outstanding” (4) on annual performance evaluations for the past three years; initiating new projects, procedures, or services which contribute to the library or University goals; participation on relevant system-wide, local or regional committees or task forces. The faculty member must also demonstrate active participation in library-wide decision making.

Satisfactory progress in the area of professional development would be characterized by two or more of the following: membership and participation in professional organizations/conferences on regional, state, national or international levels; publication of articles, exhibit catalogs, book reviews, user manuals, guides, handbooks and bibliographies; development of manuals, guides, media modules that contribute to in-service programs, instruction, other job related responsibilities; advanced studies such as continuing educational activities relevant to the profession, participation in non-academic discipline, acquisition of other skills, e.g. research methods (statistical analysis), computer programming, or indexing, or award, grants, fellowships, honors, letters of commendation.

LIBRARIAN IV

Review for promotion to Librarian IV begins after at least nine years of professional experience, three of which must be at a level comparable to the rank of Librarian III at UMES. In addition to having met the job performance requirements of a Librarian III, the candidate must satisfy the following criteria for appointment/promotion to rank evidenced by at least two of the following: rating of “Very Good” (3) or “Outstanding” (4) on annual performance evaluations for the past three years, showing high levels of accomplishment in one’s assigned duties; leadership and innovation in the development of new services, projects, and systems to meet the demands of library service; consulting work based on library or academic expertise, or achieving recognition for outstanding service to the UMES Library.

An outstanding record of professional achievement must also be demonstrated as evidenced by one or more of the following: proof of scholarship, e.g. publication in a professional book or journal; planning and implementing a major library project, in-service program or workshop; editorship or contributing editorial services for professional or other scholarly journals or compilations. An advanced degree such as a doctorate or second master's is desirable.

Candidates in this rank must show continuing evidence of relevant and significant service to the institution, the community, and the profession. Satisfactory progress in this area would be characterized by one or more of the following: assuming a leadership role on the UMES campus, e.g. UMES Senate or its committees, or the USM; holding key positions by election or selection in state, regional, national or international professional organizations; evidence of leadership in community service and/or civic organizations; professional contributions to formally organized panels, forums, debates, seminars, etc., at the state, regional, national or international level. This rank is parallel to Professor.

III. PROCEDURES FOR PROMOTION REVIEW

These guidelines are intended to provide a framework for library faculty entering the process for promotion and/or permanent status review. These procedures have been established to provide an opportunity for review on comparable terms and to offer opportunities for promotion regardless of job assignment.

1. The Dean of Library Services shall notify all library faculty who are in their mandatory review year no later than September 15 that they must apply for promotion/permanent status review.
2. Except as provided in #1, faculty members are responsible for tracking their eligibility for promotional review and for initiating the review process at the appropriate time, if they elect to do so. A candidate must indicate his or her intention in a letter of request to the Dean of Library Services by September 30. (Candidates may elect to initiate review for promotion whenever they feel that early promotion is warranted by their performance/credentials.)
3. Each candidate for promotion must prepare a dossier of written documentation whose purpose is to provide a record of information for the Promotion and Permanent Status Committee (See Appendix B: Documentation). One copy of the dossier must be submitted to the Dean of Library Services by November 30 (See Appendix A: Calendar of Key dates.) The Dean of Library Services shall acknowledge receipt and forward all dossiers to the ad hoc Promotion and Permanent Status Committee within 3-5 days.
4. To provide the PPSC and responsible administrators with appropriate documentation of achievement regarding job performance and professional development, the candidate shall submit three names (and addresses) of individuals who are in a position to comment on the candidate's performance and qualifications. These referees may be drawn from the academic, provisional, or support staff.
5. The Chair of PPSC must request from the named referees, in writing, their written assessment of the candidate. These letters of request from PPSC, along with the letters of recommendation from the referees, will become a part of the dossier.
6. Following its initial consideration of a dossier, should the PPSC determine that the dossier lacks key evidence which the candidate may be able to supply, or if there are suggested alterations which may make the dossier more presentable, the PPSC may submit a written request to the candidate to which the candidate must reply within 10 working days. The candidate may elect to provide the PPSC with the requested documentation or may respond in writing to the Committee to consider the dossier as presented. The PPSC shall continue to review the dossier without prejudice to the candidate.
7. The Chair of the PPSC, or designee, must take accurate notes during the deliberations. These notes will become the official record of the review. This record will clearly state the reasons for the Committee's recommendation. The Committee shall complete its consideration and reach a decision by ballot. This recommendation shall be communicated in writing to the Dean of Library Services by February 15.

8. After the PPSC has submitted its report with supporting documentation to the Dean, he/she will review each report and the documentation for procedural accuracy and comparability of application to criteria. The Dean may accept or reject the request for promotion/permanent status. The Dean shall inform the PPSC and the candidate, in writing, only if the decision is negative. The candidate can then elect to withdraw the application from further consideration or, request that his/her application is forwarded to the Vice President for Academic Affairs. Should the candidate withdraw the application at this point, no reference shall be made to the aborted review when the candidate comes up for promotion in subsequent review cycles. Each application shall be considered on its own merit at the time of submission.
9. The Dean of Library Services shall submit his or her report and recommendation to the Vice President for Academic Affairs by March 15, for review, recommendation and transmittal to the President for final decision.
10. The President's final decision shall be communicated promptly to the applicant in writing. If the final decision is negative, then the President's letter to the candidate shall specify the reasons for the decision and shall notify the candidate of the appeal procedures specified in #11.
11. If the librarian wishes to appeal the decision regarding promotion in rank, or a decision regarding permanent status, the appeal should be submitted in accordance with the **UMES Policy and Procedures on Promotion and Tenure of Faculty – Campus Policy #: 11-1.00 (B): Section IV, Appeals Procedures.**
12. Promotion, if granted, is announced immediately and becomes effective as of July 1.

IV. PROCEDURES FOR PERMANENT STATUS REVIEW

Permanent status is defined as continuing employment such that a decision to remove an employee must be made by the President of the campus and must be justified by cause as defined by USM and campus policy. The only faculty ranks which may involved a permanent status commitment are Librarian II,

Librarian III and Librarian IV and such other ranks as the Board of Regents may approve. Permanent status can be awarded only by an affirmative decision based upon a formal review. The criteria and procedure for review are the same as those prescribed for promotion within rank.

Regardless of rank held a faculty member who has completed his/her fifth consecutive year of employment must undergo mandatory review in the sixth year. Such review shall result in a decision to confer or deny permanent status to the individual. An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one year appointment in that rank, but barring exceptional circumstances shall receive no further consideration for permanent status. Years in rank are counted beginning with the first July I an individual is appointed at the UMES library.

The appointment of faculty librarians with permanent status may be terminated at any time for cause. Cause shall include moral turpitude, professional or scholarly misconduct, incompetence, and/or willful neglect of duty. In addition, faculty appointment may be terminated due to the discontinuation of the department, program or unit in which the appointment was made due to the lack of funds. Procedures for termination of faculty librarians with permanent status are those that apply to tenured and tenure-track faculty, as described in I.C.6 through I.C.12. Appointment of faculty librarians without permanent status may be terminated for cause under policies and procedures that apply to non-tenure track faculty (See I.C.6 through I.C.16). A person appointed to the position of Director/Dean shall serve in that capacity at the pleasure of the President or his/her designee, regardless of whether the appointee had at the time of the appointment, or obtained during the appointment, permanent status as a faculty librarian.

V. PROCEDURES FOR PROFESSIONAL AND/OR RESEARCH LEAVE

The President may grant professional and/or research leaves to faculty members consistent with the USM Bylaws, Policies and Procedures of the Board of Regents 11-2.01 and the following UMES guidelines:

Full-time faculty must have permanent status and a minimum of six years active service at UMES library. Leave of absence without pay shall not be regarded as service to the institution for purpose of determining eligibility for professional and/or research leave. Part-time faculty must have permanent status, with six or more years of at least half-time service.

Full and part-time faculty librarians may be granted professional leave for either one-half of the recipient's annual contract period at full compensation, or the full annual contract period at one-half normal compensation.

Factors to consider in the awarding of professional and/or research leave may include the candidate's past service to the library, and possible disruption to the library's schedule. The opportunity to conduct scholarly work or gain internship experience to increase the recipient's value to UMES in carrying out its mission is of the highest importance.

A faculty member will normally be permitted (with the approval of the President or designee) to accept, in addition to the compensation received from the institution, such grants, compensation or stipend as may be related to the approved leave.

For the application procedures refer to UMES Faculty Campus Policy #11-2.00(F).

VI. DEFINITIONS AND OPERATING PROCEDURES FOR THE PROMOTION AND PERMANENT STATUS COMMITTEE

The purpose of the Promotion and Permanent Status Committee (PPSC) is to serve as a forum where proposed promotions of librarians to the senior ranks are reviewed by their peers already in those ranks. The PPSC considers and reports on the accomplishments of each candidate within the criteria defined in this policy. The Committee, after its deliberations submits to the Dean of Library Services and evaluation of the candidate's qualifications for promotion/permanent status.

1. The PPSC is an ad hoc committee, which consists of three librarians above the rank of Librarian I, holding permanent status. The Dean of Library Services is ineligible for service on the Promotion and Permanent Status Committee. If it is the case that there are not enough librarians at or above the rank of the candidate under review for promotion, the committee shall be reconstituted (see #6 below).
2. The Dean of Library Services shall appoint one member and one alternate. Two members are to be elected (& by a secret ballot) by all eligible faculty of the UMES library holding full time appointments.
3. Membership to this committee shall be for one review year (July 1 through May 15) and is not restricted to any consecutive terms. To prevent the same individual serving repeatedly, the Dean of Library Services should appoint different persons every year.
4. The alternate committee member will participate as a non-voting member in all review deliberations. The alternate will replace any member who steps down for any of the reasons outlined in #5 below.
5. Committee members must be of equal or higher rank than the rank which the candidate is seeking. No committee member may participate in the promotion/permanent status review of any candidate under his direct supervision. (Conversely, no committee member must participate in the promotion review of his/her supervisor.) No committee member may participate in the deliberations for, or vote on the application of his/her spouse or any individual with whom there may be a clearly defined conflict of interest. If a committee member should be away for more than two scheduled meetings the alternate shall replace the regular member.
6. At its first meeting within a review cycle, the PPSC member shall elect a Chairperson. In a case where the chair or other members are not of sufficient rank to review a particular candidate the committee shall be reconstituted, and, if necessary, faculty with the requisite ranks at UMES will be invited to complete the required number for the committee. The Dean will select the required number plus one appropriately ranked faculty as possible candidates for the PPSC. These individuals will be voted on by all eligible library faculty.
7. A quorum shall consist of the full eligible voting membership of the Committee. Since the Committee is active only during a relatively short period of the year, members must make an effort to attend all meetings.
8. In promotion and permanent status decisions eligible faculty are those librarians with permanent status at or above the rank aspired to for promotion. In elections to the PPSC eligible faculty are all librarians above the rank of Librarian I.

9. All records, communications and matters relating to promotions and permanent status review must be regarded as confidential. Any breach of this confidentiality shall be considered as serious and subject to disciplinary action.

VII. GRADING SYSTEM

The following 100 point scoring system shall be used to evaluate applicants for promotion/permanent status review. The minimum score necessary to achieve promotion/permanent status shall be 80 points. A general formula to determine the point breakdown is as follows: a maximum of 70 points will be assigned to Job Performance, 20 points to Professional Development, and 10 points to Professional Service.

Pass = 80% Minimum
Job Performance = 70%
Professional Development = 20%
Professional Service = 10%

APPENDIX A

CALENDAR OF KEY DATES

September 15	Notification in writing by Dena of Library Services to library faculty who must undergo mandatory review
September 30	Deadline for submitting letter of request for promotion to the Dean of Library Services
October 15	Appointment/Election of Promotion and Permanent Status Committee
November 30	Deadline for submission of dossier to Dean of Library Services
February 15	Promotion and Permanent Status Committee submits reports to the Dean of Library Services
March 15	Dean forwards recommendations to Vice President for Academic Affairs for submission to the Campus-Wide Promotion and Tenure Committee

APPENDIX B

DOCUMENTATION

Candidates for promotion may include any documentation they deem appropriate. Candidates applying for promotion to Librarian IV should be especially sensitive to the fact that the evaluation period may encompass a candidate's entire professional career, so that the overall pattern or evolution of a career may be viewed in its entire context.

- I. Items to be Supplied by the Candidate
 - a. Candidate's letter of request to the Dean of Library Services for promotion/permanent status, indicating present rank and the rank to which promotion is requested.
 - b. Resume
 - c. Publications
 - d. Copies of all annual performance evaluations from the candidate's personnel file.
 - e. List of referees: Candidate must indicate three individuals who will be asked to send additional information. The list may include UMES faculty, other colleagues on staff, or support staff.

II. Items to be Supplied by Others

- a. Letters of Reference: Correspondence from those individuals whose names were supplied by the candidate.

Letters from the PPSC to the candidate, referees, the decision of the Dean of Library Services, and a copy of the President's decision must be placed in a labeled folder. All these documents shall become a part of the final dossier to be placed in storage at the end of the process, in security for the University.

APPENDIX C

USM Bylaws, Policies and Procedures of the Board of Regents

15.0 II-1.01- RESOLUTION REGARDING ADOPTION AND IMPLEMENTATION OF UNIVERSITY SYSTEM POLICY ON APPOINTMENT, RANK, AND TENURE OF FACULTY

(Approved by the Board of Regents, April 5, 1989)

WHEREAS, legislation enacted by the Maryland General Assembly in 1988 requires the Board of Regents to "establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty and administrative personnel in the University of Maryland System" [Senate Bill 459, now codified in Md. Educ. Code Ann. Section 12-110(a)]; and

WHEREAS, the Board of Regents has established as one of its first priorities the development of a comprehensive general policy on the appointment, rank, and tenure of faculty members; and

WHEREAS, the development of such a policy has been undertaken and has involved extensive consultation with representative faculty bodies and responsible institutional administrators at all institutions in the University of Maryland System as well as the recommendations of the Chancellor in consultation with the chief executive officers of all institutions in the University of Maryland System and the Attorney General's Office; and

WHEREAS, it is the intent of the Board of Regents to implement a comprehensive general policy on the appointment, rank, and tenure of faculty members that will allow the University of Maryland System to fulfill its statutory obligation to "recruit and retain nationally and internationally prominent faculty members" (Senate Bill 459, now codified in Md. Educ. Code Ann. Section 10-209(c)(3));

NOW, THEREFORE, BE IT RESOLVED as follows:

- (1) The Board approves and adopts the University System Policy on Appointment, Rank, and Tenure of Faculty dated April 4, 1989 (referred to below as the "A.R.T. Policy").
- (2) The A.R.T. Policy shall become effective at each constituent institution in the University of Maryland System when that institution's appointment, rank, and tenure policy is approved by the Chancellor in accordance with paragraph II.B.2 of the A.R.T. Policy. As of the date of that approval, the chief executive officer shall be delegated authority to appoint, promote, grant tenure, and terminate faculty in accordance with (a) the A.R.T. Policy, and (b) institutional policies adopted in accordance with paragraph II.B.2 of the A.R.T. Policy.
- (3) Upon the Chancellor's approval of an institution's appointment, rank, and tenure policy, all policies specific to that institution pertaining to the appointment, promotion, and tenure of faculty that were heretofore adopted by the former University of Maryland Board of Regents and the former Board of Trustees for State Universities and Colleges shall be rescinded, and all general policies on appointment, rank, and tenure of faculty heretofore adopted by those former boards are thereupon superseded for that institution by the A.R.T. Policy.¹
- (4) The chief executive officer of each institution may sub-delegate to the appropriate subordinate institutional official the authority to make appointments and promotions and to assign duties; but the chief executive officer may not sub-delegate authority to grant tenure or to terminate tenured or tenure-track faculty appointments for cause.
- (5) Unless and until modified by the Board of Regents, all other matters related to faculty and other academic personnel, including but not limited to policies and procedures regarding leaves, outside employment, patents and copyright, scholarship and professional misconduct, retirement, and retrenchment, shall continue to be governed by the policies of the University of Maryland Board of Regents and the Board of Trustees of State Universities and Colleges as such policies existed prior to the effective date of the 1988 legislation.

1 - Individual institutional policies to be rescinded, as provided in paragraph (3) above are: BOR III-2.05, III-2.06, III-2.13, III-2.16.1, III-2.16.2, III-2.16.3, III-2.16.4, III- 2.16.5, III-2.16.6, III-2.20, III-2.20.1, III-2.21, III-2.22, III-4.10, III-5.00, III-6.00, and III-8.00. General policies related to appointment, rank, and tenure of faculty to be rescinded after institution-level policies have been approved for every constituent institution are: BOR III-1.00, III-1.01, III- 1.01.1, III-2.00, III-2.00.1, III-2.01, III-2.02, III-2.03, III- 2.04, III-2.04.1, III-2.07, III-2.07.1, III-2.08, III-2.08.1, III-2.08.2, III-2.09, III-2.10, III-2.10.1, III-2.14.2, III-2.15, III-2.16, III-4.00, and III-7.00; and Chapter VII, Parts A through F, J and L through N, and Appendices A through D of Policies and Procedures of the Board of Trustees of the State Universities and Colleges of Maryland.

16.0 II-1.02 UNIVERSITY OF MARYLAND SYSTEM POLICY ON FACULTY
ACADEMIC CREDENTIALS

(Approved by the Board of Regents, February 27, 1991)

1. Each institution shall establish procedures whereby the academic credentials of persons recommended for initial appointment to its tenure tract and tenured faculty may be verified. The normal minimum degree requirement for each rank is set forth in the System Policy on Appointment Rank and Tenure for Faculty (II - 1.00).
2. A curriculum vitae, certified by the prospective faculty member, shall accompany each recommendation for initial appointment to the faculty.
3. Verification of a degree may be established by submission of an official transcript or official certification of award of the degree from the institution that awarded the highest degree claimed by the faculty member.
4. Since appointment to tenured status requires evidence of demonstrated proficiency and excellence in teaching, research or creative activity, and professional service to an academic institution or to the discipline, letters of recommendation from recognized experts that attest to these qualifications may, in these cases, be substituted for official transcripts or certificates of award of degrees.

II.1.02 (A) UMES PROCEDURES FOR VERIFICATION OF FACULTY ACADEMIC CREDENTIALS

(Approved by the President January 1, 1992)

UMES follows the guidelines set forth in the System Policy II-1.02 concerning the verification of faculty academic credentials.

Prior to an initial appointment to any faculty rank at UMES, academic credentials must be verified in the following manner:

1. A curriculum vita, certified by the prospective faculty member must accompany the recommendation for appointment.
2. Prior to appointment, a prospective faculty member is required to have had official copies of academic transcripts submitted from all institutions from which a degree was awarded.
3. The above requirements may be waived by the President.

II – 1.03 UNIVERSITY SYSTEM POLICY ON CONCURRENT FACULTY AND ADMINISTRATIVE APPOINTMENTS

(Approved by the Board of Regents, July 7, 2000)

1. Each faculty member appointed to a concurrent administrative position shall receive a formal letter of appointment.
 - a. Any faculty member who is appointed to a concurrent administrative position shall receive a formal letter of appointment separate from his or her faculty contract or appointment letter.
 - b. A person who is simultaneously appointed to a faculty position and a concurrent administrative position shall receive a separate contract or appointment letter for each position.
 - c. A serving administrator who is appointed to a concurrent faculty position shall receive a faculty contract or appointment letter separate from his or her administrative appointment letter.
2. A faculty member who holds a concurrent administrative position serves in that position at the pleasure of the appointing authority unless otherwise specified in the appointment letter. For such faculty members, termination of the administrative appointment does not affect faculty status.
3. Appointment letters for concurrent administrative positions shall:
 - a. State that the appointee serves at the pleasure of the appointing authority or, if that is not the case, state the term of the appointment.
 - b. State any additional salary and other forms of compensation to be paid the appointee for serving in the concurrent administrative position and the salary calculation method to be used upon termination of the concurrent administrative appointment. (Institutions shall determine their own systems for converting salaries.);
 - c. State whether the time spent in the concurrent administrative position shall count toward eligibility for sabbatical leave (The letter shall indicate that approval of sabbatical leave is a separate issue from accrual of years of eligibility toward sabbatical leave.);
 - d. Identify the applicable Board of Regents' and institutional policies on the accrual of annual, sick and personal leave;
 - e. State, for tenure-track faculty members, whether or not the time in the concurrent administrative position counts as time toward promotion and/or tenure;
 - f. State whether or not the time in the concurrent administrative position is included or excluded when schedules of comprehensive review of tenured faculty are determined; and
 - g. Indicate which faculty rights (e.g., voting rights) the person shall have, if any.

II – 1.05 POLICY ON THE EMPLOYMENT OF FULL-TIME, NON-TENURE TRACK INSTRUCTIONAL FACULTY IN THE UNIVERSITY SYSTEM OF MARYLAND

(Approved by the Board of Regents on October 11, 2002)

I. PURPOSE

This policy is designed to govern practices at institutions of the University System of Maryland (USM) related to search processes, appointments, contracts, and conditions of employment for full-time non-tenure-track (FTNTT) instructional faculty to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for FTNTT faculty in all USM institutions.

II. APPLICABILITY

This policy applies only to those faculty members of the USM institutions (i) who are employed full-time, (ii) who are neither tenured nor eligible for tenure, and (iii) whose responsibilities are primarily or exclusively in the instructional program.

III. DEFINITION OF “FULL-TIME”

The institutional president or designee shall assure that each department or unit that has instructional faculty adopts a definition of “full-time.” The workload expectation for FTNTT instructional faculty shall be specified on an academic-year basis, not on a semester basis.

IV. RANKS

Current BOR policy (II-1.00) lists the following approved ranks that may be used for FTNTT instructional faculty. Institutions shall confer on each FTNTT instructional faculty member one of the following ranks, as appropriate and commensurate with credentials and professional experience. (Institutions are not required to use all available ranks.)

Assistant Instructor
Lecturer

The University of Maryland University College may also assign ranks in the Collegiate series (See USM Policy II-1.00, Section II.C.6.a.-d.).

V. POLICY

A. Search

1. Credentials: Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to FTNTT instructional faculty ranks. These standards may vary depending on the level of courses to be taught.
2. Search Procedures: The institutional president or designee shall assure that each department or unit has in place written procedures for selecting faculty. These procedures shall include verification of credentials. Search procedures shall reflect the commitment of the institutions and the University System of Maryland to equal opportunity and affirmative action.

B. Hiring

1. Contracts/Letters of Appointments: Each FTNTT faculty member shall be provided with a written contract or letter of appointment prior to the beginning of the assignment. The contract or letter shall state that the appointment is full-time and state the academic rank, length of appointment, time of service (9 months, 9.5 months, one year), salary, whether or not the appointment is renewable, nature of the assignment, benefits (see below, Section C.7.), and performance-evaluation policies and procedures.
2. Information for Faculty: Upon signing the contract, the FTNTT faculty member shall have access to the institution’s Faculty Handbook, in a written or electronic version.

3. Term of Employment: Normally, initial contracts shall be for one academic year. Subsequent contracts may be for longer terms, not to exceed three years (five years in the case of UMUC Collegiate faculty). Notice of non-renewal shall be provided in accordance with Board of Regents Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty (Section 1.C.12).

C. Working Conditions

1. Support for Teaching: The appointing department or unit shall provide each FTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee's duties. Provision should be made for new appointees to attend departmental and institutional orientation sessions. Support shall also include the following:
 - a. information on the department's policies, requirements, and goals for each course, along with access to examples of past course syllabi (if available);
 - b. official schedule of classes, including academic calendar and time frames of class meetings;
 - c. assistance in ordering textbook(s) for the course(s), ancillaries for the text(s), and office supplies;
 - d. copying services for course materials;
 - e. an appropriate place for meeting with students during scheduled office hours, except if instruction is completely technology-mediated;
 - f. an institutional email account along with computer access; and
 - g. telephone access.
2. Professional Development: Professional development opportunities for FTNTT instructional faculty members should be supported to the extent possible. Examples include extending invitations to departmental and institutional faculty development events, arranging mentoring by senior faculty, and providing financial support for attending professional conferences when funds permit.
3. Teaching Assignment: The appointing department or unit shall provide FTNTT faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.
4. Performance Evaluation: The institutional president or designee shall assure that each department or unit has in place written procedures for evaluating faculty performance on a regular schedule, as required by Board of Regent's Policy II-1.20. Departments shall evaluate the teaching of FTNTT faculty members on the same basis used to evaluate the teaching of tenure-track faculty members. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, salary, and any subsequent contract are made.
5. Faculty Participation: FTNTT faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit, and institution. Institutional shared-governance procedures shall include FTNTT faculty.
6. Salaries: Every effort should be made to make salaries professionally appropriate and competitive to the extent allowed by available fiscal resources.

7. Benefits: FTNTT instructional faculty contracts and letters of appointment shall include a written statement of benefits available to the appointees. Appointees shall be provided with access to relevant BOR policies governing the provision of benefits to USM faculty and staff. FTNTT instructional faculty shall be eligible for the benefits listed in sections 7.a. and 7.b., subject to the terms of the policy cited.

a. USM Benefits

- (i) Tuition remission for faculty member (See USM Policy VII-4.10);
- (ii) Tuition remission for dependents (see USM Policy VII- 4.20);
- (iii) Family and medical leave (see USM Policy II-2.31);
- (iv) Annual leave (see USM Policy II-2.40);
- (v) Earned sick leave (see USM Policy II-2.30);
- (vi) Collegial sick leave (see USM Policy II-2.30);
- (vii) Personal leave (see USM Policy II-2.40);
- (viii) Leave for jury service (see USM Policy II-2.50);
- (ix) Leave without pay (see USM Policy II-2.20).

Full-time non-tenure-track faculty shall be ineligible for sabbatical leave or for terminal leave, regardless of length of service.

b. Institutional Benefits: Institution-controlled benefits provided to full-time tenured and tenure-track faculty and their spouses and dependent children.

II – 1.06 POLICY ON THE EMPLOYMENT OF PART-TIME, NON-TENURE TRACK INSTRUCTIONAL FACULTY IN THE UNIVERSITY SYSTEM OF MARYLAND

(Approved by the Board of Regents on October 11, 2002)

I. PURPOSE

This policy is designed to govern practices at institutions of the University System of Maryland (USM) related to search processes, appointments, contracts, and conditions of employment for part-time, non-tenure-track (PTNTT) instructional faculty to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for PTNTT faculty in all USM institutions.

II. APPLICABILITY

This policy applies only to faculty members of the USM institutions (i) who are employed on a less than full-time basis, (ii) who are neither tenured nor eligible for tenure, and (iii) whose responsibilities are primarily or exclusively in the instructional program.

III. PERCENT OF EFFORT

The percent of effort of PTNTT faculty members shall be based on the definition pursuant to USM Policy II-1.05 and shall be calculated either on a semester or an academic-year basis, depending on the length of the appointment. If the appointment is for an academic year, the calculation shall not be done on a semester basis, even though there may be disparities between semesters in the assigned teaching load.

IV. RANKS

BOR Policy (II-1.00) lists the following approved ranks that may be used for PTNNT instructional faculty. Institutions shall confer on each PTNTT instructional faculty member one of the following ranks, as appropriate and commensurate with credentials and professional experience. (Institutions are not required to use all available ranks.)

- a. Assistant Instructor
- b. Lecturer
- c. Adjunct Assistant Professor
- d. Adjunct Associate Professor
- e. Adjunct Professor

The University of Maryland University College may also assign ranks in the Collegiate series (See USM Policy II-1.00, Section II.C.6.a.-d.).

V. POLICY

A. Search

1. Credentials. Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to PTNTT instructional faculty ranks. These standards may vary depending on the level of courses to be taught.
2. Search Procedures. The institutional president or designee shall assure that each department or unit has in place written procedures for selecting faculty. These procedures shall include verification of credentials. Search procedures shall reflect the commitment of the institution and the University System of Maryland to equal opportunity and affirmative action.

B. Hiring

1. Contracts/Letters of Appointment. Each PTNTT faculty member shall be provided with a written contract or formal letter of appointment prior to the beginning of the assignment. The contract or letter shall state the academic rank, length of appointment, time of service (9 months, 9.5 months, one year), percent of full-time, salary, whether or not the appointment is renewable, nature of the assignment, benefits (if any), and performance-evaluation policies and procedures. In addition, all contracts/letters of offer shall specify what happens if a course is canceled prior to the start of class.
2. Information for Faculty. Upon signing the contract, the PTNTT faculty member shall have access to the institution's Faculty Handbook, in a written or electronic version.
3. Term of Employment. Initial contracts shall be for a period of one semester, but subsequent contracts may be for longer periods not to exceed three years.

C. Working Conditions

1. Support for Teaching. The appointing development or unit shall provide each PTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee's duties. Provision should be made for new appointees to attend departmental and institutional orientation sessions. Support shall also include the following:
 - a. information on the department's policies, requirements, and goals for each course, along with access to examples of past course syllabi (if available);
 - b. official schedule of classes, including academic calendar and time frames of class meetings;
 - c. assistance in ordering textbook(s) for the course(s), ancillaries for the text(s), and office supplies;
 - d. copying services for course materials;
 - e. appropriate place for meeting with students during scheduled office hours, except if instruction is completely technology-mediated;
 - f. an institutional email account along with computer access; and
 - g. telephone access.
2. Professional Development. Professional development opportunities for PTNTT instructional faculty should be supported to the extent possible. This may include extending invitations to departmental, institutional, and external faculty development events.
3. Teaching Assignment. The appointing department or unit shall provide PTNTT faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.
4. Performance Evaluation. The institutional president or designee shall assure that each department or unit has in place written procedures for evaluating faculty performance on a regular schedule, as required by Board of Regents' Policy II-1.20. Departments shall evaluate the teaching of PTNTT faculty members on the same basis used to evaluate the teaching of tenure-track faculty members. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, salary, and any subsequent contract are made.
5. Faculty Participation. PTNTT faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit, and institution. Institutional shared-governance procedures shall include PTNTT faculty
6. Salaries. Every effort should be made to make salaries professionally appropriate and competitive to the extent allowed by available fiscal resources.

7. Benefits. PTNTT instructional faculty contracts and letters of appointment shall include a written statement of benefits available to the appointees. Appointees shall be provided with access to relevant BOR policies governing the provision of those benefits to USM faculty and staff. PTNTT instructional faculty in their fifth semester of appointment at 50% time or more shall be eligible for the benefits listed in sections 7.a. and 7.b, subject to the terms of the policies cited.

a. USM Benefits

- (i) Tuition remission for faculty member (see USM Policy VII-4.10);
- (ii) Tuition remission for dependents (see USM Policy VII-4.20);
- (iii) Family and medical leave (see USM Policy II-2.31);
- (iv) Annual Leave (see USM Policy II-2.40);
- (v) Earned sick leave (see USM Policy II-2.30);
- (vi) Collegial sick leave (see USM Policy II-2.30);
- (vii) Personal leave (see USM Policy II-2.40);
- (viii) Leave for jury service (see USM Policy II-2.50); and
- (ix) Leave without pay (see USM Policy II-2.20).

Part-time non-tenure-track faculty shall be ineligible for sabbatical leave or for terminal leave, regardless of length of service.

b. Institutional Benefits. Institution-controlled benefits provided to part-time tenured and tenure-track faculty and their spouses and dependent children.

18.0 II-1.10 POLICY ON PART-TIME TENURE-TRACK AND PART-TIME TENURED FACULTY

(Approved by the Board of Regents, April 26, 1990)

An institution may employ tenure-track and tenured faculty members on a part-time basis. In order to be considered tenure-track or to be granted tenure, a part-time faculty member's commitment shall be at least fifty percent time.

1. Each institution which employs part-time tenure-track and/or part-time tenured faculty shall develop written procedures for the appointment, promotion, and granting of tenure to such faculty. Appointment, reappointment, tenure, promotion, and termination of part-time tenure-track and part-time tenured faculty members shall be consistent with the policies and procedures established for permanent full-time faculty members.
2. The length of the probationary period for tenure consideration shall ordinarily be based upon the number of full-time equivalent years accrued by the faculty member at the institution in a tenure-track rank. Part-time tenure-track and part-time tenured faculty are eligible for full-time positions consistent with institutional policies.
3. Part-time tenure-track and part-time tenured faculty members shall be entitled to participate in the institution's benefit programs on a proportional basis or otherwise, as permitted by those programs.

Replacement for: BOR III-16.00 and BOT VII-M

49.0 II-1.11 POLICY ON PART-TIME FACULTY MEMBERS ENGAGED EXCLUSIVELY OR
 PRIMARILY IN LIBRARY SERVICES

(Approved by the Board of Regents, April 7, 2000)

An institution may employ faculty members engaged exclusively or primarily in library services on a part-time basis. In order to be considered eligible for permanent status, a part-time librarian's commitment shall be at least fifty percent time for the fiscal year.

1. Each institution which employs part-time librarians at the ranks of Librarian I, Librarian II, Librarian III, and Librarian IV shall develop written procedures for the appointment of, promotion of, and granting of permanent status to such individuals. Appointment, reappointment, permanent status, promotion, and termination of such librarians shall be consistent with the policies and procedures established for permanent full-time librarians.
2. The length of the probationary period for permanent-status consideration shall ordinarily be based upon the number of full-time equivalent years accrued by the librarian at the institution. Part-time individuals at the ranks of Librarian I, Librarian II, Librarian III, and Librarian IV are eligible for full-time positions consistent with institutional policies.
3. Part-time librarians at the ranks of Librarian I, Librarian II, Librarian III, and Librarian IV whose appointments are at least fifty percent time shall be entitled to participate in the institution's benefits programs on a proportional basis or otherwise, as permitted by those programs.

Replacement for: BOR VII-2.15-POLICY ON LIBRARIANS (Section on Part-Time Librarians)

II-2.01 POLICY ON PROFESSIONAL AND/OR RESEARCH LEAVE FOR FACULTY MEMBERS
ENGAGED EXCLUSIVELY OR PRIMARILY IN LIBRARY SERVICES

(Approved by the Board of Regents, April 7, 2000)

The President of an institution may grant professional and/or research leaves to faculty members engaged exclusively or primarily in library services. The primary purpose of such leaves is to provide an opportunity for a librarian to conduct scholarly work or to engage in applied research which will increase the librarian's value to the institution or enhance the reputation of the institution.

1. To be eligible for professional and/or research leave, a full-time librarian shall have been granted permanent status and must have been in active service with the institution as a librarian for a period of at least six years prior to an initial leave being granted. A full-time librarian must remain on active service with the institution for an additional period of at least six years to become eligible for a subsequent professional leave and/or research. A part-time librarian shall have been granted permanent status and shall have completed six or more years of at least half-time service. Ordinarily, a leave of absence without pay shall not be regarded as service to the institution for purposes of determining eligibility for professional and/or research leave.
2. Ordinarily, professional and/or research leave will be granted for one-half of the recipient's annual contract period at his or her normal compensation or for the full annual contract period at one-half normal compensation for both full- and part-time librarians.
3. Ordinarily, as a condition for receiving professional and/or research leave, the recipient shall agree to return promptly to the institution at the termination of the leave and to serve on his or her normal basis for at least one full annual contract period.
4. During the period of professional and/or research leave, the recipient will be permitted, with the approval of the President or designee, to accept, in addition to the compensation he or she receives from the institution, such grants, awards, contracts, fellowships, or other compensation or stipends as may be related to the approved professional and/or research leave project.
5. While on professional and/or research leave, the recipient may accept compensation for consulting services rendered during the professional and/or research leave, provided that such services shall not exceed those allowed by the University System Policy on Professional Commitment of Faculty and that they do not interfere with his or her approved professional and/or research leave project.
6. All benefits and privileges of a librarian on professional and/or research leave shall continue in the same manner as if he or she were not on such leave, i.e., accrual of sick leave, opportunity for promotion, merit raises, and other benefits. Such a leave period shall not be regarded as service to the institution for purposes of determining eligibility for a subsequent professional and/or research leave.
7. Each institution shall develop procedures and criteria for approval of and funding for professional and/or research leave, including the requirement of a summary report on professional and/or research activities by the librarian. These procedures and criteria shall be filed with the Office of the Chancellor.

Replacement for: BOR VII-2.15-POLICY ON LIBRARIANS (Section on Professional Leave)

(Approved by the Board of Regents, November 30, 1989; Amended July 13, 2001)

1. Each institution is authorized to grant honorary degrees with approval by the Board of Regents.
2. Each year the Chancellor shall solicit nominations from institutions with a deadline for receipt of the materials at the end of the fall semester. The Committee on Education Policy will review all nominations and make recommendations to the full Board. Full Board action will occur during the February meeting.
3. In accordance with standard practice at American institutions of higher learning, care should be taken to ensure strict confidentiality at all stages of the honorary degree process. In particular, there should be no communication with prospective degree recipients regarding a likely degree until after the Board of Regents has approved the award. After approval, presidents may begin to arrange for the awarding of the degree. Approvals shall remain confidential until the candidate is notified of his/her selection. Degrees may be conferred at any time within five years of approval, unless withdrawn by the Board of Regents for cause.
4. Each institution shall establish procedures for recommending candidates for these degrees. Procedures shall, in all cases, include, at a minimum, a means for soliciting nominations from schools, departments, and individual faculty members and shall describe the review process and the role of the faculty in the process. Procedures shall be on file in the Chancellor's Office.
5. Prospective recipients of honorary degrees shall be:
 - a. individuals who have made exceptional contributions in intellectual, scholarly, or creative areas; or
 - b. individuals who have risen to a position of eminence in their chosen field or who have acquired a national or international reputation in a selected field or endeavor; or
 - c. individuals who have compiled a record of distinguished public service.
6. Normally, honorary degrees may not be conferred on currently serving faculty, staff, members of the Board of Regents, or current holders of political office in Maryland. Exceptions for compelling reasons can be made only by two-thirds majority vote of the Board of Regents.
7. The president of an institution that wishes to award an honorary degree shall submit a recommendation to the Chancellor. The written recommendation shall include the following information:
 - a. type of honorary degree to be awarded (e.g., Doctor of Humane Letters, Doctor of Laws, Doctor of Public Service, Doctor of Sciences);
 - b. biographical sketch of the proposed recipients;
 - c. justification for awarding the degree; and
 - d. probable date of award.
8. The Chancellor shall submit the request to the Board for consideration and shall inform the president of the institution of the Board's decision.
9. The president shall report to the Chancellor in a timely fashion all honorary degrees awarded.

Replacement for: BOT XI-L

(Approved by the President January 1, 1992)

It is the policy of UMES to award honorary degrees on a selective basis to individuals who have distinguished themselves in their communities or professions, especially those who have a connection with the Eastern Shore of Maryland.

I. POLICY FOR RECOMMENDATION

- A. Recommendations should be made to the Vice President to whom the individual making the recommendation reports.
- B. Recommendations shall be in writing.
- C. Recommendations shall contain:
 - 1. A biographical sketch of the proposed recipient
 - 2. Specific reasons for the recommendation; and
 - 3. Any connection the proposed recipient has with the University or the State.
- D. The President shall appoint a committee to review recommendations for the award of honorary degrees. The committee shall be composed of a minimum of three members. The committee shall decide by a majority vote whether each recommendation will be forwarded to the President. The committee shall include a recommendation for the type of degree to be awarded.
- E. The committee shall use as a guideline the Board of Regents Policy III-3.00 POLICY ON AWARDING OF HONORARY DEGREES. The committee may gather whatever information it deems relevant and necessary to make a recommendation, except that the prospective recipient may not be contacted.
- F. Committee recommendations shall be forwarded to the President. The President or a designee shall review all committee recommendations. The President may request additional information from the committee or the individual initiating the recommendation.

II. RECOMMENDATIONS OF THE PRESIDENT

The President shall submit any recommendation he or she wishes to support to the Chancellor, who in turn shall submit the request to the Board of Regents for final decision.

19.0 II-1.19 UNIVERSITY OF MARYLAND SYSTEM POLICY ON THE COMPREHENSIVE REVIEW
OF TENURED FACULTY

(Approved by the Board of Regents July 12, 1996)

Preamble

The Board of Regents of the University of Maryland System (USM) established the principle of faculty evaluation in its policy on Evaluation of Performance of Faculty (II-1.20) and the principle of accountability for faculty workload and performance in its policy on Faculty Workload and Responsibilities (II-1.25). To coordinate and implement these principles, the Board of Regents requires that each institution shall establish a policy on the comprehensive review of tenured faculty, and procedures to implement such a policy. Policies and procedures already in place assure that untenured faculty receive mandated comprehensive reviews. This policy establishes a requirement for the comprehensive review, at regular intervals, of faculty on indefinite tenure appointments.

Comprehensive review of faculty shall be part of a larger faculty development program at each institution, designed to enhance the professional abilities of the faculty as teachers and scholars and members of the academic community. To enable the comprehensive review process, institutions shall commit resources not only to the process itself, but also to its accompanying faculty development program.

General Principles/Criteria

The specifics of comprehensive review policies and procedures should be left open to the institutions, within the limits of reasonable consistency across the USM, in order to take into account individual missions, cultures, and traditions.

At the same time, the policies and procedures of each constituent institution shall include provision for the following:

1. Each tenured faculty member shall be subject to periodic comprehensive reviews that assess the faculty member's performance.
2. Comprehensive review shall be a formative process for future faculty development, for enhancing the learning environment of students, and for the improvement of the academic program to which the faculty member contributes.
3. Comprehensive review shall be conducted as a process of collegial assessment, take place at the department/unit level, and be consistent with the general principles of peer review. Each institution shall determine the appropriate level at which such review shall take place. Institutional policies and procedures shall address specifically the elements of peer review, including the responsibilities of the faculty member to the review, the process of review to be conducted by department/unit colleagues, and the roles of the department/unit chair, dean and provost (or other appropriate senior academic officer). Department/unit policies and procedures shall be filed with and approved by the dean and provost (or other appropriate senior academic officer).
4. The comprehensive review shall include an evaluation of instruction, research/scholarship, and service. Institutional policies and procedures shall be consistent with the preservation of academic freedom and shall include specific criteria to assess the expectations of faculty performance over time.
5. Each tenured faculty member shall be reviewed at least once every five years. Each review shall evaluate the faculty member's performance since the last review. Annual salary and workload reviews may be used as part of the comprehensive review. Two consecutive annual reviews that indicate that a faculty member is materially deficient in meeting expectations* shall occasion an immediate comprehensive review, which shall be in addition to those otherwise required by this policy. [NOTE: *Quantitative workload "expectations" are clarified in section IV. Standard Workload Expectations of the BOR Policy on Faculty Workload and Responsibilities (II-1.25). Qualitative performance expectations shall be determined at the department/unit level.]
6. While the faculty member shall be a principal provider of the review materials, multiple sources of information shall be used as the basis for the evaluation.
7. A favorable periodic review shall be conveyed to the faculty member, and, where possible, shall be considered in decisions on promotion, merit pay, and other rewards.

8. If a faculty member's performance is judged as not meeting expectations, a specific development plan shall be worked out among the dean, department/unit, and the individual faculty member, consistent with the overall faculty development programs and resources of the individual campus. This plan shall include a procedure for evaluation of progress at fixed intervals and shall be signed by all parties.
9. The faculty member being reviewed shall have access to summary written reports and shall have ample opportunity to respond to such reports in a formal way.
10. This comprehensive review process may not be substituted for the USM and institutional policies and procedures relating to the termination of tenured appointments, which are in no way amended by this policy.
11. Each institution shall develop policies and procedures consistent with this policy. Institutional policies and procedures for periodic review shall not duplicate other existing institutional policies and procedures.
12. The USM policy on comprehensive review, and any institutional policies and procedures on comprehensive review, are in addition to other USM and institutional policies and procedures concerning faculty evaluation and/or termination.
13. Institutional policies and procedures shall be approved by the Chancellor and be filed with the Office of the Chancellor.

Revised

AAAC, March 5, 1996

Revised Chancellor's Council, May 6, 1996

Approved by the Attorney General for form and legal sufficiency.

20.0 II-1.20 POLICY ON EVALUATION OF PERFORMANCE OF FACULTY

(Approved by the Board of Regents, October 22, 1991)

It is the policy of the Board of Regents that each institution shall, consistent with its governance structure, establish and publish policies and procedures for a periodic evaluation of the performance of its faculty members. The policy shall include a statement of the purpose for which the evaluation is intended as well as criteria and procedures consistent with Board policies and with the mission and goals of the institution. As part of the institution's performance accountability report, the President of each constituent institution shall provide a report to the Chancellor annually on the process of evaluation of faculty performance at his or her institution.

II-1.20 (A) UMES POLICY AND PROCEDURES FOR THE EVALUTION OF PERFORMANCE OF FACULTY

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES to review faculty members' performances in the areas of instruction, research and service to the institution and the community at the close of each academic year. This is to ensure that faculty members' performances and efforts are of a nature and quality consistent with the institution's expectations as determined at the time of hiring.

II. PROCEDURES

A. A "Faculty Planning and Development Report" (FPD) is completed for each faculty member within 30 working days of the close of the academic year.

The FPD includes:

1. an evaluation by the faculty member of progress towards teaching, research and service objectives;
2. a listing of courses taught each semester;
3. the number of student advisees;
4. a description of current and proposed research and scholarly activities;
5. a description of all service activities; and
6. an evaluation of performance in each area by the department chair.

B. The criteria for evaluation used by the department chair shall be consistent with all System guidelines, UMES policies, and the specific terms of the faculty member's employment.

22.0 II-1.21 POLICY ON COMPENSATION FOR FACULTY

(Approved by the Board of Regents, December 10, 1993)

I. GENERAL POLICY

The University of Maryland System seeks to provide salaries for faculty that are adequate to attract and retain individuals with the qualifications and level of performance necessary for the University System and each of its constituent institutions to reach and to maintain the highest levels of excellence in education.

To this end, the USM shall seek increases in funding to attain and to maintain a faculty salary structure for each of its constituent institutions which is merit-based and in which the average faculty salary is at or above the 85th percentile of that institution's classification group.

The American Association of University Professors (AAUP) annually conducts and publishes a national survey of salaries for "instructional faculty." The AAUP salary information shall constitute the data base for implementation of this policy. However, this policy shall apply to all persons defined as faculty by the University of Maryland System, whether or not they satisfy the AAUP definition of "instructional faculty."

With the exception of the University of Baltimore Law School and the professional schools at UMAB, each institution's classification group shall be the set of all public colleges and universities included in its Carnegie classification. Placement of USM institutions within a Carnegie category shall be made annually by the Chancellor based on the application of Carnegie classification criteria to the most recent available data on each institution.

Comparisons for the University of Baltimore Law School and the professional schools at UMAB shall be based on relevant national data for each of the respective schools.

Salary increases for current faculty shall be based on merit, and shall be determined on the basis of exceptionally effective teaching, scholarship and public service. Equity considerations may be taken into account in awarding salary increases.

II. IMPLEMENTATION

The Chancellor, in consultation with the presidents, shall develop implementation guidelines for this policy which shall be based on evaluation of faculty merit using appropriate measures of faculty productivity. Consistent with this policy, these guidelines shall include a set of salary ranges for each faculty rank at each institution and a common format for an annual report by each institution to the Regents accounting for its use of merit funds for salary increases and may include salary ranges.

III. REPLACEMENT FOR Sections II B and C of USM BOR VII-4.01, BOR III-14.00, BOT VII-K

II – 1.22 UNIVERSITY SYSTEM POLICY ON FACULTY APPOINTMENT LETTERS OR CONTRACTS

(Approved by the Board of Regents July 7, 2000)

1. The terms and conditions of every faculty appointment shall be stated in a written letter or contract, which shall be signed by and which shall be in the possession of both the institution and the appointee before the appointment is begun.
2. Appointment letters or contracts for full-time faculty shall specify whether the appointee is required to serve for the academic year or the fiscal year. Typically, academic-year faculty appointments shall begin no later than one week before the first day of fall classes and end no earlier than the spring commencement date, and fiscal-year appointments shall begin on July 1 and end on June 30 of the following calendar year. In unusual circumstances, an appointment (academic or fiscal) may begin at other times or may be for only a portion of a year.
3. Each institution shall develop a written policy on summer compensation for full-time faculty members on academic-year appointments. The policy shall be filed with the Office of the Chancellor.

99.0 III-7.10- POLICY ON GRADUATE EDUCATION

(Approved by the Board Of Regents, June 21, 1990)

I. APPROVAL OF GRADUATE PROGRAMS

- A. Graduate programs shall be approved according to the process set forth in the Board of Regents Policy on Degree and Curricular Requirements.
- B. If there is a disagreement among the institutions on the intent of any one institution to develop a new graduate program or to participate in the development of inter-institutional programs, which cannot be settled informally, the issue shall be referred to the Chancellor for resolution.
- C. Each institution shall provide for the administration of its graduate programs. Institutions that offer doctoral programs shall have procedures for the appointment of graduate faculty.

II. INTER-INSTITUTIONAL GRADUATE PROGRAMS

- A. If two or more institutions propose a program as a cooperative effort, the proposal shall be forwarded to the Chancellor as a joint recommendation of the chief executive officers of the institutions.
- B. Inter-institutional programs shall be administered by officers and faculty of the participating institutions.

III. MOBILITY OF GRADUATE STUDENTS AND FACULTY

The University of Maryland System encourages the development of institutional policies that facilitate the inter-institutional participation of graduate students and faculty in programs throughout the University of Maryland System.

Replacement for: BOR I-4.00, I-4.01, I-4.02

(c) Graduate Faculty

Graduate education and research at the University of Maryland Eastern Shore constitute a dominant force in maintaining the vitality of scholarly inquiry and intellectual achievement in the University community and the accomplishments of graduate research and education are a major contribution of the University to the State, the nation and the world.

Ultimate responsibility for all matters pertaining to graduate education and graduate research rests with the Graduate Faculty in conjunction with the Dean of the Graduate School.

The Graduate Faculty consists of regular and associate members of the University community chosen on the basis of their academic credentials, scholarly achievements and abilities in graduate education and research.

The Dean of the Graduate School, along with the Graduate Faculty are responsible, through its governing body, for the creation and maintenance of all graduate programs in the University and to all matters pertaining to graduate education and research.

(d) Graduate Faculty Status and Membership Information

Faculty who wish to become Associate or Regular Graduate Faculty Members; and Associate Graduate Faculty Members who merit Regular Membership status should request a letter of recommendation from the chairman of his/her department and forward it to the Graduate Office. An appropriate form for the proposed status will be mailed to that faculty member for whom recommendations have been sent. Once completed and returned, appropriate actions will be taken to obtain the desired Graduate Faculty status for the applicant.

(e) Associate Member of Graduate Faculty

A. Criteria for nomination:

1. Hold a professional appointment.
2. Possess the highest degree available in the discipline.
3. Certification by chairman of the department that he intends to make opportunities available to the nominee to participate in graduate education within the next three years.

B. Prerogatives of Associate Members:

1. Eligible to teach courses restricted to graduate student enrollment.
2. Eligible to direct masters' theses.
3. Eligible to be a member of doctoral study and dissertation committees, but not to chair these committees.
4. Eligible for membership on Departmental Graduate Committees.
5. Eligible for membership on Graduate Council and Graduate Council Committees.
6. Eligible to participate fully in meetings of the Graduate Faculty Assembly.

(f) Regular Members of Graduate Faculty

In addition to meeting all requirements for Associate Membership, Regular Members of Graduate Faculty must meet the following criteria:

1. Hold full-time appointment to a professional rank.
2. Present evidence that they have been involved with graduate education at this University or be at a comparable institution.
3. *Must have distribution substantial independent scholarly or creative achievement beyond the work submitted for the doctoral degree. Evidence of continuing scholarly achievement may be demonstrated by books or research reports in referred journals which represent a significant contribution to the discipline, or original artistic or creative endeavors requiring substantial effort.*

II-1.04 PROCEDURES FOR APPEALS TO THE UNIVERSITY SYSTEM OF MARYLAND (USM) BOARD OF REGENTS OF DECISIONS TO TERMINATE TENURED OR TENURE-TRACK FACULTY MEMBERS

(Approved by the Board of Regents, February 9, 2001)

1. A tenured or tenure-track faculty member whose faculty employment has been terminated for cause by the president of the employing institution pursuant to USM/ART §I.C.7(a) may appeal to the Board of Regents. All such appeals shall conform to these procedures.
2. An appeal may be requested only by filing a written notice of appeal. The notice of appeal must identify the faculty member and state that the faculty member wishes to appeal the termination of his/her employment to the Board of Regents. The notice must be filed within ten working days of the faculty member's receipt of the letter communicating the president's decision to terminate. The notice of appeal is filed when it is received at the office of the president.
3. The president shall deliver the notice of appeal and the record (as defined herein) to the USM Vice Chancellor for Academic Affairs no later than ten working days after the receipt of the notice of appeal by the office of the president. The record shall include:
 - a. The statement of charges provided to the faculty member;
 - b. A tape recording, or written transcript, of the hearing provided pursuant to USM/ART §I.C.7(a). If no transcript of the hearing has been made, either party may request that a transcript be prepared. Such a request must be directed to the Vice Chancellor for Academic Affairs. If such a request is made, a transcript will be prepared and a copy provided to each party at the expense of the appointing institution;
 - c. Copies of all exhibits received by the hearing officer or faculty board of review;
 - d. The written recommendation of the hearing officer or faculty board of review;
 - e. Any additional material or information used by the President, if any;
 - f. The written decision of the President; and
 - g. A letter of transmittal from the President.
4. Within 30 days of the filing of the notice of appeal, the faculty member shall file a memorandum in support of the appeal. The memorandum is filed when it is received in the office of the Vice Chancellor for Academic Affairs. The memorandum must be signed by the faculty member and by any attorney retained by the faculty member.

It must identify the points in the President's written decision to which the appellant takes exception and a statement in each case of the reasons why. Factual allegations must include references to the record at the institutional level. New factual material not a part of that record will not be considered on appeal.
5. The Vice Chancellor for Academic Affairs shall send a copy of the faculty member's memorandum to the president, who may file a written response with the Vice Chancellor for Academic Affairs no later than 30 days from the president's receipt of the faculty member's memorandum. A copy of the response must be sent to the faculty member or the faculty member's attorney or representative.
6. Upon receipt of a notice of appeal, the Vice Chancellor for Academic Affairs shall send a copy to the Chair of the Board of Regents, who shall appoint three regents to hear the appeal (the "appeal panel") on the Board's behalf and name one of them to serve as chair. The appeal panel shall set a hearing date consistent with the above procedures and with the goal of achieving an expeditious conclusion.
7. The hearing shall consist of oral argument on behalf of the faculty member and of the president. The panel chair shall specify in advance the time permitted for oral argument. No witness testimony will be allowed, and argument shall be limited to matters in the record.
8. The appellant shall have the burden of showing that the President's decision was not supported by substantial evidence in the record and/or that the decision is premised upon an error of law, including procedural error.

9. Either party may be represented by legal counsel at the hearing.
10. The appeal hearing will be closed and will be recorded.
11. Following the hearing, the appeal panel shall issue a recommendation to the full Board of Regents. The Panel may recommend affirmation of the President's decision, reversal of that decision, or remand to the institution for further action as specified. The Board shall consider and act on that recommendation in executive session no later than its next regularly scheduled Board meeting. The Board may concur in the Panel's decision or modify it. It shall communicate its decision in writing to the faculty member and the president within five working days of its decision. The Board's decision is final.

46.0 II-4.00 POLICY ON FACULTY GRIEVANCES

(Approved by the Board of Regents, November 30, 1989)

It is recognized that legitimate problems, differences of opinion, complaints, or grievances will occasionally arise in the relationship between the institution and its faculty. Many such complaints are resolved informally through discussions or formally through procedures available under institutional human relations codes and institutional or System policies on appointment, rank, and tenure. On occasion, however, complaints will arise that cannot be resolved through informal discussion or through formal procedures described above because they pertain to issues that are not within the subject matter of those documents.

I. POLICY

Each institution shall adopt procedures whereby faculty grievances may be presented for formal review and resolution. This policy shall apply to anyone holding a recognized faculty rank, regardless of tenure status or percent time of employment.

II. INSTITUTIONAL PROCEDURES

A. Institutional faculty grievance procedures shall include descriptions of the process to be followed by the complainant, the time limits governing the steps in the grievance resolution process, and the levels of review available to the complainant; provision for participation by faculty in the process; and provision, when necessary, for final resolution of the grievance by the chief executive officer of the institution.

B. No complaint shall be reviewed under these faculty grievance procedures if:

1. The complaint pertains to a subject that is reviewable under, or is specifically excluded from review by any other System or institutional policy;
2. The complaint pertains to an official policy, regulation, or procedure of the System or the institution; a decision or action by the Board of Regents, the Chancellor, or the President; or any matter the remedy for which would contravene or interfere with any such official policy, regulation, procedure, decision, or action;
3. The complaint pertains to broad areas of the fiscal management, staffing or structure of the University of Maryland System or constituent institutions; or
4. The resolution of the complaint is not under the control of the institution and/or of the University System.

Replacement for: BOR III-2.05.1

II-4.00(A) UMES POLICIES AND PROCEDURES GOVERNING FACULTY GRIEVANCES

(Approved by the President January 1, 1992)

I. POLICY

This grievance procedure replaces all faculty grievance procedures previously in effect at UMES.

It is recognized that legitimate problems, differences of opinion, complaints or grievances will from time to time arise in the daily relationship between UMES as an employer and its faculty. The following procedures are adopted to define the means whereby a grievance against UMES arising from certain acts of academic administrators may be presented for formal review. A faculty member shall not be reprimanded or discriminated against in any way for initiating a grievance.

II. DEFINITIONS

A. Academic Administrator – any person who holds one of the following positions:

Executive Assistant to the President

Assistant to the President

Vice President

Assistant to the Vice President

Directors of academic or research programs, or with faculty status but not faculty rank

Dean

Associate Dean

Assistant Dean

Assistant to the Dean

Department Chairperson

B. Faculty Member – a person holding a faculty appointment in a 50% or greater time capacity pursuant to a valid UMES appointment agreement and who is not an academic administrator.

Following is a list of faculty titles falling within this definition:

Professor
Research Professor
Associate Professor
Research Associate Professor
Assistant Professor
Research Assistant Professor
Instructor
Assistant Instructor
Lecturer
Extension Associate
Research Associate
Faculty Research Assistant
Faculty Extension Assistant
Assistant Research Scientist
Associate Research Scientist
Research Scientist
Assistant Research Engineer
Associate Research Engineer
Senior Research Engineer
Senior Research Scholar
Assistant Staff Scientist
Associate Staff Scientist
Senior Staff Scientist
Assistant Research Scholar
Associate Research Scholar
Associate Agent
Faculty Extension Associate Agent
Senior Agent
Principal Agent

Persons holding these ranks must otherwise meet the definition of faculty in this section.

- C. Grievance - a signed complaint by a faculty member against UMES that alleges a violation of UMES policy by an academic administrator in the performance of any official act, when act adversely affects the faculty member in his or her academic or professional capacity.

The following matters may not be reviewed:

1. Any matter pertaining to a subject that is reviewable under, or is specifically excluded from, review by any other UMES or System procedure.
2. An official policy, regulation, procedure, decision, or act by the Board of Regents, the Chancellor, or the President; or any matter the remedy for which would contravene or interfere with any such official policy, regulation, procedure, decision, or act.

3. Any matter pertaining to the broad areas of the fiscal management, staffing, or structure of UMES or the System.
 4. Any matter pertaining to faculty salaries and benefits.
 5. Any matter, the resolution of which is not in the exclusive control of UMES.
- D. Days – calendar days, excluding Saturday, Sunday, and days on which UMES is officially closed.
- E. University Policy – 1) a written policy, regulation, procedure, or rule of the campus, school, department, or program; 2) a practice of an academic unit which, although unwritten, has been consistently followed and applied over a significant number of years, unless such practice is arbitrary and capricious or in conflict with a policy at a higher administrative level.
- F. Faculty Grievance Panel (Panel) - a campus-wide panel, composed of ten full-time tenured and tenure-track faculty members representing all professional ranks. Members serve for one year, and may be reappointed. The faculty nominates members to serve on the panel, with the five faculty members receiving the most nominations serving on the panel, and five selected by the Vice President for Academic Affairs from among the remaining list of nominees. The panel selects a Chair from its members each year. No more than four of the members of the panel may be from one school.
- G. Faculty Grievance Hearing Board (Board) – consists of three voting members and two alternate members selected by the Chair of the Panel. One voting member shall be elected by the five members to be the Chair of the Board.

II. GRIEVANCE REVIEW PROCEDURES - GENERAL

- A. General Procedures Applicable to all Grievances
1. Only a faculty member may make a grievance under this procedure, and the grievance may not be on behalf of another person.
 2. The faculty member is responsible for meeting all stated time limits for the initial filing of the grievance or any appeals. Both the faculty member and the academic administrator are responsible for meeting all other time limits.
 3. Motions raising the issues of standing or grievability may be raised at any time in the proceedings. If those requirements are not met, the grievance shall be dismissed.
 4. Motions raising the issue of timeliness must be made at the first stage of the proceedings following the time at which the moving party knew or reasonably could have known of the grounds for making the motion. If it is found that the requirements for timeliness as to the initial filing of the grievance, or the filing of an appeal, have not been met, the grievance shall be dismissed. In all other cases of lack of timeliness, dismissal of the grievance is at the discretion of the hearing authority.
 5. The faculty member shall bear the burden of proving the merits of the grievance. This burden shall be:
 - a. clear and convincing evidence showing that the violation complained of took place;
 - b. it was the action or inaction of the academic administrator involved;
 - c. the action or inaction affects the complainant;
 - d. the remedy sought is reasonably necessary to correct the injury.
 6. The formal rules of evidence shall not apply to this grievance procedure.
 7. The Chair of the Panel may, at any point in the procedure, request advice of legal counsel.
 8. The Faculty Grievance Procedure is a non-adversarial proceeding designed to discover all of the relevant facts. Both parties must present their own case. An advisor may be present but may not intervene in any way.

9. The Panel shall meet in closed session unless otherwise requested by both parties.
10. Each level of the grievance procedure must be exhausted before appealing to a higher level.

B. FILING A GRIEVANCE

1. A grievance must be filed within thirty days of the date of the action or inaction giving rise to the grievance, or the date the faculty member should have reasonably known of the act, whichever is later.
2. A grievance must be in writing, signed by the complainant. The writing shall contain a concise statement of the action or inaction giving rise to the complaint, the name of the academic administrator taking the action or inaction, the date of the action or inaction, and the perceived adverse effect upon the faculty member.
3. A grievance must be received by the appropriate official designated by the school within the time period for filing a grievance.

III. SCHOOL LEVEL GRIEVANCE PROCEDURES

1. The dean of each school is the appropriate official with whom a grievance within the school may be filed.
2. The dean for the school shall require informal discussion between the parties within ten days of filing to attempt to redress the grievance prior to proceeding to formal grievance procedures.
3. A grievance must contain a written statement of the action or inaction giving rise to the grievance, signed by the complainant, including the date of the act, the academic administrator taking such act, and the perceived adverse effect.
4. The total time for consideration and response to a grievance within a school shall not exceed 30 days, including informal procedures.
5. If informal procedures are not successful, the dean shall render a decision in writing stating the reasons for the decision within 30 days of receipt of the grievance. If the dean has not responded within 30 days, the faculty member may waive the time limit or seek immediate review by the Vice President for Academic Affairs. The request to the Vice President for Academic Affairs must be in writing and include the original grievance. The request must be made within five days of the expiration of the time limit for the decision of the dean.

IV. REVIEW BY THE VICE PRESIDENT FOR ACADEMIC AFFAIRS

The final resolution of a grievance at the school level may be appealed to the Vice President for Academic Affairs.

1. The appeal must be in writing, and include a copy of the original grievance and the decision.
2. An appeal must be filed by the faculty member within five days of the receipt of the final school-level decision.
3. The appeal to the Vice President for Academic Affairs is a review on the record; no **new evidence is presented**.
4. The Vice President for Academic Affairs shall, within five days for the receipt of a timely appeal, request all relevant documents contained in the record of the school level proceedings. These documents shall be furnished by the school within 5 days of the request.

5. The Vice President for Academic Affairs may:
 - a. grant the requested relief, or whatever relief is deemed appropriated;
 - b. deny the grievance; or
 - c. refer the matter for a hearing by a Faculty Grievance Hearing Board if the faculty member agrees to present the case in accordance with the established procedures.

6. If the Vice President for Academic Affairs receives an appeal in which a school has not responded within the 30-day limit, the Vice President for Academic Affairs shall make a request for all relevant documents within five days of receipt of the appeal, and the division shall furnish the documents within five days of the receipt of the request. In addition to the courses of action set forth above, the Vice President for Academic Affairs may remand the matter to the school for a decision within a reasonable time specified by the Vice President for Academic Affairs.

7. The total time for consideration of and response to a grievance by the Vice President for Academic Affairs shall not exceed twenty days.

VI. PEER REVIEW PROCEDURES

A. Faculty Grievance Panel Procedures

1. A decision of the Vice President for Academic Affairs may be appealed to a Faculty Grievance Panel (Panel).
2. The appeal must be in writing and include a copy of the original grievance and the decisions of the school and the Vice President for Academic Affairs.
3. The appeal must be received by the Panel within five days of receipt of the decision by the Vice President for Academic Affairs.
4. Within five days of the receipt of the appeal, the Panel shall request, and the Vice President for Academic Affairs shall provide, all relevant documents in the record.
5. Within five days of receipt of an appeal, the Panel shall notify the academic administrator against whom the appeal has been filed.
6. The Chair of the Panel shall, within five days of receipt of the appeal, name one member (not from the same school as the faculty member and who does not otherwise have a personal interest in the outcome) to serve as the Grievance Review Officer to review the grievance to decide whether a hearing is warranted.
7. A hearing is warranted if:
 - a. the evidence supports a finding that the violation complained of occurred;
 - b. it was the action or inaction of the academic administrator involved; and
 - c. the act adversely affected the faculty member in his or her academic or professional capacity.
8. Within five days of receipt of the grievance, the Grievance Review Officer shall report the findings in writing to the Chair, the faculty member, and the academic administrator.
9. If the Grievance Review Officer finds a hearing is warranted, a Faculty Grievance Hearing Board shall be constituted within fifteen days of receipt of the report by the Chair.
10. If the Grievance review Officer finds a hearing is not warranted, the faculty member may request the Chair to convene a Faculty Grievance Hearing Board. The request must be in writing within five days of receipt of the Grievance Review Officer's Report.

B. FACULTY GRIEVANCE HEARING BOARD PROCEDURES

1. Selection of the Faculty Grievance Hearing Board

- a. The Chair of the Panel shall select seven potential members from the Panel to serve on the Faculty Grievance Hearing Board. These members shall be convened within five days of selection for the purpose of hearing the challenges, organizing the Board, and setting the hearing schedule. Also present shall be the faculty member and the academic administrator named in grievance.
- b. Both parties may submit one challenge to the service on the Board by a potential member.
- c. The Chair shall appoint three voting members and two alternates from among the unchallenged members. If a voting member is unable to complete the hearing, and alternate shall be appointed as a voting member.
- d. Reasonable release time for the grievance to proceed shall be granted to both parties to the grievance and all members of the
- e. The Chair shall appoint three voting members and two alternates from among the unchallenged members. If a voting member is unable to complete the hearing, and alternate shall be appointed as a voting member.
- f. Reasonable release time for the grievance to proceed shall be granted to both parties to the grievance and all members of the Board. Under no circumstances shall a party to a grievance or a Board member be permitted to cancel a class to attend a grievance hearing, nor shall participation in a grievance hearing in any capacity be deemed to excuse failure to meet time commitments. Classes may be covered by colleagues as necessary to attend the grievance.

2. Hearing Procedures

- a. A complete record shall be kept by the Chair of all proceedings and documents entered into evidence.
- b. The faculty member presents his or her case first, the academic administrator then presents.
- c. Each party shall have an opportunity to make an opening and closing statement, present written evidence, examine and cross-examine witnesses, offer personal testimony, file exceptions, objections, motions, and post-hearing briefs.
- d. Only evidence offered and made part of the record in the case and no other factual information or evidence shall be considered in the determination of the case.
- e. Both parties have the right to call witnesses, including UMES staff. The Board cannot assure the presence of witnesses requested by either party.

Either party may, however, request in writing that the Board contact a witness to request an appearance at the hearing. The Board may contact such witness if in its' judgment the request is reasonable, and the testimony to be given is relevant.
- f. The Chair of the Board shall make rulings on all questions concerning the course of the proceedings and the presentation of the evidence, and may order the proceedings as deemed appropriate. The Chair may seek legal advice deemed necessary to render a decision on any such question. The Chair has the authority to set time limits for presentation of testimony and exclude redundant or irrelevant information.
- g. The faculty member has the right to examine and use any part of his or her personnel files as are legally available in pursuing the case.

3. Findings of the Board

- a. The Board shall make its decision on the grievance, including findings and recommended action, based on a vote of the majority of voting members.
- b. After considering all of the evidence before it, the Board shall decide whether the faculty member has met the burden of proving the grievance.
- c. A written report of the decision, including any significant dissents, shall be sent to the President, with copies to the faculty member bringing the grievance, and the academic administrator named in the grievance. The report shall be sent within ten days of the conclusion of the hearing.

VII. REVIEW BY THE PRESIDENT

1. The Board shall make available to the President any additional information which is requested. It is expected that the President will give great weight to the recommendations of the Board.
2. The President shall report the decision to both parties to the grievance, and the Chairs of the Board and the Panel within thirty days.

VIII. The decision of the President is final and both parties agree to be bound by it.

IX. Should the President decide the grievance is justified and a remedy is to be awarded, before the faculty member receives any such remedy, he or she shall execute a written waiver recognizing the remedy to be satisfactory and forever forswearing any claims or causes of action arising out of the action grieved.

49.0 II-8.00 POLICY ON FACULTY RETRENCHMENT

(Approved by the Board of Regents, November 29, 1990)

In fulfilling their educational roles and missions, the constituent institutions of the University of Maryland System must make optimal use of their faculty resources. Optimum utilization may call for a reduction in or a reallocation of faculty at various times and for various reasons; e.g. shifting enrollment patterns, changing program directions, restricted funding. If reassignment and/or reallocation is inadequate to effect such changes, an institution may find it necessary to terminate the appointment of tenure-track or tenured faculty members.

In order to insure the protection of rights of the faculty members, each institution will develop internal retrenchment procedures consistent with that institution's governance structure and with Sections I.C.9, I.C.10, I.C.13 and I.C.17 of the 1989 University System Policy on Appointment, Rank and Tenure of Faculty and corresponding sections of earlier faculty appointment agreements still in effect. As a part of those procedures, each institution will establish a retrenchment appeals committee. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval.

Replacement for BOT Appendix N, BOR III-2.16.7

II-8.00 (A) UMES POLICY ON FACULTY RETRENCHMENT

I. POLICY

UMES, in order to fulfill its' educational role and mission, must have the ability to make optimal use of its faculty resources. At times this may mean the reduction in or reallocation of faculty. It is the policy of UMES to avoid termination of employment of tenured and tenure-track faculty members whenever possible by such measures as leaving unfilled positions vacated, retraining, reduction of part-time and temporary faculty, transfer of faculty to other departments, and the encouragement of early retirement. The following procedures pertain to the termination of employment of tenured or tenure track faculty members due to a reduction or discontinuance of an academic program or department, reallocation or resources as a result of changing educational priorities, lack of funds, or requirements of legislative or other mandate. These procedures are consistent with Sections I.C.9, I.C.10, I.C.13, and I.C.17 of the University System Policy on Appointment, Rank and Tenure of Faculty.

II. Retrenchment Procedures

- A. The President shall make the final determination within the institution concerning the need for faculty retrenchment.
- B. Prior to any faculty retrenchment, the President shall appoint an Ad-Hoc Retrenchment Plan Committee. The committee members shall be the Vice Presidents for Academic Affairs and Administrative Affairs and three tenured faculty members. The committee shall develop a plan for retrenchment, taking into accounting the following factors:
 - 1. UMES' programmatic needs.
 - 2. UMES' budgetary needs.
 - 3. The requirements of the students.
 - 4. The impact of any proposed action on the faculty.

All reasonable alternatives should be explored, along with the short term and long term consequences of each.
- C. The Committee shall submit the retrenchment plan to the President for approval at least three months prior to the implementation date.

All options considered by the Committee, and the expected consequences of each shall be presented, along with the Committee's recommendation.
- D. The President may approve the Plan as submitted, approve the Plan with modifications or reject the Plan and substitute his/her own Plan.
- E. Upon approval of the plan by the President, any faculty member whose employment is to be terminated shall be notified by registered mail. The date of termination shall be specified in the letter. In addition, the procedures for appeal to the retrenchment appeals committee should be given.

III. Notice Periods

- A. Faculty on temporary contracts and non-tenured faculty shall be given at least three months prior to the termination date.
- B. Tenured faculty members shall be given notice at least one year prior to the termination date in accordance with the University System Policy on Appointment, Rank, and Tenure of Faculty, I.C.9.

IV. Order of Termination

The Order of termination shall be as follows:

- A. Faculty members on temporary contracts except in areas critical to the academic program.
- B. Non-tenured faculty members on probationary appointments. Seniority may, but need not be, the determining factor. Other factors which should be considered are: the UMES mission, the current program needs, and current affirmative action goals.
- C. Tenured faculty members. Seniority may, but need not be the determining factor. Other factors which should be considered are: the UMES mission, the current program needs, and current affirmative action goals.
- D. Notwithstanding any other provisions of this policy, non-tenured and temporary faculty will be retained during retrenchment period in preference to tenured faculty members when the University Administration determines that a failure to do so would result in a serious distortion in the academic program.

V. Appeals Process

A. Retrenchment Appeals Committee:

A Retrenchment Appeals Committee consisting of the Vice President for Academic Affairs and four tenured faculty members (not on the Retrenchment Plan Committee) shall be appointed by the President at the beginning of each academic year. This Committee shall be available to consider the appeal of any faculty member terminated under a retrenchment plan.

B. Filing an Appeal

A Faculty member whose employment is to be terminated may file an appeal with the President within 20 calendar days of receipt of notification. The appeal must be in writing and set forth grounds for the appeal.

The filing of an appeal shall not alter the effective date of termination unless the final decision of the President is to revoke the notice of termination.

C. Grounds for Appeal

The only grounds for an appeal of termination under a retrenchment plan are:

1. A perceived incorrect determination of tenure status.
2. Alleged insufficient notice under Section III of this policy.

D. Burden of Proof

The faculty member shall bear the burden of proving one of the issues eligible for appeal.

E. Final Decision Process

The Retrenchment Appeals Committee shall make a recommendation to the President within 15 days of receiving an appeal.

The President shall make a final determination based on the recommendations of the Committee. The faculty member making the appeal shall be notified in writing of the final decision within 15 days of receipt of the recommendation by the President.

(A) Criteria for President's Teacher-Scholar

The President's Awards for Teacher-Scholar are awarded during the Annual Honors Convocation. Following are criteria for each award:

The category of Teacher-Scholar includes those attributes that contribute to the making of an environment in which consummate skills of teaching are in evidence. Planning, management, instruction, knowledge base, enthusiasm, interest and scholarship are essential to the process. An intellectual climate that stimulates, but does not frustrate students is required.

Collegial recognition of excellence and quality performance in the classroom must also be evidenced.

1. Manages classroom and instructional environment
2. Uses innovative instructional techniques
3. Possesses comprehensive, broad knowledge of subject matter; uses wide examples of content related activities
4. Advises effectively
5. Is available to students
6. Exhibits demonstrated interest in student achievement
7. Incorporates enrichment activities
8. Is viewed as an instructional leader by colleagues
9. Shares interest and enthusiasm about content
10. Shares resource materials with students and other faculty
11. Evaluates students progress fairly and appropriately
12. Is a continuous learner
13. Assesses personal effectiveness in the classroom
14. Meets classes regularly and on time
15. Formulates and uses plans effectively
16. Varies instructional pace
17. Employs appropriate levels of questioning

(B) Criteria for President's Research-Scholar

The category of Research Scholars includes skills to plan, review, improve and publish the results of one's research. Subject knowledge, evaluation of data, ability to improvise and to do critical thinking are important. Enthusiasm and scholarship, along with the ability to motivate research assistants, technicians and others, are characteristics inherent in research Scholars.

Results published in refereed journals, prominent exhibits of art work and/or distinguished performances may be evidence of the success of such scholars. Amount and kind of funded research generated should also be documented.

1. Publishes research studies refereed journals and in experimental bulletins.
2. Maintains effective interaction with students, regarding his/her research interests, thus stimulating students to achieve.
3. Makes research presentations at professional meetings.
4. Holds membership and participates in activities of national professional research organizations.
5. Introduces courses into the curriculum as a result of research conducted.
6. Provides community service as a result of research conducted.
7. Receives positive evaluation of research by colleagues.
8. Develops research focus of significance to the mission of the University, state and nation.
9. Cooperates with administrators and faculty to foster a scholarly, research based academic atmosphere on campus.
10. Is willing to share research information, ideas and resources with colleagues and the academic community.
11. Collaborates with other researchers in the area of specialization.

12. Applies for and receives copyrights and patents, as a result of conducted research.
13. Serves on editorial boards.

(C) Criteria for President's Community Service Provider

The category of Community Services includes service to non-academic community organizations and government agencies outside the University, contributing the individual's professional backgrounds and skills to government and community concerns, and advancing the ability of the University to relate teaching and research activities to community concerns.

1. Consults for government agencies or community groups.
2. Develops community programs and or activities.
3. Participates in, supports or coordinates community research and/or community activities.
4. Conducts seminars, staff or faculty workshops for government or community organizations.
5. Prepares and/or assists in the preparation of reports, research papers, planning guides for groups.
6. Supervises class projects that provide assistance to community groups or governmental departments.
7. Organizes and conducts workshops, conferences and clinics on community issues.
8. Serves on community advisory or planning committees.
9. Supervises student research for government departments or community groups.
10. Makes presentations on radio and/or television as discussion leader or as a member of a group.
11. Writes articles in government and community publications.
12. Provides information sources for agencies and groups.
13. Sponsors/advises campus outreach activities.

SECTION III: Personnel Policies and Procedures

BENEFITS

(a) Introduction

All permanent employees of the University System of Maryland are entitled to, and may participate in, a variety of benefit plans and programs. The substantive nature, depth and general availability of the benefit plans and programs reflect the University System of Maryland's commitment to the welfare of all its employees. In most instances, the costs involved in participating in the University System's benefit offerings are substantially lower than the equivalent plans purchased on an individual basis. This is made possible by the reduced group rates offered to the University.

The purpose of the following information is to give you a brief overview of each benefit plan. Further information including specific costs, forms to be completed and extent of coverage may be obtained from the Office of Human Resources.

(b) Mandatory Retirement Plans

All employees are required to participate in Social Security and in a retirement plan. Those employed on or after January 1, 1980 are required to join either the Maryland State Teacher's Pension System (MSTPS) or the Teachers Insurance and Annuity Association/College Retirement Equities Fund (TIAA-CREF). Faculty members employed earlier than that date joined the Maryland State Teachers Retirement System (MSTRS) or TIAA-CREF. Another option is the *Optional Retirement Program*. This program includes TIAA-CREF, Aetna, Valic and American Century.

MSTPS is a defined benefit to which employees make no contributions on that portion of salary below the Social Security wage base established for the particular year. For base annual earnings above the Social Security wage base, the employee contributes 5% of the excess.

TIAA-CREF is a defined contribution plan to which the State of Maryland contributes (as of 1987) 7.25% of the total salary. Participating faculty members may authorize a personal deduction of 5% of total salary, or of that part above the Social Security wage base, or may elect to make no personal contribution. The State makes its contribution in any event.

Newly employed faculty members are encouraged to discuss the two available retirement plans with the Office of Human Resources before making a decision between MSTPS and TIAA-CREF.

(c) Supplemental Tax Deferred Investment Plans

The first of two supplemental tax deferred investment plans available is the Maryland State Employees Deferred Compensation Plan.

All tenured and non-tenured members of the University of Maryland faculty who are now being paid through the Central Payroll Bureau of the State of Maryland, other than emergency or temporary employees, are eligible for this plan. Contributions may be invested in various ways. Specific, current information about investment plans may be obtained from the Office of Human Resources. Under this plan, administered by the Public Employees Benefit Services Corporation (PEBSCO), any amount up to 25% of contract salary or \$7,500, whichever is less may be invested. Two changes per year are permitted. Funds may be withdrawn only upon retirement, termination from University service, or in cases of extreme financial hardship.

The second supplemental tax deferred investment plan available is the Supplemental Retirement Annuity Plan. This special type of annuity plan is offered by the Teachers Insurance and Annuity Association and the College Retirement Equities Fund (TIAA-CREF), Aetna, Valic, and 20th Century to all full time and part time University employees. Options under this plan include the investment of premiums (payroll deductions) in a broadly diversified group of bonds and mortgages yielding a fixed monthly retirement annuity (except for dividends) or the purchase of accumulated units, like shares of ownership in a broadly diversified stock fund, yielding a variable monthly retirement annuity.

(d) Health Insurance

The University of Maryland offers Maryland Blue Cross, Blue Shield and a variety of Health Maintenance Programs through the State of Maryland to all University personnel employed in at least a 50% time capacity. Graduate Assistants and students on taxable fellowships are also eligible to enroll. An eligible employee has the option to choose the benefits he/she desires from any one of the many Health Insurance Programs offered by the State of Maryland. The University contributes a significant portion of the total cost of the bi-weekly premium although the percentage of the total premium paid by the University will vary based on the extent of coverage desired by an employee.

An eligible employee must enroll within 60 days from the date of employment or during the State of Maryland Health Insurance *Open Enrollment* period generally held once a year. Membership will become effective on the date an eligible employee completes and application to enroll in a State Group Health Insurance Program or date of employment, whichever is later, **provided subscription charges are paid**. Further information and brochures can be obtained from the Office of Human Resources.

(e) Long Term Disability Insurance

This plan, underwritten by the Unum Life Insurance Company, provides for payment of 66.7% of total regular earnings (less any payments received from Social Security, State Retirement Systems, etc.) in the event of total disability. The maximum monthly payment may not exceed \$4,000. Benefit payments begin 121 days from the beginning date of the total disability and can continue until age 65 in the case of a continuing disability. All permanent personnel who are employed in at least a 50% time capacity and who are under age 65 are eligible to participate. The enrollee pays the full cost of coverage.

(f) Group Life Insurance

Term insurance is available to eligible employees for up to five times their annual salary, in increments of \$10,000, with a minimum coverage of \$20,000 and a maximum of \$500,000. Eligible employees who have not reached age 60 may purchase up to \$50,000 on a guaranteed issues (i.e. without evidence of insurability). Employees between 60 and 69 can purchase \$20,000 on a guaranteed issue.

All permanent employees who work 50% time or more and who have not yet reached the age of 70 are eligible to participate. Enrollment must be made within the first 60 days of employment with the University or an evidence of insurability satisfactory to the underwriter (Commercial Life Insurance Company of Piscataway, NJ) will be required.

Application cards, medical cards and further information are available from the Office of Human Resources.

(g) Credit Union

Immediately upon starting employment with the University, all employees are eligible to participate in the State employees Credit Union. The State Employees Credit Union offers all the services of a full-service bank including loan privileges, savings accounts and checking accounts. Savings deductions and loan repayment are automatically made through payroll deductions.

Applicant cards, medical cards and further information are available from the Office of Human Resources.

(h) Blood Bank of the Eastern Shore

Membership in the Blood Bank is available through UMES. The fee is payable by the employee. Information and applications may be obtained from the Office of Human Resources.

(i) U.S. Savings Bonds

U.S. Government Savings Bonds may be purchased on a bi-weekly payroll deduction plan. Information concerning these bonds may be obtained directly from the UMES Payroll Office.

196.0 VII-4.01- INTERIM UNIVERSITY SYSTEM POLICY ON COMPENSATION FOR FACULTY AND ADMINISTRATIVE PERSONNEL: 1990-91 ACADEMIC YEAR

(Approved by the Board of Regents, April 26, 1990)

I. INTRODUCTION

- A. This interim policy describes the general criteria and procedures that will be used to determine the compensation of faculty members and administrative personnel at all constituent institutions of the University of Maryland System for the 1990-91 academic year.
- B. Definitions
1. "Chief executive officer" refers to the Chancellor (with respect to the University of Maryland System Administration), the president of a constituent institution, the director of a principal center (Center for Environmental and Estuarine Studies, and the Maryland Biotechnology Institute), and the Vice Chancellor for Agricultural Affairs for the Agricultural Experiment Station and the Cooperative Extension Service; and a "constituent institution" is used inclusively to refer to any institution or other unit headed by a chief executive officer. For the purpose of this interim policy, the University of Maryland System Administration is deemed to be a constituent institution headed by the Chancellor.
 2. "Administrative personnel" refers to unclassified personnel employees, including administrative officer, librarians, and library technicians, appointed under the policies and procedures of the former Board of Trustees of State Universities and Colleges; associate staff employees appointed under the Personnel Policies and Rules for Associate Staff of the University of Maryland; and academic administrators appointed under the policies and procedures of the former Board of Regents of the University of Maryland.
 3. An individual's "salary" refers to that individual's annual salary (under either a 12-month, 9.5-month, or 10-month contract for the 1990-91 academic year).
 4. A "Board of Regents institution" refers to a constituent institution that, prior to July 1, 1988, was under the jurisdiction of the Board of Trustees of State Universities and Colleges.
 5. A "Board of Regents institution" refers to a constituent institution that is not a Board of Trustees institution.

II. INTERIM POLICY ON COMPENSATION FOR FACULTY AND ADMINISTRATIVE PERSONNEL

A. General Compensation Policy

It is the objective of the University System of Maryland to provide compensation for faculty and administrative staff at levels sufficient to attract and retain (1) nationally and internationally prominent faculty members, and (2) administrative personnel with the qualifications necessary to maintain a high level of excellence in education.

B. Compensation in FY 1991

Procedures and criteria for determining the compensation of faculty members and administrative personnel are contained in current policies adopted by the former Board of Regents of the University of Maryland and the former Board of Trustees of State Universities and Colleges. 1/

1/ These policies are:

- BOR III-14.00 (faculty at Board of Regents institutions);
- BOR III-14.10 (associate staff at Board of Regents institutions);
- BOR III-14.20 (academic administrators at Board of Regents institutions);
- Chapter VII, Part K, of Policies and Procedures of the Board of Trustees of the State Universities and Colleges of Maryland ["Policies and Procedures"] (faculty at Board of Trustees institutions);
- Chapter of VI, Part I of Policies and Procedures (administrative officers at Board of Trustees institutions).

These policies shall govern compensation determinations for the 1990-91 academic year, subject, however, to the modifications contained in this interim policy. To the extent that this interim policy is inconsistent with any of the provisions in the current policies of the former Board of Regents or former Board of Trustees, this interim policy shall be controlling, and inconsistent provisions in current policies shall be deemed superseded by this interim policy.

C. Salaries of Full-time, Instructional-rank Faculty Members

Subject to the exceptions provided in Paragraphs E and F, below, the salary of each full-time, instructional-rank faculty member shall be within the appropriate salary range for that instructional rank as follows.

1. For faculty members at Board of Regents institutions:

Rank	Salary Minimum	Salary Maximum
Professor: 12 month contract Academic year	\$40,483 \$33,990	\$108,328 \$ 90,936
Associate Professor: 12 month contract Academic year	\$32,690 \$27,445	\$ 94,446 \$ 79,299
Assistant Professor: 12 month contract Academic year	\$25,900 \$21,745	\$ 74,835 \$ 62,829
Instructor: 12 month contract Academic year	\$19,612 \$16,467	\$ 56,669 \$ 47,579

Note: For University of Maryland at Baltimore School of Medicine, salary maximum is 170 percent of the figure shown for each instructional rank.

2. For faculty members who hold appointments in the School of Business at the University of Baltimore:

Rank	Salary Minimum	Salary Maximum
Professor	\$32,824	\$84,028
Associate Professor	\$27,974	\$69,087
Assistant Professor	\$23,916	\$59,069
Instructor	\$20,448	\$50,504

3. For all other faculty members at Board of Trustees institutions:

Rank	Salary Minimum	Salary Maximum
Professor	\$32,824	\$64,637
Associate Professor	\$27,974	\$55,264
Assistant Professor	\$23,916	\$47,251
Instructor	\$20,448	\$40,399

Note: Notwithstanding these figures, the salary minimum and salary maximum for all instructional ranks at the University of Baltimore Law School shall be \$33,390 and \$88,365, respectively.

D. Salaries of full-time administrative personnel

Subject to the exceptions provided in Paragraphs E and F, below, the salaries of full-time administrative personnel shall be within the appropriate salary range, as follows:

1. For associate staff employees at Board of Regents institutions:

Professional Pay Level	Salary Minimum	Salary Maximum
8	\$55,538	\$93,380
7	\$47,990	\$85,007
6	\$41,466	\$73,452
5	\$35,830	\$63,468
4	\$30,959	\$54,840
3	\$26,749	\$47,385
2	\$23,113	\$41,296
1	\$19,971	\$35,376

2. For academic administrators at Board of Regents institutions:

Professional Pay Level	Salary Minimum	Salary Maximum
Group IV (Deputy Chancellor, Vice Chancellor, Vice President, Provost, Dean)	\$64,480	\$121,888
Group V (Assistant/Associate Vice/Deputy Chancellor/President)	\$58,240	\$100,257
Group IV (Assistant/Associate Dean)	\$41,813	\$94,346
Group III (Assistant to: Chancellor, President, Vice Chancellor, Vice President, Provost)	\$37,640	\$84,684
Group II (Assistant to Dean)	\$29,120	\$61,382
Group I (Faculty Research Assistant/Research Associate)	\$15,600	\$39,988

Notes:

- (a) Dean of the School of Medicine at UMAB is not included in the above salary range.
- (b) The position titles listed are representative and not complete.

3. For unclassified professional employees at Board of Trustees institutions:

Professional Pay Level	Salary Minimum	Salary Maximum
VIII	\$51,661	\$101,641
VII	\$44,169	\$ 86,873
VI	\$37,766	\$ 74,251
V	\$32,288	\$ 63,463
IV	\$27,607	\$ 54,241
III	\$23,604	\$ 46,359
II	\$20,180	\$ 39,625
I	\$17,255	\$ 33,866

E. Exceptions for critical subject areas at Board of Trustees institutions

For faculty members and deans, assistant deans, and associate deans who work in critical subject areas at Board of Trustees institutions, as defined below, the salary maximum may be increased to 120 percent of the figure specified in the appropriate table above. A "critical subject area" is defined as the department of the business or the department of computer science (or equivalent) at a Board of Trustees institution.

F. Delegation to chief executive officers; exceptions for unusual circumstances

1. Subject to limitations contained in this paragraph, the chief executive officer of each constituent institution is hereby authorized to fix salaries for fiscal year 1991 for all faculty and administrative personnel who are employed at that constituent institution.
2. Individual salary determinations shall be made in accordance with the applicable policies of the former Board of Regents and Board of Trustees and this interim policy, and any general standards, procedures, and timetables that the Chancellor may establish pursuant to Paragraph G, below.
3. Except as provided in subparagraph (5) of this paragraph, below, no individual shall receive a salary for the 1990-91 academic year that is more than 15 percent greater than such individual's salary for the 1989-90 academic year.
4. Except as provide in subparagraph (5) of this paragraph, below an individual's salary shall be within the appropriate salary range as established under this interim policy.
5. If unusual circumstances warrant the payment of a salary that exceeds the maximum allowable salary increase or is outside the appropriate salary range, then the chief executive officer may recommend an exception. The Chancellor shall act upon such recommendations in accordance with such standards, procedures, and timetables as the Chancellor shall establish.

G. Delegation to the Chancellor

Within the parameters established in the applicable policies of the former Board of Regents and Board of Trustees and this interim policy, the Chancellor shall be responsible for establishing general standards, procedures, and time tables for the allocation and determination of compensation for faculty and administrative personnel for the 1991 fiscal year.

H. Maintenance of other existing compensation policies.

Pending the Board's approval of a final policy on compensation for faculty and administrative staff, the compensation policies of the former University of Maryland Board of Regents and a the former Board of Trustees of State Universities and Colleges as such policies existed prior to July 1, 1988, shall continue in effect, except that the Chancellor shall exercise, with regard to compensation criteria and ranges, the authority accorded the former President of the University of Maryland and the former Executive Director of the Board of Trustees of State Universities and Colleges.

I. Compensation of the chief executive officers.

Notwithstanding the foregoing provisions, the Board shall establish separately a policy for compensation of chief executive officers.

III. Effective Date

This interim policy shall become effective upon approval by the Board of Regents.

IV. Statutory References

12-109 Presidents of constituent institutions.

. . . .

(e) Powers and duties – subject to the authority and applicable regulations of the Board of Regents, each president shall:

. . . .

(4) Appoint, promote, fix salaries, grant tenure, assign duties, and terminate personnel. (Emphasis added.)

12-110 Faculty and administrative personnel.

(a) General standards and guidelines generally.

1. Upon the recommendation of the Chancellor who shall consult with the presidents, the Board of Regents shall establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty and administrative personnel in the University of Maryland System.

2. These standards and guidelines shall recognize the diverse missions of the constituent institutions.

(b) Differentiation among institutions. The Board of Regents may establish different standards of compensation based on the size and missions of the constituent institutions.

(c) Authority of presidents. Subject to such standards and guidelines, a president may:

1. prescribe additional personnel policies; and

2. approve individual personnel actions affecting the terms and conditions of academic and administrative appointments. (Emphasis added.)

201.0 VII-4.30 - POLICY ON SALARY ADVANCES

(Approved by the Board of Regents, June 21, 1990)

1. Salary advances against unearned income generally shall not be made to employees.
2. Exceptions to this Policy shall be authorized by the Chief Executive Officer of the constituent institution or component.
3. Authorized salary advances shall not exceed 90 percent of the expected biweekly salary.
4. Copies of the authorization shall be provided to the Chancellor.
5. The advancing of sick leave as provided by the University of Maryland System is exempt from the provisions of this Policy.

26.0 II-2.00- POLICY ON SABBATICAL LEAVE FOR FACULTY

(Approved by the Board of Regents, November 30, 1989)

The President of an institution may grant sabbatical leaves to faculty members. The primary purpose of such leaves is to provide an opportunity for a faculty member to conduct scholarly or creative work in order to increase his or her contribution to the mission of the institution, and to enhance his or her standing in the discipline or profession.

1. To be eligible for sabbatical leave, a full-time faculty member shall have been granted tenure and shall have completed at least six years of service at the time of an initial sabbatical leave or since the last previously granted sabbatical leave. A part-time faculty member shall have been granted tenure and shall have completed six or more years of at least half-time service. Ordinarily, a leave of absence without pay shall not be regarded as service to the institution for purposes of determining eligibility for sabbatical leave.
2. Ordinarily, sabbatical leave will be granted for one-half of the recipient's annual contract period at his or her normal compensation or for the full annual contract period at one-half normal compensation for both full and part-time faculty.
3. Ordinarily, as a condition for receiving a sabbatical leave the recipient shall agree to return promptly to the institution at the termination of the leave and to serve on his or her normal basis for at least one academic year.
4. During the period of sabbatical leave, the recipient will be permitted, with the approval of the President or designee, to accept, in addition to the compensation he or she receives from the institution, grants, awards, contracts, fellowships, or other compensation or stipends as may be related to the approved sabbatical leave project.
5. While on sabbatical leave, the recipient may accept compensation for consulting services rendered during the sabbatical leave, provided that such services shall not exceed those allowed by the University System Policy on Professional Commitment of Faculty, and that they do not interfere with his or her approved sabbatical leave project.
6. Each institution shall develop procedures for implementation of this policy, including the requirement of a summary report on sabbatical activities by the faculty member. These procedures shall be filed with the office of the Chancellor.

Replacement for: BOR III-9.00, 9.02, 9.03 and BOT VII-G.1

II-2.00(A) UMES POLICY ON SABBATICAL LEAVE

The President shall grant sabbatical leave to faculty members consistent with USM Bylaws, Policies and Procedures of the Board of Regents II-2.00, and the following UMES guidelines.

A. ELIGIBILITY REQUIREMENTS

1. Full-Time Faculty

- a. Must be tenured at UMES.
- b. Must have a minimum of six (6) years full-time service at UMES since any previously granted sabbatical leave, or at the time of an initial sabbatical leave.
- c. Leave of absence without pay shall not be counted as service to UMES for purposes of sabbatical leave.
- d. Service at other USM institutions may, at the sole discretion of the President, be considered toward eligibility for sabbatical leave in the same manner as service at UMES
- e. Unless specifically stated otherwise, a faculty member engaged in compensated activities on behalf of the University, outside the academic program or unit, shall be permitted to treat the period of such service toward eligibility for sabbatical leave.

2. Part-Time Faculty

- a. Must be tenured at UMES.
- b. Must have a minimum of six (6) years of at least part-time service at UMES since any previously granted sabbatical leave, or at the time of an initial sabbatical leave.
- c. Leave of absence without pay shall not be counted as service to UMES for purposes of sabbatical leave.
- d. Part time service at other USM institutions may, at the sole discretion of the President, be considered toward eligibility for sabbatical leave in the same manner as service at UMES.
- e. Unless otherwise stated, a faculty member engaged in compensated activities on behalf of UMES, outside of academic program shall be permitted to treat such service toward eligibility for sabbatical leave.

B. DURATION OF SABBATICAL LEAVE

1. Full- and part-time faculty members may be granted sabbatical leave either:
 - a. One-half the faculty member's annual contract period at full compensation; or
 - b. The full annual contract period at one half normal compensation. (Example: Twelve-month contract—twelve month sabbatical at one-half compensation. Ten month contract—ten month sabbatical at one-half compensation, or five month sabbatical at full compensation.)
 - c. The President may award sabbatical leave of greater than twelve months duration to a faculty member of long standing with distinguished and meritorious service to UMES. In no case should sabbatical leave exceed 24 months at one-half compensation.

C. CONSIDERATIONS FOR AWARDING SABBATICAL LEAVE

1. Opportunity to conduct scholarly work and to increase the faculty member's value to UMES in carrying out its mission.
2. Opportunity to conduct important research and increase the faculty member's standing in the professional community.
3. Disruption to the academic program or unit.
4. The individual's past service, including creative research contributions, teaching, committee work, and community service.

D. ADDITIONAL COMPENSATION AND BENEFITS

1. A faculty member will normally be permitted to accept only such grants, contracts, awards, fellowships, and other compensation as are given to support the approved sabbatical project. The approval of the President must be obtained prior to accepting any compensation beyond that provided by UMES.
2. A faculty member will normally be permitted to accept compensation for consulting services consistent with UMES policies on outside consulting. The prior approval of the President must be obtained.
3. A faculty member who receives compensation without the approval of the President as required by the policy will be required to return all compensation received from UMES for the support of the sabbatical project.
4. All benefits available to the faculty member under normal service shall be available during sabbatical leave unless otherwise specified.

E. APPLICATION FOR SABBATICAL LEAVE

1. Application should be made at least eight (8) months prior to the commencement of the proposed sabbatical leave.
2. Applications should be addressed to the faculty member's Department Chairperson or equivalent academic administrator.
3. Applications must contain:
 - a. A detailed description of the project including the activities to be undertaken, travel and study plans, and a description of the research to be conducted.
 - b. The expected results of the project.
 - c. A statement concerning the value of the project to the mission of UMES, and to the faculty member's professional development, and how the information will be shared with the UMES community.
 - d. The date the faculty member became tenured at UMES, and a description of the responsibilities and accomplishments.
 - e. The faculty member's assessment of the effect on the academic program, and a plan to minimize the disruption.
 - f. An updated curriculum vita.

F. APPLICATION PROCEDURE

1. The Department Chairperson shall review each application for sabbatical leave and make a recommendation to approve, postpone or reject the application. The recommendation should clearly state:
 - a. The reasons for the decision including an appraisal of the project.
 - b. Why the decision is consistent with this policy.
 - c. An assessment of the effect of the faculty member's absence on the academic program.
2. The application and review are to be forwarded to the Dean for recommendation and comment. The Dean shall determine whether any further recommendations are appropriate prior to forwarding the application to the Vice President for Academic Affairs.
3. The Vice President for Academic Affairs shall chair a committee which shall review each application for sabbatical leave. Applicants whose departments are not represented on the committee shall be represented by their department heads during the review of their application.

4. Taking into consideration the advice of the committee, the Vice President for Academic Affairs shall make a recommendation to the President. The President, or a designee, may approved, postpone, or reject the application for sabbatical leave. The faculty member shall be notified of the decision by the Office of the Vice President for Academic Affairs, with copies of the decision to the Dean and the Department Chairperson. The faculty member shall receive a copy of any recommendations.
5. The notice of approval of sabbatical leave must contain:
 - a. The beginning and ending dates of the sabbatical leave.
 - b. The amount of compensation.
 - c. An agreement by the faculty member to return promptly to UMES at the termination of the sabbatical, and to continue service at UMES for a minimum of one year.
 - d. The specific project for which the sabbatical is granted.

G. REPORT REQUIREMENT

Within three months of returning from sabbatical leave, a faculty member must file a report containing the results of the project, and a detailed accounting of the activities undertaken during the leave. The report is to be addressed to the Department Chairperson, with a copy to the Vice President for Academic Affairs.

28.0 II-2.10- POLICY ON TERMINAL LEAVE FOR FACULTY

(Approved by the Board of Regents, November 30, 1989)

Terminal leave is defined as a leave of absence with pay extending over a period which terminates on the effective date of a faculty member's separation from employment with the institution. Terminal leaves are beneficial to the institution and its programs since they may provide a means to reallocate positions and other resources from low demand to high demand programs. The President may grant a terminal leave, upon application by the faculty member, in accordance with the following provisions:

- I. Only full-time tenured faculty members at the institution shall be eligible for terminal leave; if awarded, such a leave shall be with full pay for a period not to exceed twelve months or with half pay for a period not to exceed twenty-four months.
- II. A faculty member, while on terminal leave, shall:
 - A. remain an employee of his or her institution, and be subject to all policies of the Board of Regents and the institution;
 - B. receive the salary which would have been accorded had he or she remained at the institution;
 - C. retain eligibility for all benefits normally associated with full-time (or, where applicable, half-time) employment, with the exception of annual leave; and
 - D. not be required to perform duties of any kind during the period of leave unless otherwise stipulated.
- III. The faculty member shall agree, in writing, to the conditions of the leave, waiving all claims arising out of her or his employment, other than those specified in II.C, and also waiving all claims to subsequent employment at the institution.
- IV. Each institution shall develop procedures for implementation of this policy. These procedures shall be filed with the Chancellor.

Replacement for: BOT VII-G.6

II-2.10(A) - UMES PROCEDURES FOR TERMINAL LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

UMES shall follow the guidelines set forth in II-2.10 of the USM Bylaws, Policies and Procedures of the Board of Regents concerning terminal leave, which is defined as “leave of absence with pay extending over a period which terminates on the effective date of a faculty member’s separation from employment with the institution.” The President has sole authority to grant terminal leaves.

The procedures for requesting terminal leave are outlined below.

A. ELIGIBILITY

Only full-time, tenured UMES faculty members are eligible.

B. APPLICATION

1. A faculty member may make application to the Department Chairperson. The application should contain the reason for the request.
2. The Department Chairperson shall forward the request to the Dean with a recommendation to either grant or deny the application.
3. The Dean shall make a written assessment of the effect on the Department, and forward a recommendation with the application to the President through the Office of the Vice President for Academic Affairs.
4. The President shall notify the faculty member in writing of the decision to grant or deny the application.

C. TERM

The duration of terminal leave is at the discretion of the President, within the guidelines of Board of Regent’s Policy II-2.10.

D. COMPENSATION

1. Salary

Salary shall remain at the level attained at the commencement of the terminal leave. Faculty members on terminal leave are not eligible for an increase in salary, with the exception of the annual cost of living increase, if such is given by the State.

SAMPLE TERMINAL LEAVE LETTER

Dear _____:

Your request for terminal leave, as defined in USM Bylaws Policy and Procedures of the Board of Regents, (attached), has been approved by the University of Maryland Eastern Shore subject to the conditions set forth in this Letter of Agreement.

Leave shall commence on _____ and terminate on _____, with compensation being at a rate _____ for the (academic year/12 months), said rate being _____ percent of your current budgeted rate of pay. You shall remain eligible for benefits normally provided (full/part) time employees for the institution to the extent permitted by law and University regulation, with the exception that no annual leave shall be accrued during this period. It is understood and agreed that all claims arising out of your employment, aside from the above-mentioned benefits and any vested retirement rights, are hereby waived, and it is specifically understood and agreed that all claims to subsequent employment at the University of Maryland are waived.

During the period between _____ and _____, you shall remain a (full/part)-time employee at the institution, and as such you are subject to all policies of your department, the institution, and the Board of Regents. Your duties during this period are as follows:

Special Conditions: list if any

If you have any questions concerning this Letter of Agreement, please contact the Office of the Vice President for Academic Affairs. In order to indicate your acceptance of the conditions of your terminal leave, please sign the Letter of Agreement below, and return it to my office. We will not be able to process your request further until my office has received this letter.

Sincerely,

AGREED:

(name typed in)

Date

30.0 II-2.20- POLICY ON LEAVE WITHOUT PAY FOR FACULTY

(Approved by the Board of Regents, November 30, 1989)

Under certain conditions the President or designee may grant a faculty member leave of absence without pay. A primary consideration in award of leave without pay is that it shall not substantially disrupt the academic program or unit of which the faculty member is part. Leave of absence without pay ordinarily shall be granted if the purpose of the leave is to advance the institution's mission of teaching, research, and service or to enhance the ability of the individual to support that mission. Leave without pay may also be granted for personal or health reasons. In no case shall a leave without pay extend beyond the termination of the individual's term of employment.

The following conditions apply to leave without pay:

1. To be eligible for leave of absence without pay, a faculty member must be employed on a continuing or term contract and must normally have been employed for at least two semesters or twelve months prior to the beginning of the proposed leave. Continuation of employment of the individual upon termination of the leave without pay must be the expectation.
2. A leave without pay is ordinarily granted for no more than one full year.
3. Unless the President or designee stipulates otherwise, the period of leave without pay shall not be counted as service toward the faculty member's eligibility for sabbatical leave.
4. A faculty member on leave without pay may continue to participate in retirement, medical and health programs, and other benefit programs only to the extent and under such conditions as are permitted by each such program. Unless the President or designee stipulates otherwise, any costs of such participation in benefits during a leave without pay shall be borne by the faculty member.

Each institution shall develop procedures and guidelines for the implementation of this policy; such procedures and guidelines shall be filed with the office of the Chancellor.

Replacement for: BOR III-10.00, 10.01, 10.02; and BOT VII-G.2

II-2.20(A) - UMES GUIDELINES AND PROCEDURES FOR FACULTY LEAVE OF ABSENCE WITHOUT PAY

(Approved by the President January 1, 1992)

The President may grant a faculty member leave of absence without pay in accordance with the policy set forth in II-2.20 of the USM Bylaws, Policies and Procedures of the Board of Regents, and the guidelines and procedures set forth below.

A. LEAVE OF ABSENCE DEFINED

A leave of absence without pay is defined as any reduction in service to UMES which results in reduced or no compensation. Leave may be:

1. Partial Leave – reduced service and compensation; or
2. Full Leave – complete suspension of compensable services.

B. ELIGIBILITY

To be eligible for a leave of absence, a faculty member must be:

1. Employed on a full-time term or continuing contract; and
2. Actively employed for at least one year prior to the beginning of the proposed leave.

C. CRITERIA

1. Leave without pay shall not significantly disrupt the program of the faculty member's academic unit.
2. The activities to be undertaken must support UMES' mission of teaching, scholarly and creative activity, and University, professional, or public service; and enhance the faculty member's ability to support these missions.
3. The President may determine that unusual circumstances warrant granting a leave without pay for personal reasons, such as poor health or family obligations.

D. PERIOD OF LEAVE

1. Leave is granted for up to:
 - a. one semester, or
 - b. one year.
2. Leave should not exceed one full year, and any exception requires a showing of exceptional circumstances.
3. Leave is not normally granted contiguous with sabbatical leave if when combined the leave would exceed one year.

E. APPLICATION

1. Application must be:
 - a. in writing to the Department Chairperson; and
 - b. at least six (6) months in advance of the leave unless it is determined there are unusual circumstances.
2. Applications must contain:
 - a. a description of the purpose of the leave;
 - b. how it conforms to the requirements of these guidelines; and
 - c. a plan to minimize disruption of the academic program.

F. APPROVAL PROCEDURES

1. The Departmental Chairperson or designee shall review the application for leave and make a written recommendation to the Dean or designee.
2. The Dean shall make a further recommendation, and forward the application together with the recommendations to the President through the Office of the Vice President for Academic Affairs.
3. The President or a designee shall make the final decision whether leave without pay should be granted or denied and the faculty member shall be notified in writing. THE GRANTING OF LEAVE WITHOUT PAY IS AT THE SOLE DISCRETION OF THE PRESIDENT.
4. A new application with renewed recommendations and approval shall be required for:
 - a. the extension of a leave beyond the original period; and
 - b. the award of a leave contiguous in time to a sabbatical leave or any absence from active duty exceeding twelve calendar months.

G. CONSEQUENCES OF LEAVE WITHOUT PAY

1. Tenure Track
 - a. It shall be specifically stated in the approval whether the period of leave shall be counted as service toward eligibility for tenure.
 - b. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
 - c. Leave granted for personal reasons may not be counted toward eligibility for tenure.

2. Sabbatical Leave
 - a. It shall be specifically stated, whether the period of leave shall count toward eligibility for sabbatical leave.
 - b. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
 - c. Leave granted for personal reasons may not be counted toward eligibility for sabbatical leave.

3. Other Benefit

A faculty member on leave without pay may continue to participate in retirement, health and medial protection, and other benefit programs only to the extent and under the conditions permitted by each program. Costs for participation shall be the responsibility of the faculty member. Upon being granted leave, it is the responsibility of the faculty member to contact the Human Resources Department to determine which benefits are to be continued.

H. REPORT TO THE CHANCELLOR

The President shall report to the Chancellor by May 1 of each year a summary of all of the leaves of absence without pay granted during the previous year through March 31. The report shall include the period of leave of each faculty member.

32.0 II-2.30 POLICY ON ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS

(Approved by the Board of Regents, November 30, 1989)

I. Objectives

- A. To provide an informal system of colleague-substitution for short-term incapacity of instructional faculty. This practice protects the interests of students by insuring the supply of qualified substitutes who are familiar with the disabled teacher's educational objectives, methods, and standards.
- B. To provide a regularized and equitable basis for determining the eligibility of faculty members to receive salary payments during extended periods of incapacity for reasons of illness, injury, or childbirth.
- C. To provide a regularized and equitable procedure for disability coverage by way of disability retirement, regular retirement, or disability insurance, once the limits of the extended leave period have been reached and the health prognosis is unfavorable.

II. Non-creditable Sick Leave: Collegially Supported

- A. It is the responsibility of the institution to have an agreed-upon procedure for continuing instruction when faculty members are absent for any reason, including illness, injury, or childbirth.
- B. Once instruction is underway, it is important to have it continued with minimal interruption to protect the interests of students. Thus, when a faculty member is incapacitated for brief periods by illness, injury, or childbirth, the "collegial" method of accommodating faculty disability is preferred. This is the practice whereby colleagues of the disabled faculty member-- on a voluntary basis-- take over his or her classes and other essential functions, in addition to carrying on their regular work.
- C. This provision may be employed when practicable up to a maximum of twenty-five (25) work days for each faculty member in one fiscal year. After that time, creditable sick leave shall be charged.
- D. Collegially supported sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.
- E. An eligible faculty member, appointed for at least a semester but less than an academic year, may receive no more than half of the collegial protection awarded persons who are appointed for an academic year. Faculty appointed for periods of less than one semester may not receive collegial benefits.
- F. The maximum collegially supported leave available to a faculty member during the summer is one-seventh of the contract period. This will be included as part of the faculty member's yearly limit.
- G. Collegially supported leaves for an individual faculty member in two fiscal years must be separated by active service of at least twenty-five (25) work days.

III. Creditable Sick Leave

A. Accrual

- 1. Sick leave for faculty is accrued at the rate of 1.25 work days per month at full salary. Accrual of sick leave for summer employment by academic-year faculty is determined by the institution. In no case may an individual accrue more than fifteen (15) days of sick leave during any fiscal year.
- 2. Part-time faculty members who are employed at least 50 percent time are eligible for sick leave benefits proportionate to the percentage of their employment.
- 3. Individuals eligible to earn sick leave credits will accrue such credit for each calendar month in which they are on paid status for fifteen (15) or more days within that month. No sick leave credit will be accrued for any month during which the individual is on paid status for less than fifteen days.

4. Sick leave is accrued while the individual is on sabbatical leave, but not while on leave without pay.
5. A faculty member may be required to present appropriate diagnostic or medical evidence to support his or her sick leave.
6. When all accrued sick leave has been expended, the individual will be removed from salaried status, except in unusual circumstances as approved by the President. The institution will assist the faculty member in evaluating the options of disability retirement, regular retirement, or disability insurance if the health prognosis is unfavorable.
7. If there is a break in an individual's employment with the State of Maryland of less than three years, a sick leave balance will be restored. A leave of absence without pay is considered a break in employment. Sick leave balances may be brought to the University System from another State agency.

B. Sick Leave Creditable as a Retirement Benefit

1. A maximum of 130 sick leave days could be creditable as a retirement benefit as of January 1, 1975. Since that date, there has been no limit on accumulation of sick leave. For individuals employed in former Board of Regents institutions, there may be additional sick leave in reserve which cannot be credited toward retirement.
2. A faculty member who is receiving Maryland State Retirement System benefits does not accrue sick leave creditable as a retirement benefit. Faculty members who are members of the optional retirement plan provided through TIAA do not accrue sick leave creditable as a retirement benefit subsequent to the date of enrollment in the TIAA plan. Faculty members who receive approval for exemption from positive time reporting, as described in section IV.A below, do not accrue sick leave creditable as a retirement benefit.
3. For faculty members enrolled in the Maryland State retirement and pension systems, at the time of retirement unused creditable sick leave is applied toward the individual's retirement service credit. There will be no cash payment for accumulated sick leave at the termination of employment, nor may unused sick leave be used for early retirement. In the case of an individual who resigns after at least five years of employment, and who leaves contributions with the Maryland State retirement system, any unused creditable sick leave will be "vested"-- that is, it will be credited toward retirement benefits when the employee begins to draw benefits.

IV. Reporting

- A. Each faculty member, regardless of the source of funding or retirement system in which he or she is enrolled, who is employed at least 50 percent time, must complete monthly positive time reports and sign the fiscal year summary record unless an exemption has been requested by the individual and approved by the President. When an exemption is approved, the faculty member thereby waives all claims from that date forward to credit any unused sick leave toward retirement benefits. With the approval of the President, the faculty member may revoke his or her exemption, and unused sick leave earned from the time of revocation forward will be credited toward retirement.
- B. Each institution shall establish procedures for positive time reporting by faculty. The institution shall retain monthly time reports for each individual for five years, and shall retain summary records of these reports until the individual leaves employment.

V. Accident Leave

- A. A faculty member who, in the actual performance of his or her duties, sustains an accidental personal injury that is otherwise compensable under the Maryland Worker's Compensation Law, shall be granted accident leave with full pay if, after medical examination, a physician certifies that the injury or accident disables the employee. Accident leave is available only to those who are eligible for sick leave.

- B. Accident leave shall be granted from the date of the job-related injury until a physician certifies that the individual is healed and is physically able to return to work. The period of accident leave must be supported by a valid physician's certificate. In no event may accident leave be extended beyond one year from the date the accidental personal injury occurred.
- C. Accident leave is not sick leave. An employee on accident leave status will continue to earn sick leave and annual leave credits. Holiday leave will be reported for scheduled holidays occurring during the period of accident leave.
- D. After the injured employee has used all available accident leave and does not elect to receive temporary total benefits, he or she may use other leave with pay, including sick leave, annual leave, compensatory leave, and holiday leave. If, after using all leave with pay, the individual does not elect to receive temporary total benefits, he or she may request the President to extend sick leave. After the use of all possible leave with pay, the individual shall be placed on leave of absence without pay.
- E. The injured employee shall not receive temporary total benefits under Worker's Compensation while receiving accident leave with full pay and shall not be paid any other leave benefits while on accident leave.
- F. Each institution shall establish procedures in accord with the System personnel policies and the Worker's Compensation law with regard to the: employee's notice of injury; physician's certification; responsible administrator's report; employee's claim; required medical examinations; granting of leave; and notification of the State Accident Fund.

Replacement for: BOR III-11.00, 11.02 and BOT VII-G.4

II.2.30 (A) POLICY ON ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS

(Approved by the President January 1, 1992)

I. Objectives

- A. To provide an informal system of colleague-substitution for short-term incapacity of instructional faculty. This practice protects the interests of students by insuring the supply of qualified substitutes who are familiar with the disabled teacher's educational objectives, methods, and standards.
- B. To provide a regularized and equitable basis for determining the eligibility of faculty members to receive salary payments during extended periods of incapacity for reasons of illness, injury, or childbirth.
- C. To provide a regularized and equitable procedure for disability coverage by way of disability retirement, regular retirement, or disability insurance, once the limits of the extended leave period have been reached and the health prognosis is unfavorable.

II. Non-creditable Sick Leave: Collegially Supported A. It is the responsibility of the institution to have an agreed-upon procedure for continuing instruction when faculty members are absent for any reason, including illness, injury, or childbirth.

- A. Once instruction is underway, it is important to have it continued with minimal interruption to protect the interests of students. Thus, when a faculty member is incapacitated for brief periods by illness, injury, or childbirth, the "collegial" method of accommodating faculty disability is preferred. This is the practice whereby colleagues of the disabled faculty member—on a voluntary basis—take over his or her classes and other essential functions, in addition to carrying on their regular work.
- B. This provision may be employed when practicable up to a maximum of twenty-five (25) work days for each faculty member in one fiscal year. After that time, creditable sick leave shall be charged.
- C. Collegially supported sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.
- D. An eligible faculty member, appointed for at least a semester but less than an academic year, may receive no more than half of the collegial protection awarded persons who are appointed for an academic year. Faculty appointed for periods of less than one semester may not receive collegial benefits.
- E. The maximum collegially supported leave available to a faculty member during the summer is one-seventh of the contract period. This will be included as part of the faculty member's yearly limit.
- F. Collegially supported leaves for an individual faculty member in two fiscal years must be separated by active service of at least twenty-five (25) work days.

III. Creditable Sick Leave

A. Accrual

- 1. Sick leave for faculty is accrued at the rate of 1.25 work days per month at full salary. Accrual of sick leave for summer employment by academic-year faculty is determined by the institution. In no case may an individual accrue more than fifteen (15) days of sick leave during any fiscal year.
- 2. Part-time faculty members who are employed at least 50 percent time are eligible for sick leave benefits proportionate to the percentage of their employment.
- 3. Individuals eligible to earn sick leave credits will accrue such credit for each calendar month in which they are on paid status for fifteen (15) or more days within that month. No sick leave credit will be accrued for any month during which the individual is on paid status for less than fifteen days.

4. Sick leave is accrued while the individual is on sabbatical leave, but not while on leave without pay.
5. A faculty member may be required to present appropriate diagnostic or medical evidence to support his or her sick leave.
6. When all accrued sick leave has been expended, the individual will be removed from salaried status, except in unusual circumstances as approved by the President. The institution will assist the faculty member in evaluating the options of disability retirement, regular retirement, or disability insurance if the health prognosis is unfavorable.
7. If there is a break in an individual's employment with the State of Maryland of less than three years, a sick leave balance will be restored. A leave of absence without pay is considered a break in employment. Sick leave balances may be brought to the University System from another State agency.

B. Sick Leave Creditable as a Retirement Benefit

1. A maximum of 130 sick leave days could be creditable as a retirement benefit as of January 1, 1975. Since that date, there has been no limit on accumulation of sick leave. For individuals employed in former Board of Regents institutions, there may be additional sick leave in reserve, which cannot be credited toward retirement.
2. A faculty member who is receiving Maryland State Retirement System benefits does not accrue sick leave creditable as a retirement benefit. Faculty members who are members of the optional retirement plan provided through TIAA do not accrue sick leave creditable as a retirement benefit subsequent to the date of enrollment in the TIAA plan. Faculty members who receive approval for exemption from positive time reporting, as described in section IV.A below, do not accrue sick leave creditable as a retirement benefit.
3. For faculty members enrolled in the Maryland State retirement and pension systems, at the time of retirement unused creditable sick leave is applied toward the individual's retirement service credit. There will be no cash payment for accumulated sick leave at the termination of employment, nor may unused sick leave be used for early retirement. In the case of an individual who resigns after at least five years of employment, and who leaves contributions with the Maryland State retirement system, any unused creditable sick leave will be "vested"—that is, it will be credited toward retirement benefits when the employee begins to draw benefits.

IV. Reporting

- A. Each faculty member, regardless of the source of funding or retirement system in which he or she is enrolled, who is employed at least 50 percent time, must complete monthly positive time reports and sign the fiscal year summary record unless an exemption has been requested by the individual and approved by the President. When an exemption is approved, the faculty member thereby waives all claims from that date forward to credit any unused sick leave toward retirement benefits. With the approval of the President, the faculty member may revoke his or her exemption, and unused sick leave earned from the time of revocation forward will be credited toward retirement.
- B. Each institution shall establish procedures for positive time reporting by faculty. The institution shall retain monthly time reports for each individual for five years, and shall retain summary records of these reports until the individual leaves employment.

V. Accident Leave

- A. A faculty member who, in the actual performance of his or her duties, sustains an accidental personal injury that is otherwise compensable under the Maryland Worker's Compensation Law, shall be granted accident leave with full pay if, after medical examination, a physician certifies that the injury or accident disables the employee. Accident leave is available only to those who are eligible for sick leave.
- B. Accident leave shall be granted from the date of the job-related injury until a physician certifies that the individual is healed and is physically able to return to work. The period of accident leave must be supported by a valid physician's certificate. In no event may accident leave be extended beyond one year from the date the accidental personal injury occurred.
- C. Accident leave is not sick leave. An employee on accident leave status will continue to earn sick leave and annual leave credits. Holiday leave will be reported for scheduled holidays occurring during the period of accident leave.
- D. After the injured employee has used all available accident leave and does not elect to receive temporary total benefits, he or she may use other leave with pay, including sick leave, annual leave, compensatory leave, and holiday leave. If, after using all leave with pay, the individual does not elect to receive temporary total benefits, he or she may request the President to extend sick leave. After the use of all possible leave with pay, the individual shall be placed on leave of absence without pay.
- E. The injured employee shall not receive temporary total benefits under Worker's Compensation while receiving accident leave with full pay and shall not be paid any other leave benefits while on accident leave.
- F. Each institution shall establish procedures in accord with the System personnel policies and the Worker's Compensation law with regard to the: employee's notice of injury; physician's certification; responsible administrator's report; employee's claim; required medical examinations; granting of leave; and notification of the State Accident Fund.

VII-2.30 (B) UMES PROCEDURES FOR SICK LEAVE AND POSITIVE TIME REPORTING BY FACULTY MEMBERS

I. ACCURAL OF CREDITABLE SICK LEAVE

All faculty members at UMES accrue sick leave under the guidelines set forth in Board of Regents Policy II-2.30 Section III.A. and the policies listed below.

- A. Sick leave is accrued by faculty at the rate of 1.25 work days per month at full salary.
- B. Academic year faculty teaching summer school accrue one work day per summer session at full salary.
- C. Part-time faculty members employed at least 50% time earn sick leave proportionate to their employment.
- D. Sick leave benefits are earned while faculty members are on sabbatical leave, but not while on leave without pay.
- E. A retired faculty member cannot earn creditable sick leave.
- F. Upon depletion of accrued sick leave, an individual will be removed from salaried status, except in unusual circumstances recommended by the President.
- G. There will be no compensation for creditable sick leave at the termination of employment. Creditable accumulated sick leave will be applied toward retirement service credits as provided by State law.

II. TIME REPORTING

- A. All faculty members, regardless of the source of funding or retirement system, who are employed 50 percent time or more, must complete monthly reports and sign the file record unless a waiver has been approved by the Chancellor. The form to be completed is FACULTY REPORT – FORM VII.
- B. Reports for May and June and the file record, for faculty members not employed during the summer, must be completed prior to departure from the Campus.
- C. At the end of each monthly reporting period the reports are to be submitted to the faculty member's supervisor for the review and approval. There will be only one record for each faculty member. If a faculty member has more than one supervisor, each must sign the report and record. The offices involved will determine which will keep the record. If a supervisor does not believe a report is accurate, the matter should be discussed with the faculty member. If there continues to be disagreement, the reasons should be noted, and the file forwarded to the person to whom the supervisor reports for discussion and decision.
- D. Corrections on records or files require a written explanation and documentation.
- E. Auditors require payroll documentation to be in Payroll Office. Faculty Time Forms are to be maintained in Department of Human Resources, until disposed of in accordance with the Policy on Record Retention.
- F. The number of days to be worked shall be established each fiscal year by the President. Each faculty member must show the appropriate number of days, as accounted for by work days (Code D on Form VII) or authorized paid leave.

G. Work Day-Code (D) Defined

- A day during which faculty member has spent a substantial part of the day performing required duties.
- Consulting, if within UMES Guidelines, may be recorded as a Code D.
- A Saturday or Sunday may be reported as a workday, to offset by a weekend (Code X) on a weekday.
- A faculty member must meet the contractual requirement by working at least the minimum required work days. Excess work days may be recorded, but faculty members cannot be compensated for excess work days.
- Work day totals will be computed on a contract-year basis.
- A religious holiday observed by a faculty member should be entered as a Code X, and offset by a Code D on another day.

III. TIME-KEEPING RECORDS FOR ACADEMIC ADMINISTRATORS

Faculty Administering Academic Programs shall use the Academic Administrator/Associate Staff Time Keeping Record for maintaining a time keeping record.

A. The following titles are considered to be Academic Administrators:

1. President
2. Vice President
3. Director reporting to the President
4. Division Chairperson
5. Assistant to the President
6. Assistant to the Vice President
7. Assistant Vice President
8. Dean
9. Associate Dean
10. Assistant Dean
11. Academic Department Chairperson or Director

B. Each Academic Administrator who is eligible to earn leave must complete the Academic Administrator/Associate Staff Time Keeping Record on a biweekly basis. The form should be submitted to the person to whom the Academic Administrator reports for approval and transmission to the Payroll Office.

C. The forms are maintained in the Department of Human Resources until disposed of in accordance with the Policy on Record Retention.

IV. EXEMPTION TO POSITIVE TIME-KEEPING RECORDS

A faculty member may request an exemption to positive time-keeping records. The request must be in writing, to the President, and contain the reason for the request. If the request is approved, the faculty member waives all claims, from that day forward, to credit any unused sick leave toward retirement benefits. With the approval of the President, the waiver may be revoked and unused sick leave credited toward retirement from that time forward.

II-2.30 (C) - UMES POLICIES AND PROCEDURES CONCERNING ACCIDENT LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

I. POLICY

UMES follows the Board of Regents Policy II-2.30 and state law concerning compensation for injuries sustained by faculty in performance of their duties. Employees should follow the procedures outlined below to ensure compensation. Accident Leave shall not be available for faculty until Collegial Leave, where applicable, has been exhausted.

II. DEFINITIONS

- A. Worker's Insurance Fund. A State-run insurance agency which covers claims for work related illness and agency which covers claims for work related illness and injury.
- B. Worker's Compensation Commission. A State arbitration board whose function is to ensure that workers are treated fairly in the event of job related injury or illness.
- C. Accident Leave. Leave with pay granted to employees who have been appointed on a permanent basis, who suffer job-related illness or injury while in the actual performance of their duties, and who are otherwise eligible for leave.

III. PROCEDURES

- A. All accidents or injuries sustained on the job should be reported immediately to the individual's supervisor.
- B. The supervisor is responsible for completing the "FIRST REPORT OF INJURY" form which must be forwarded to the Director of Human Resources. This is necessary to receive compensation.
- C. First aid may be sought through the Charles R. Drew Health Center. Follow-up treatment should be sought through a private physician.
- D. The Office of Human Resources, in conjunction with the employees department, makes the initial determination of the applicability of accident leave, and will notify the Worker's Insurance Fund with the filing of the "FIRST REPORT OF INJURY" form. The Worker's Insurance Fund will review the award of accident leave. The Worker's Insurance Fund will review the award of accident leave. The final decision will be made within 30 days of receipt of the "FIRST REPORT OF INJURY."
- E. An employee who is denied accident leave may appeal the decision to the Workers Compensation Commission.
- F. Continued medical documentation of inability to work must be provided to the department by any employee granted accident leave, in the form of an Injury/Illness Certificate, completed by the attending physician. The first Certificate should be presented within three days of the injury. Subsequent certification may be requested by the department every two weeks thereafter, unless waived by the department.
- G. Leave without pay shall be given for any periods for which a certificate is not provided when requested.
- H. The Director of Human Resources may require that the medical certificate include a diagnosis and/or a prognosis of the disability. UMES reserves the right to require a physical examination by a University-named physician.
- I. If the employee refuses the UMES examination, accident leave may be terminated.
- J. If, after all available accident leave has been used, the employee does not choose to receive temporary total benefits, other forms of leave with pay may be used. After all possible leave with pay has been used, the employee shall be placed on leave without pay.

- K. A request for Extension Leave or Advanced Leave may be made in writing to the Director of Human Resources in accordance with the policies governing Extended Leave and Advanced Leave.

II-2.30(D) UMES POLICY AND PROCEDURES CONCERNING ADOPTION LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

I. POLICY

All University of Maryland System employees who are eligible to earn sick leave may use earned sick leave up to a maximum of thirty (30) days as adoption leave subject to the following provisions:

- A. Adoption leave is available only in cases of formal adoption; it is not available in any other case including but not limited to legal guardianship or foster care.
- B. Approved adoption leave shall commence on the actual date of custody of the child without regard to the date of legal adoption.
- C. Adoption leave may be authorized only for employees with primary responsibility for the care of the adoptee. In the event that both adoptive parents are State employees, adoptive leave shall be available to only one parent.
- D. As adoption is a planned event, employees planning to request adoption leave must advise their department heads in advance to minimize the effect of the absence.
- E. An employee shall be permitted one period of adoption leave for each instance of adoption. The adoption of more than one individual at any given time shall be treated as a single instance of adoption.

II. PROCEDURES

A. Request for Leave

- 1. A request for adoption leave must be in writing to the department head and include:
 - anticipated beginning and ending dates;
 - a statement that the employee has primary responsibility for the care of the adoptee; and
 - documentation of the adoption.
- 2. The department head shall recommend approval or disapproval of the request.
- 3. The request is forwarded to the Vice President for Academic Affairs for recommendation to the President. The decision of the President shall be final.

37.0 II-2.31 - POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY

(Approved by the Board of Regents, October 6, 1995)

I. PURPOSE AND APPLICABILITY

The purpose of this policy is to implement the Family and Medical Leave Act of 1993 (FMLA), P.L. 103-3. This policy applies to all eligible faculty of the University of Maryland System (UMS) who are covered by the provisions of UMS BOR Policy II - 1.00 on Appointment, Rank, and Tenure of Faculty. Under certain circumstances it is the policy of the UMS to provide a faculty member with up to a maximum of twelve (12) weeks of unpaid leave during a twelve (12) month period for certain family and certain serious health condition reasons.

II. TERMS AND DEFINITIONS:

The following terms and definitions shall apply for purposes of this policy:

- A. Accrued Leave: Earned and unused annual, holiday, sick, and personal leave.
- B. Alternative Position: A position to which a faculty member may be temporarily reassigned during a period of intermittent F&M leave and/or reduced schedule. The alternative position shall have the same benefits and pay as the position from which the faculty member was reassigned.
- C. Care: "to take care of" or "to care for". The term care is intended to be read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.
- D. Child: A person who is the son or daughter of a faculty member and who is under eighteen (18) years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability during the period of the serious illness. The son(s) and/or daughter(s) may be the biological, adopted, step or foster child(ren) of the faculty member. A child is also someone who is the legal ward of the faculty member or someone for whom the faculty member has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing in loco parentis.
- E. Faculty Member: An employee who is covered under the provisions of USM BOR Policy II - 1.00 on appointment, rank, and tenure of faculty and (1) whose date of hire is 12 months prior to the date of the requested leave, and (2) whose employment during the twelve months preceding the leave request was at least 50 percent or greater of full-time under a 9.5 month or longer contract, or who has been employed for at least twelve months (which need not be consecutive) and has worked at least 1,040 hours during the twelve months preceding the leave request.
- F. Equivalent Position: A position at the institution to which a faculty member shall be restored upon the completion of the F&M leave. The equivalent position shall have the same benefits, pay, and other terms and conditions of employment as the position from which the faculty member took leave.
- G. Health Care Providers: Are doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioners and nurse midwives, as authorized to practice by the State of Maryland; and Christian Science Practitioners listed with the First Church of Christ Scientist in Boston.
- H. Immediate Family Member: Is the faculty member's parent(s), spouse, or child(ren), or legal wards.
- I. In Loco Parentis: "In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any eligible faculty member claiming an in loco parentis relationship with a child, or any eligible faculty member claiming to be the child of an in loco parentis relationship may be requested to provide documentation of such relationship.
- J. Institution: Is the employing USM institution -- the USM institution from which the faculty member is taking leave.
- K. Parent: Is the faculty member's biological, adoptive, step or foster mother or father, or someone who stood in loco parentis to the faculty member when the faculty member was a child.

- L. Restoration: As used within the FMLA and used within this policy, restoration is an institutional guarantee that at the conclusion of the F&M leave the faculty member will be returned either to the same position from which he/she took leave, or to an equivalent faculty position.
- M. Serious Health Condition: Is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or home care, or continuing treatment by a health care provider. A serious health condition is also intended to cover conditions or illnesses that affect the faculty member's health or the health of the faculty member's immediate family to the extent that the family member is in the hospital or other health care facility or at home and unable to care for his/her own basic hygienic or nutritional needs or safety such that the faculty member must be absent from work on a regular and recurring basis for more than a few days for treatment or recovery. With respect to the faculty member, a serious health condition means that the faculty member must be incapacitated from performing the essential functions of his/her position.

Examples of serious health conditions applicable to the faculty member or the faculty member's immediate family member include, but are not limited to: heart conditions requiring heart bypass or valve operations; most types of cancer; back conditions requiring extensive therapy or surgical procedures; severe respiratory conditions; appendicitis; emphysema; spinal injuries; pneumonia; severe arthritis; severe nervous disorders; injuries caused by serious accidents; ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth. Additional examples are a faculty member or immediate family member whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or clinical depression, who is recovering from major surgery, or who is in the final stages of a terminal illness.

- N. Spouse: The person to whom the faculty member is legally married -- a husband or a wife.

III. REASONS FOR LEAVE:

- A. A faculty member is entitled to take F&M leave for the following reasons:
 - the birth of the faculty member's child,
 - the placement of a child with the faculty member for adoption or foster care,
 - the need to take care of the faculty member's child within a twelve (12) month period from birth or placement,
 - the need to take care of the faculty member's immediate family member who has a serious health condition, and
 - the serious health condition of the faculty member.
- B. F&M leave is not intended to cover minor illnesses that last only a few days and short term medical and/or surgical procedures that typically do not involve hospitalization and require only a brief recovery period such as these that are normally handled through non- creditable and earned sick leave (see USM BOR II - 2.30).
- C. Additionally, requests for leave to take care of the employee's school-age child under the age of fourteen (14) during school vacations may be granted to the extent that the leave does not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit.

IV. F&M LEAVE ENTITLEMENT:

- A. A faculty member is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave within a calendar year. F&M leave can be taken continuously or, under certain circumstances, on a reduced F&M leave schedule, or intermittently over the course of a calendar year. F&M leave entitlement shall not be carried over from calendar year to calendar year.
- B. The actual F&M leave entitlement shall be integrated with the amount of other leave taken for F&M-related reasons during the calendar year within which the F&M leave is to begin.
- C. A faculty member who regularly works full time is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave per calendar year. A faculty member who works less than full time is entitled to a pro rata share of the twelve (12) week/sixty (60) day maximum.
- D. The spouse of a faculty member employed by the UMS shall be entitled to a separate, individual, maximum family and medical leave eligibility amount. The amount of leave for which one spouse may be eligible, or the amount of leave used by one spouse shall not limit or enhance the leave amount or the leave usage of the other spouse. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum for reasons of a serious health condition of the faculty member and for the serious health condition of the faculty member's immediate family members. Requests for simultaneous F&M leave by spouses employed by the same institutional unit may be granted for reasons of childbirth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child, to the extent that simultaneous leaves do not substantially disrupt the academic program or unit of which the faculty members are a part.

V. INTEGRATION OF OTHER LEAVE TAKEN WITH F&M LEAVE ENTITLEMENT:

Actual F&M leave entitlement shall be based on the faculty member's use of other leave during the calendar year within which the F&M leave begins. The faculty member's use of the following types of leave shall be deducted from the actual F&M leave entitlement:

- Any prior F&M leave taken within the applicable year, including accrued paid leave and non-creditable leave substituted for F&M leave
- Accident leave used within the applicable year
- Any type of unpaid leave for reasons related to family and medical circumstances taken within the applicable year.

VI. COMPENSATION DURING LEAVE:

F&M leave is an unpaid leave. However, based upon either the election of the faculty member or the requirement of the Chief Executive Officer or designee and in accordance with USM's and the institution's existing leave procedures, accrued paid leave and non-creditable leave used for purposes that qualify under FMLA shall be substituted for all or any part of the F&M leave.

VII. STATUS OF BENEFITS WHILE ON FAMILY AND MEDICAL LEAVE:

- A. A faculty member who is granted an approved F&M leave under this policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the F&M leave.
- B. A faculty member on F&M leave for reasons noted in Section III. A. may elect to continue employer-subsidized health care benefits during the period of leave. The Chief Executive Officer or designee shall provide advance written notice to the faculty member of the terms and conditions under which premium payments are to be made by the faculty member. The subsidy shall cease if a faculty member gives notice that he/she no longer wishes to return to work. The institution shall recover its share of health premiums during unpaid F&M leave if the faculty member fails to return to work, or returns to work but fails to stay thirty (30) calendar days, unless the reason for not returning or staying is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the faculty member's control.
- C. Except as noted in Section X, Job Protection, upon return from leave a faculty member shall be restored with all the rights, benefits and privileges enjoyed prior to the leave.

- D. While on any unpaid portion of a F&M leave, a faculty member shall not earn or accrue any additional leave.
- E. A faculty member may elect to purchase service credit at the time of retirement for prior leaves without pay that are qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, a faculty member shall follow the institution procedure to assure that this option may be exercised.

VIII. NOTICE OF F&M LEAVE:

Regardless of the reason for the F&M leave a faculty member shall give at least thirty (30) calendar days notice and provide the appropriate medical certification or legal certification of adoption or foster child placement, before taking a F&M leave. When the need for leave is not foreseeable, a faculty member shall give notice as soon as practicable but no less than two (2) working days of learning of the need for leave. If this is not possible due to a medical emergency, then the faculty member or the faculty member's designee shall give written notice and provide the appropriate certification as soon as practicable.

IX. JOB PROTECTION:

- A. A tenure-track faculty member whose leave under the sick leave or FMLA leave policies totals at least one semester or six continuous months may request through his or her department chair or appropriate appointing authority that the mandatory tenure review be postponed. The request shall be forwarded through the faculty member's dean, for recommendation, to the chief academic officer of the institution for decision.
- B. Except as provided in IX. C., D., and E., and F., a faculty member returning to work at the conclusion of a F&M leave shall be restored to his/her former position with the pay, benefits and terms and conditions of employment that he/she enjoyed immediately prior to the F&M leave.
- C. A faculty member is not entitled to restoration if the Chief Executive Officer or designee determines that the faculty member had been hired for a specific term or only to perform work on a specific project defined in writing and the term or project is over and the institution would not otherwise have continued to employ the faculty member.
- D. If at any point prior to or during the F&M leave the Chief Executive Officer or designee determines that the faculty member's former position cannot be held available for the duration of the leave, the Chief Executive Officer or designee, at the conclusion of the leave, shall restore the faculty member to an equivalent position.

If the determination of an inability to hold the former position occurs after the F&M leave begins, the Chief Executive Officer or designee shall immediately notify the faculty member in writing of details associated with the decision and the details of the equivalent position to which the employee will be restored. The faculty member shall have the right to return within fifteen (15) working days from receipt of such notice to keep his/her former position.

- E. If there are reductions in the work force while the faculty member is on F&M leave and he/she would have lost his/her position under the institution's retrenchment policy(ies) had he/she not been on leave, there is no obligation to restore the faculty member to his/her former or equivalent position.
- F. A faculty member shall be restored consistent with current, applicable, appropriate pay, benefits and other terms and conditions of employment.

X. MEDICAL CERTIFICATION:

- A. For leaves related to serious health conditions and to childbirth, the faculty member shall provide medical certification(s) from the faculty member's or family member's health care provider.

The faculty member shall have fifteen (15) calendar days to obtain the medical certification unless not practicable to do so despite the faculty member's diligent good faith efforts. Such certification shall include but not be limited to:

- a statement of medical facts meeting the criteria for "serious health condition,"
 - date condition commenced,
 - regimen of treatment to be prescribed,
 - the duration of absence from work,
 - In the case of the faculty member's serious health condition,
 - certification that the faculty member is unable to perform the essential functions of his/her position and prognosis of the faculty member's ability to return to his/her position,
 - In the case of the faculty member's need to care for a seriously ill family member, certification of the necessity for and duration of the faculty member's presence; of the requirements of inpatient care; and of assistance for basic needs, safety and transportation,
 - title and original signature of an accredited, licensed or certified medical provider.
- B. The Chief Executive Officer or designee may require a second medical opinion at the institution's expense. In the case of conflicting opinions, the opinion of a third health care provider, agreed upon by both faculty member and the Chief Executive Officer or designee and obtained at the institution's expense, shall be final. The second and third opinions shall not be provided by individuals who are employed on a regular basis by the institution.
- C. The Chief Executive Officer or designee may require reasonable recertification as the F&M leave continues, and may require a faculty member to provide periodic progress reports as to the serious health condition for which he/she is taking leave and the faculty member's ability to return to work at the end of the leave. Recertification shall not be requested more often than every thirty (30) calendar days unless the faculty member requests an extension of F&M leave, changed circumstances occur during the illness or injury, or the institution receives information that casts doubt upon the continuing validity of the most recent certification.
- D. Consistent with FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the faculty member official institutional personnel file.

XI. INTERMITTENT OR REDUCED LEAVE:

- A. In the case of a documented medical necessity, a faculty member shall be entitled to intermittent leave and/or a reduced schedule that reduces regular hours per workday or workweek for purposes of the faculty member's or the immediate family member's serious health condition. The faculty member shall attempt to schedule intermittent leave or leave on a reduced schedule so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. A faculty member may be granted leave that reduces regular hours per workday or workweek for reasons of childbirth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child to the extent that the intermittent or reduced leave does not represent an undue hardship on the academic program or unit of which the faculty member is a part.
- C. The Chief Executive Officer or designee may temporarily reassign a faculty member on intermittent or reduced F&M leave to an alternative position that better accommodates reduced or intermittent periods of leave.

XII. SCHEDULING OF TREATMENT IN INSTANCES OF SERIOUS HEALTH CONDITIONS:

- A. In instances of the serious health condition of a family member or of the faculty member himself or herself, and in keeping with the requirements of the appropriate health care provider, the faculty member shall make reasonable efforts to schedule any medical treatments so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. During the course of the treatment and as the Chief Executive Officer or designee deem appropriate, the faculty member may be requested to provide certification from the appropriate health care provider of the unavailability of treatment during non-work time, or at times that are less disruptive to the academic program or unit of which the faculty member is a part.

XIII. PROVIDING INFORMATION ABOUT F&M LEAVE:

Regardless of the reason for the leave, a faculty member shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from a F&M leave.

XIV. EARLY RETURN FROM LEAVE:

A faculty member interested in returning to work from a F&M leave prior to the agreed upon end of the leave date shall provide the Chief Executive Officer or designee with a written request at least seven (7) calendar days prior to the date on which the faculty member is interested in returning. The Chief Executive Officer or designee shall make a good faith effort to restore the faculty member to his/her former or an equivalent position as soon as possible but no later than thirty (30) calendar days after receipt of the request.

XV. EXTENSIONS OF LEAVE:

A faculty member may extend the date of return from a F&M leave to the extent that they have F&M leave entitlement available. A request for an extension of F&M leave shall be considered under this policy as if it was an initial request.

XVI. FAILURE TO RETURN FROM LEAVE:

- A. A faculty member who will not be returning to the institution at the conclusion of a leave shall so notify the Chief Executive Officer or designee in writing as soon as practicable. The Chief Executive Officer or designee may request certification of reasons for the faculty member's failure to return to work. In the absence of written notification, failure to return from leave shall be interpreted as a resignation.
- B. If applicable, any benefit entitlement based upon length of service shall be calculated as of the faculty member's last paid day.
- C. Employer costs of any payments made to maintain the faculty member's benefit coverage when on unpaid F&M leave shall be recovered if a faculty member fails to return to work as described in Section VII.B.

XVII. ABUSE OF F&M LEAVE:

The Chief Executive Officer or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the F&M leave program. Cases of bad faith, falsification of documents, or fraudulent information related to the F&M leave provided to the institution, or other abuses of the F&M leave program, may result in but are not limited to: revocation of the leave, refusal to restore, recovery of institutional costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

XVIII. IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s), if appropriate, for this policy; shall develop procedures as necessary, for the posting, record-keeping and implementation of this policy; shall communicate this policy and applicable procedures to faculty members of his/her UMS institution; and shall forward a copy of such designations and implementation procedures to the Chancellor.

II-2.40 POLICY ON ANNUAL LEAVE FOR FACULTY

(Approved by the Board of Regents, January 11, 1990; Amended by the Board of Regents, December 9, 1994; Amended by the Board of Regents, February 9, 2001)

With modifications recommended by the Committee on Education Policy, 1/16/01

I. FACULTY WITH CONTRACTS OF LESS THAN TWELVE MONTHS

- A. A faculty member serving on an academic-year contract of less than ten months is not entitled to paid annual leave.
- B. A full-time faculty member serving on a ten-month academic-year contract is entitled to fifteen calendar days of paid annual leave which shall be the last fifteen days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.
- C. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a ten-month academic-year contract is entitled to annual leave on a pro-rata basis. Such leave shall be taken as the final days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.

II. FACULTY WITH TWELVE-MONTH (FISCAL-YEAR) CONTRACTS

- A. A full-time faculty member serving on a fiscal-year contract shall earn twenty-two (22) days of paid annual leave and three (3) days of paid personal leave per calendar year. Beginning with the twenty-first year of employment, a full-time faculty member serving on a fiscal-year contract shall earn twenty-five (25) days of paid annual leave and three (3) days of paid personal leave per calendar year.
- B. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a fiscal-year contract shall earn, use, accrue, and be eligible for payment of annual and personal leave, on a pro-rata basis, on the same terms available to full-time fiscal-year faculty members.
- C. The time taken as paid annual leave shall have the concurrence of the supervisor.
- D. Annual leave may be accumulated, but only a maximum of fifty (50) work days may be carried forward into a new calendar year.
- E. At the end of each calendar year, a supervisor may, through appropriate channels, recommend to the institution's Chief Executive Officer or designee that a fiscal-year faculty member be paid for days of annual leave lost because of the denial of an annual-leave request. The supervisor's recommendation for payment for lost annual leave shall be accompanied by a written explanation of why the lost annual leave was not taken at another time during the calendar year. Payment is at the discretion of the chief executive officer or designee. It is also limited to unused annual leave that is in excess of the maximum accumulation and that is lost by the employee at the end of the calendar year.
- F. A fiscal-year faculty member transferring from one University System of Maryland institution to another shall be entitled to carry into the new position all unused annual leave accumulated at the time of transfer. Fiscal-year faculty members leaving the University System of Maryland to take another State position who are not entitled to transfer accumulated leave and fiscal-year faculty members leaving State service shall be compensated for all unused annual leave accumulated up to the date of resignation.
- G. Unused paid personal leave days may not be carried forward into the next calendar year and are not eligible for compensation upon termination.

III. EXCEPTION FOR FISCAL-YEAR FACULTY FUNDED BY GRANTS AND CONTRACTS

For fiscal-year faculty members who are paid in whole or in part from contracts or grants, constituent institutions may limit the number of days of unused annual leave for which such employees may be paid upon leaving employment in the System. Any such limit shall be made a part of the employee's written employment contract.

IV. IMPLEMENTATION PROCEDURES

- A. Each Chief Executive Officer or his/her designee shall develop procedures as necessary to implement this policy and shall forward a copy to the Chancellor.
- B. Beginning in Spring, 2002, and continuing for three years, the Chancellor shall report annually to the Board of Regents, through its Committee on Education Policy, on the total cost of approved compensation for denied annual leave to faculty and exempt staff in the USM, by institution and employee category.

39.0 II-2.50 - POLICY ON JURY SERVICE FOR FACULTY MEMBERS

(Approved by the Board of Regents, May 7, 1993)

The purpose of this policy is to establish for faculty members at USM institutions a leave category called Jury Service which permits absence from duty without loss of any pay or charge to personal or accrued annual leave.

A faculty member who is selected for jury duty shall notify the appropriate academic administrator of this selection without delay. The faculty member shall be permitted to be absent without loss of pay or charge to any leave for the day(s) of jury service. Upon request, the employee shall be responsible for providing documentation which verifies attendance. If, after reporting for jury duty, it is determined that the individual's services are not required and the individual is dismissed for the day, then the individual, time permitting, is required to return to the job.

226.0 VII-7.45- POLICY ON SICK LEAVE

(Approved by the Board of Regents December 5, 1997)

I. Purpose and Applicability

This policy governs the accrual and use of sick leave, and applies to all regular Nonexempt and Exempt employees of the University System of Maryland.

II. General

- A. Sick leave is paid leave granted to employees in an effort to provide some protection against the loss of earnings due to absences for health and allied reasons.
- B. A full-time employee shall earn sick leave at the rate of 15 workdays per year. Employees who are appointed at least 50% time shall earn sick leave on a pro rata basis. Sick leave is accumulated and carried forward from year to year without limit.
- C. An employee may use on a continuous basis earned leave (sick, annual and personal leave), advanced sick leave, extended sick leave, leave granted through the leave reserve fund, or unpaid family medical leave, as needed for personal illness.
- D. An employee may request that his/her illness, injury, or disability occurring during a period of annual or personal leave be charged to sick leave. Verification of such illness, injury, or disability may be required by the Chief Executive Officer or designee as provided in Section IV. of this Policy.
- E. Sick leave shall be granted by the Chief Executive Officer or designee when an employee is absent because of:
 - 1. Illness, injury, or disability of the employee.
 - 2. A pre-scheduled and approved, or emergency medical appointment, examination, or treatment for the employee with an accredited, licensed or certified medical provider listed in Section IV.C. of this Policy that cannot be scheduled during non-work hours.
 - 3. Illness or injury in the employee's immediate family and medical appointments, examinations or treatments for the immediate family member with an accredited, licensed or certified medical provider listed in Section IV.C. of this Policy that cannot be scheduled during non-work hours.
 - a) Immediate family as used in this section of the policy shall mean a spouse, child, step-child, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law, or legal dependent of the employee irrespective of residence. Use of sick leave shall also be granted to care for any other relative who permanently resides in the employee's household for whom the employee has an obligation to provide care. The Chief Executive Officer or designee may require an employee to provide certification by a medical provider listed in Section IV.C. of this policy to demonstrate this obligation or to authenticate the need for the employee to care for the ill family member.
 - b) Up to fifteen (15) days of accrued sick leave shall be granted by the Chief Executive Officer or designee during any one (1) calendar year for medical care of a family member.

4. Death of a relative
 - a) For the death of a close relative, the Chief Executive Officer or designee shall grant the use of up to three (3) days of accrued sick leave. If the death of a close relative requires an employee to travel requiring staying away from home overnight, upon request the Chief Executive Officer or designee shall grant the use of up to a maximum of five (5) days of accrued sick leave for this purpose.
 - b) Close relative as used in this section of this policy shall mean a spouse, child, step-child, mother, father (or someone who took the place of a parent), mother-in-law, father-in-law, grandparent of the employee or spouse, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the employee's household.
 - c) The Chief Executive Officer or designee shall grant the use of up to a maximum of one (1) day of sick leave for reasons related to the death of the employee's or his/her spouse's aunt, uncle, niece, nephew.
 5. Pregnancy-related disabilities, childbirth, and immediate recovery there from
 - a) A female employee may request the use of accrued sick leave for any period of time related to temporary disability during pregnancy or related to childbirth and immediate physical recovery there from.
 - b) A female employee planning to request the use of sick leave for the purposes listed in this subsection shall be governed by the provisions of this policy.
 - c) The employee shall keep the Chief Executive Officer or designee informed of any changes to her condition which affect the length of time that she will need to be away from work.
 6. Birth of a child or placement of a child with the employee for adoption
 - a) Up to a maximum of 30 days of accrued sick leave may be used to care for a child immediately following the birth of a child or placement of the child with the employee for adoption.

In the case of an adopted child, sick leave is only available in connection with a formal adoption and shall be granted only if the employee making the request is the person having primary responsibility for furnishing the care and nurture of the adoptee. In the event that both parents are USM employees, sick leave to care for the child, as provided under this section, is available to only one parent.
 - b) The Chief Executive Officer or designee shall grant the employee's request if the employee has furnished satisfactory documentation of the birth of the employee's child or an agreement of placement for adoption.
- F. An employee who returns to regular USM service within two years of separation shall have the unused sick leave earned during the prior service restored, provided the employee returns to a position eligible to earn sick leave.

III. Directed Use of Sick Leave/Medical Examinations

- A. The Chief Executive Officer or designee, in accordance with the institution's policy on Family and Medical Leave, may direct an employee to use accrued sick leave if he/she determines that an employee is unable to perform the responsibilities of his/her position due to illness, injury or disability.
- B. While in either active work status or on any type of employee-related sick leave, an employee may be required to undergo a medical examination(s) and evaluation(s), and may be required to provide verification of fitness for duty, as directed by the Chief Executive Officer or designee to ascertain whether the employee is able to regularly and routinely perform the responsibilities of his/her position.
 1. If the examination is conducted by a physician selected by the USM institution, the institution shall bear the costs of such medical examination. The employee may, however, see his/her own physician at the employee's own cost.
 2. If the examination(s) reveal that an employee is unable to regularly and routinely perform the responsibilities of his/her position, action may be taken by the Chief Executive Officer or designee in accordance with policies on voluntary separation, termination, reasonable accommodation, modified duty or disability retirement, if applicable.
 3. In cases where there is a conflict between the evaluation, prognosis, diagnosis or recommendation of the employee's personal health care provider and the physician selected by the USM institution, the Chief Executive Officer or designee may choose which health care provider's report to follow; or may require subsequent medical examinations and evaluations in deciding what steps should be taken regarding the employee's sick leave status or continued employment. If subsequent medical examinations and evaluations are required, the expense of such shall be borne by the USM institution. The decision of the CEO or designee is final.

IV. Verification of Absences Charged to Sick Leave

- A. In order to assure medical attention for an employee or to prevent the abuse of sick leave usage, the Chief Executive Officer or designee may require an employee to submit verification of the use of accrued sick leave, advanced or extended sick leave.
- B. Verification may include but may not be limited to:
 1. A written statement from the medical provider (as listed in Section IV.C. of this Policy) indicating that the employee is required to be absent from work due to illness;
 2. The duration of absence from work;
 3. Prognosis of employee's ability to return to work;
 4. Title and original signature of an accredited, licensed or certified medical provider; and
 5. Any other information necessary to verify that the employee's use of sick leave is in accordance with this Policy;
- C. Medical verification as outlined in this Policy may be obtained by an accredited Christian Sciences practitioner, or by the appropriate of any of the following licensed or certified medical providers:
 1. Physician;
 2. Physical Therapist;
 3. Clinical Psychologist;
 4. Dentist;
 5. Oral Surgeon;
 6. Chiropractor;
 7. Podiatrist;
 8. Certified Nurse Practitioner;
 9. Certified Nurse-Midwife; or
 10. Licensed Certified Social Worker-Clinical

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V. Advanced Sick Leave

- A. An employee who sustains a temporary, recoverable illness, injury or serious disability may request advance use of sick leave subject to the following four conditions:

The employee shall:

1. have completed six months of continuous USM service;
 2. have completed an original probation period, if applicable;
 3. have exhausted all other types of accrued leave; and
 4. have a satisfactory record of sick leave usage and work performance.
- B. Advanced sick leave is not an entitlement. The granting of requests for advanced sick leave shall be at the discretion of the Chief Executive Officer or designee.
- C. Advanced sick leave shall not be granted in instances where the illness or injury or disability occurred on the job, and the employee has been granted accident leave or temporary total disability benefits by the Workers' Compensation Commission.
- D. Written requests for advanced sick leave shall be submitted to the Chief Executive Officer or designee and shall be supported by written verification by an accredited, licensed, or certified medical provider as outlined in Sections IV.B. and IV.C. of this Policy.
- E. Sick leave may be advanced at the rate of fifteen (15) working days per year of service to a maximum of sixty (60) working days in any one calendar year.
- F. The use of advanced sick leave constitutes a debt for which payment shall be enforceable upon the employee's return to work or upon the employee's separation from employment, whichever is earlier. Upon return to work the minimum rate of payback for advanced sick leave shall be at one-half the rate that sick leave and annual leave is earned. An employee may elect to pay back advanced sick leave by applying any earned leave or by reimbursing the USM with cash.
- G. Annual, sick and holiday leave earned, and personal leave credited while on advanced sick leave shall be applied as earned/credited.
- H. Additional requests for advanced sick leave will not be granted until all previously granted advanced sick leave has been repaid. The only exception to this provision is in cases where the maximum amount of advanced sick leave had not been requested originally and additional advanced sick leave, consecutive to that already granted, is needed to cover the employee's continued absence arising from the original illness, injury or disability.
- I. The CEO or designee may refer an employee who is on advanced sick leave as follows:
1. The employee may be referred to an USM institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.
 2. If there is a conflict between the employee's physician and the USM institution-named physician, the provisions of Section III.B.3. shall apply.
- VI. Extended Sick Leave
- A. An employee who sustains a temporary, recoverable illness, injury or serious disability may request extended sick leave, subject to the three following conditions:

The employee shall:

1. have been in USM and/or State service for at least five years;
 2. have exhausted all types of accrued leave and advanced sick leave; and
 3. have a satisfactory record of sick leave usage and work performance.
- B. Extended sick leave is not an entitlement. The granting of requests for extended sick leave shall be at the discretion of the Chief Executive Officer or designee.
- C. The maximum cumulative total of extended sick leave available to an employee while in USM or State service is 12 work months (52 work weeks).
- D. Annual, sick and holiday leave earned, and personal leave credited while on extended sick leave shall be applied as earned/credited.
- E. Written requests for extended leave shall be submitted to the Chief Executive Officer or designee and shall be supported by written verification by an accredited, licensed or certified medical provider as outlined in Sections IV.B. and IV.C. of this Policy.
- F. The CEO or designee may refer an employee who is on extended sick leave as follows:
1. The employee may be referred to an institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.
 2. If there is a conflict between the employee's physician and the institution-named physician, the provisions of Section III.B.3. shall apply.

VII. Other

For other related policies, please see Policy on Leave without Pay, Policy on Leave Reserve Fund, Policy on Family and Medical Leave, and Policy on Accident Leave.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures to the Chancellor.

Replacement for: UM-BOR III - 11.00, Sick Leave Policy for Full-Time Faculty Members and for Administrators of Academic Programs. (Note: UMS II - 2.30 approved by BOR to cover faculty only.)

UM-BOR III - 11.01, Guidelines for Adoption Leave.

UM Personnel Policies and Rules for Classified Employees, Section VI, Leave with Pay, Sick Leave, page VI-4 - VI-10; Leave for Childbirth and Related Disabilities, pages VI-10 - VI-11; Adoption Leave, page VI-11.

UM Personnel Policies and Rules for Associate Staff, Section I, Leave with Pay, 1. Sick Leave, subsections a.-g., pages 19-22; 4. Leave for Death in Employee's Immediate Family, page 26; and Section K, Leave for Childbirth Related Disabilities, page 30.

(Approved by the Board of Regents, April 26, 1990)

It is the policy of the University of Maryland System that appointment and promotion of faculty be based on the qualifications and performance of the person(s) under consideration.

In keeping with this policy, members of the same family, including husband and wife, are eligible for employment as faculty members. However, a direct supervisory relationship shall not exist between the parties in these instances at the time of employment or thereafter, nor shall one member of the family assume for the other the formal role of advocate or judge with respect to conditions of employment, promotion, or tenure. Where members of the same family are recommended for employment in the same department or unit, the arrangement shall be approved in advance and in writing by the President or the President's designee.

Partial replacement for: BOR III-17.00

VII-2.00(A) - UMES POLICY FOR EMPLOYEE PHYSICAL EXAMINATIONS

(Approved by the President January 1, 1992)

I. POLICY

A physical examination may be required before the start of employment or, at the latest, prior to the end of the applicable probationary period, for any newly hired employee. A pre-placement examination is to measure the medical fitness of individuals to perform their duties without hazard to themselves or others, and to establish a record of the condition of the individual at the time of hiring. The examination shall be at the expense of the employee.

UMES also reserves the right to require a physical examination of any employee at any time during the course of employment to determine the medical fitness of individuals to continue in the performance of their duties without hazard to themselves or others. These examinations shall be at the expense of UMES.

VII-2.00(B) - UMES POLICY FOR MEDICAL CARE FOR STAFF AND FACULTY

(Approved by the President January 1, 1992)

I. POLICY

- A. Employees may be referred for treatment to the Campus Health Center with work-related injuries or illnesses, but are seen only on an emergency basis. It is expected that they will then be referred to their personal physicians.
- B. Employees who are ill but whose symptoms cannot be related to their occupational activities are seen in the Campus Health Center on an emergency basis only. Required follow-up treatment will be with the employee's personal physician.
- C. Job-related injuries which are covered under Worker's Compensation are handled according to the policy set forth in relation to Accident Leave.

VII - 4.10 - POLICY ON TUITION REMISSION FOR REGULAR AND RETIRED FACULTY AND STAFF EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND

(Approved by the Board of Regents on January 11, 1990, Amended by the Board on May 31, 1990, Amended by the Board on August 28, 1990, Amended by the Board on August 24, 2001; Amended by the Board on December 7, 2001; Amended by the Board on August 23, 2002; Amended by the Board on December 6, 2002, Amended by the Board on June 27, 2003)

I. PURPOSE AND APPLICABILITY

The University System of Maryland (USM) supports the general policy of tuition remission for USM Faculty and Staff employees on Regular or Retired Status, by its constituent institutions, on an intra- and inter-institutional basis. This policy encourages such Faculty and Staff employees on Regular or Retiree Status to enroll in academic courses for the improvement of skills or for personal development purposes, with tuition costs associated with such courses remitted in whole or in part.

II. DEFINITIONS

- A. A "REGULAR" Faculty or Staff employee is one who works in a position that has been approved through the budgetary and pertinent appointment classification processes and that is intended to last six months or more regardless of the nature of the source of funds or who has retired from such a position. This definition applies to both fulltime and part-time Faculty and Staff employees.
- B. "RETIREE" - For purposes of acceptance of tuition remission requests, a "University System of Maryland Retiree" must be receiving State of Maryland retirement checks and/or Optional Retirement Plan (ORP) retirement checks, and have earned at least five years of total service credit at one or more institution(s) of the USM. Verification of Retiree Status may be obtained by contacting the Human Resources Office of the institution from which the employee has retired.

III. ADMINISTRATION

This program shall be administered by the institutions, consistent with the following policies and implementation procedures:

- A. Tuition remission is extended to Regular Faculty and Staff employees as set forth herein.
 - 1. Effective July 1, 1990, all Regular Faculty and Staff employees of any institution of the USM may receive tuition remission at any institution in the USM, in accordance with provisions set below.
 - 2. Inter-institutional transfer of funds within the USM in implementation of this policy shall not be made.
- B. Tuition remission shall be subject to the individual's admissibility to the institution and to the program in which the courses are to be taken and to the other academic regulations of the institution governing student enrollment (for example, course prerequisites and registration deadlines).
- C. Fulltime Regular and Retiree Faculty, and Staff employees shall be permitted to register for courses not to exceed eight (8) credits per semester with remission of tuition. Regular part-time Faculty and Staff employees who are employed at fifty percent (50%) or more time in the USM or Retirees from such positions shall be permitted tuition remission for credits proportional to their percentage of service.
- D. Tuition remission does not include mandatory fees, which remain the responsibility of the Regular or Retiree Faculty or Staff employee.
- E. Courses taken under this policy shall not interfere with the assigned job responsibilities of any Faculty or Staff employee and shall require the approval of the Chief Executive Officer (CEO) or designee.
- F. The Regular Faculty or Staff employee may register for the desired course(s) at any institution in the USM. Regular Faculty and Staff employees employed by any USM institution who otherwise meet admissibility and registration criteria shall be granted tuition remission at any USM institution on the same basis as Faculty and Staff employees who are employed by the host institution.

- G. Programs of study to be exempted from this policy shall include the M.D. and D.D.S. programs at the University of Maryland, Baltimore and such other programs as may be recommended by the CEO of the institution offering the program and approved by the Chancellor. Availability of tuition remission for self-support programs and courses shall be recommended by the CEO of the institution offering the program and approved by the Chancellor. The host institution shall apply the exempted status equally to all applicants who wish to participate in the tuition remission program, whether from the host institution or other institutions.
- H. Policy on tuition remission for Regular Faculty and Staff employees of Morgan State University (MSU), Saint Mary's College of Maryland (SMC) and Baltimore City Community College (BCCC) (effective 8/24/01).

Regular Faculty and Staff employees of MSU, SMC, and BCCC shall receive tuition remission at institutions of the USM at the same level of benefits as provided for USM Regular Faculty and Staff employees. This provision is dependent upon reciprocity being extended by MSU, SMC and BCCC to Regular Faculty and Staff employees at USM institutions.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; shall forward a copy of such designations and procedures to the Chancellor; and shall submit to the Chancellor an annual report on the use of the tuition remission program at the institution during the preceding academic year.

Replacement for: BOR V-2.00 and BOT XIII.N

VII-4.10 (A) - UMES POLICY AND PROCEDURES CONCERNING TUITION REMISSION FOR FACULTY AND STAFF

(Approved by the President January 1, 1992)

A. POLICY

UMES encourages and supports University faculty, staff, and retirees, both on the Eastern Shore Campus and within the University of Maryland System, to make use of the opportunity to enroll in academic courses at UMES. Tuition remission is available to those choosing to do so in accordance with the Board of Regent's Policy VII-4.10, University of Maryland System Policy on Tuition Remission for Faculty and Staff, and the following guidelines and procedures.

B. ENTITLEMENT

Permanent faculty and permanent staff from all institutions within the University of Maryland System, including retirees from permanent positions, are entitled to tuition remission benefits at UMES.

C. DEFINITIONS

1. Permanent faculty or staff shall mean a person who occupies a position within the University of Maryland System through approved budgetary and appointment procedures with the intent that such appointment is for a duration of at least six months.
2. University of Maryland Retiree shall mean a person who has previously held a permanent position within the University of Maryland System, and is receiving State of Maryland retirement checks and/or TIAA-CREF retirement checks. Retirees must have earned at least five years of University of Maryland System service credit.

D. GUIDELINES

1. Admissibility to a course at UMES shall be subject to an individual's admissibility to UMES based upon normal admission standards. All course prerequisites must be fulfilled.
2. Audit courses and non-credit courses shall be assigned the equivalent number of hours in determining the number of hours which may be carried, and the number of hours for which fees may be remitted.
3. In order to ensure the operations of UMES, enrollment in daytime credit courses by active University of Maryland System employees is subject to the consent of the appropriate director or department chairperson and approval of the Vice President of the appropriate division.
4. Employees from other University of Maryland System institutions shall be given the same opportunity for enrollment in courses on the Eastern Shore Campus under the tuition remission policy as their counterparts at UMES.
5. Questions concerning an individual's status at another campus for purposes of tuition remission shall be directed to the appropriate campus's Department of Personnel by the UMES Department of Personnel.
6. The maximum number of hours of tuition remission available at UMES shall be determined by the Administration each semester, based on budget constraints.

E. CREDIT HOUR REMISSION ENTITLEMENT

1. Full-time faculty, full-time staff and retirees from full-time positions shall be permitted to register for no more than two courses, not to exceed seven credits per semester with remission of tuition.

2. Permanent part-time faculty and staff employed at least fifty percent of the time in the University of Maryland System or retirees from such positions are permitted remission for credits proportional to their percentage of service.
3. Faculty, staff, and retirees are responsible for the payment of registration fees.
4. Graduate Assistants are permitted to register for not more than ten credits per semester with remission of tuition.
5. Graduate Fellows are permitted to register for not more than fifteen credits per semester with remission of tuition.
6. Graduate Assistants and Graduate Fellows must pay all mandatory fees.
7. Full-time faculty, staff and retirees are permitted to register for three credits per summer session with remission of tuition. Graduate Assistants are permitted to register for four credits per summer session with tuition remission.

F. PROCEDURE FOR REQUESTING TUITION REMISSION

1. An "Authorization of Remission of Tuition" form must be completed and submitted to the UMES Department of Personnel. The form is available in the Department of Personnel at UMES, and through the personnel offices at all University of Maryland System institutions.
2. The "Authorization of Remission of Tuition" form must be submitted to the Department of Personnel in a sealed envelope.
3. The form must be received by the Department of Personnel no later than the published deadline for each semester.

VII-4.10(B) - UMES POLICY CONCERNING THE FUNDING OF MEMBERSHIPS IN PROFESSIONAL AND ACADEMIC ASSOCIATIONS

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES to encourage institutional/departmental memberships in professional and academic organizations where funds are available. Memberships shall be vested in the institution, not in an individual member of the faculty, staff or administration. Memberships shall remain with the University, with the University having the option of changing its designated association representative(s).

Individual memberships, i.e., those vested in the individual and not transferable when the individual leaves the institution, are not generally funded by the University. Exceptions to this policy must be approved by the Vice President for Administrative Affairs, and should be granted under the following circumstances:

1. In cases where the association, by definition of its bylaws does not have institutional or group memberships, and it is deemed to be in the best interest of the University to be represented.
2. In cases where an association offers both institutional and individual memberships and the difference in cost between individual memberships and the difference in cost between individual and institutional membership is large enough to warrant representation of the University through an individual membership, and it is deemed to be in the best interest of the University to be represented.

VII-4.20 - USM POLICY ON TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF REGULAR AND RETIRED FACULTY AND STAFF EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND

(Approved by the Board of Regents on January 11, 1990; Amended by the Board on May 31, 1990; Amended February 28, 1992, Amended by the Board on August 24, 2001; Amended by the Board on December 7, 2001; Amended by the Board on August 23, 2002; Amended by the Board on December 6, 2002; Amended by the Board on June 27, 2003)

I. PURPOSE AND APPLICABILITY

The University System of Maryland (USM) supports the general policy of tuition remission for the spouses and dependent children of USM Faculty and Exempt and Nonexempt Staff employees on Regular or Retired Status, by its constituent institutions, on an intra- and inter-institutional basis.

II. DEFINITIONS

- A. A "REGULAR" Faculty or Staff employee is one who works in a position that has been approved through the budgetary and pertinent appointment classification processes and that is intended to last six months or more regardless of the nature of the source of funds or who has retired from such a position. This definition applies to both fulltime and part-time Faculty and Staff employees.
- B. "RETIREE" - For purposes of acceptance of tuition remission requests, a "University System of Maryland Retiree" must be receiving State of Maryland retirement checks and/or Optional Retirement Plan (ORP) retirement checks, and have earned at least five years of total service credit at one or more institution(s) of the USM. Verification of Retiree Status may be obtained by contacting the Human Resources Office of the institution from which the employee has retired.
- C. The term "SPOUSE" shall mean a person in a legally contracted marriage as recognized by the State of Maryland, provided that it shall not include an estranged spouse who maintains a separate domicile.
- D. The term "DEPENDENT child" shall mean a son/daughter, stepson/stepdaughter, legally adopted son/daughter; who is "financially dependent," as that term is defined by the Internal Revenue Service.

III. ADMINISTRATION

This program shall be administered by the constituent institutions, consistent with the following policies and implementation procedures:

- A. Tuition remission is extended to the spouses and dependent children of all USM Regular and Retired Faculty, and Staff employees, on an equitable basis, subject to the restrictions in this policy (see section IV. below).
- B. Policy on Tuition Remission for the Dependent Children of Regular Faculty and Staff employees of Morgan State University and Saint Mary's College of Maryland (effective 8/24/01).

Dependent children of Regular Faculty and Staff employees of Morgan State University and Saint Mary's College of Maryland shall receive tuition remission at institutions of the USM at the same level of benefits as provided for dependent children of Regular USM Faculty and Staff employees and subject to the restrictions in this policy. This provision is dependent upon reciprocity being extended by Morgan State University and Saint Mary's College of Maryland to dependent children of Regular Faculty and Staff employees at USM institutions. Tuition remission shall not be available to the spouses of Faculty and Staff of Morgan State University and Saint Mary's College of Maryland.

- C. Policy on Tuition Remission for the Dependent Children of Regular Faculty and Staff employees of Baltimore City Community College (effective 12/07/01).

Dependent children of Regular Faculty and Staff employees of Baltimore City Community College shall receive tuition remission at institutions of the USM at the same level of benefits as provided for dependent children of Regular USM Faculty and Staff employees and subject to the restrictions in this policy. This provision is dependent upon reciprocity being extended by Baltimore City Community College to dependent children of Regular Faculty and Staff employees at USM institutions.

If a parallel lower division instructional program is available at Baltimore City Community College, dependents of Baltimore City Community College employees are eligible to take advantage of the provision of this tuition remission benefit at USM institutions only after they have earned the associate degree or completed 60 hours of transferable credit. For those programs, e.g. Business, where "transfer" is required by the USM institution prior to completion of either the associate's degree or sixty (60) credits, the tuition remission benefit is available upon admission to the program. For programs where there is no parallel lower division instructional program available at BCCC, the tuition remission benefit is available immediately. Tuition remission shall not be available to the spouses of Faculty and Staff employees of Baltimore City Community College.

- D. For spouses and dependent children of all Regular part-time Faculty and Staff employees and Retirees who are employed in, or retired from a position at fifty percent or more time, the percentage of tuition remitted shall be proportional to the percentage of employment service.
- E. Tuition remission does not include mandatory fees or surcharges, which remain the responsibility of the individual student.
- F. The exercise of the benefit of tuition remission shall be subject to the individual's admissibility to the institution and to the program in which the courses are offered and to the other academic regulations of the institution governing student enrollment.
- G. Programs of study to be exempted from this benefit shall include the M.D. and D.D.S. programs at the University of Maryland, Baltimore and such other programs as are recommended by the chief executive officer (CEO) of the institution offering the program and approved by the Chancellor. The availability of tuition remission for self-support programs and courses at each institution shall be recommended by the CEO and approved by the Chancellor. The CEO of the institution offering the program shall apply the exempted status equally to all spouses and dependent children who desire tuition remission, whether from the host institution or other institutions.
- H. Subject to the provisions in paragraphs III. A., and D. through G. above, spouses and dependent children, of fulltime Faculty and Staff employees or Retirees of the USM who die in service or after retirement, shall be permitted to register for courses with tuition remission for a period of time determined by the duration of fulltime employment of the Faculty or Staff employee, or Retiree as follows:

If the length of time of employment of the deceased Faculty or Staff employee or Retiree was less than three years, the spouse or dependent child is eligible for tuition remission for one academic year; if at least three but less than five years, two academic years; if at least five but less than seven years, three academic years; if at least seven but less than nine years, four academic years; and if more than nine years, five academic years. However, eligibility for tuition remission for spouses shall expire at the end of seven years following the death of the full-time faculty or staff, and eligibility for tuition remission for dependent children shall expire on the twenty-second birthday.
- I. For spouses and dependent children of Regular part-time Faculty or Staff employees or Retirees who were employed at fifty percent (50%) time or more and who die in service or after retirement, the percentage of tuition remission shall be proportional to the percentage of employment service averaged for the three years immediately preceding his or her death. The length of time for which tuition remission will be available for such surviving spouses and dependent children shall follow the formula described in paragraph H.

IV. RESTRICTIONS

A. Restrictions Based Upon Date of Employment

- 1. Spouses and Dependent Children of Regular or Retired Faculty and Staff Employees Whose Period of Employment Began Before January 1, 1990.

Effective July 1, 1990, all spouses and dependent children of Regular or Retired Faculty and Staff whose appointment was made or whose contractual arrangements were completed before January 1, 1990, may register for courses at any of the institutions of the USM, with 100% tuition remitted at both the undergraduate and graduate level, subject to the restrictions in this policy.

2. Spouses and Dependent Children of regular Faculty and Staff employees Whose Period of Employment Began on or After January 1, 1990 and Before July 1, 1992.
 - a. Effective July 1, 1990, all spouses and dependent children of Regular Faculty and Staff employees whose initial appointment was made on or after January 1, 1990, and before July 1, 1992, may receive tuition remission of one hundred percent (100 %) on courses toward a first undergraduate degree at the institution where the spouse or parent is employed. If a spouse or dependent child of Regular Faculty or Staff at a degree granting institution wishes to enroll in courses toward a first undergraduate degree in an academic program which is not available at the home institution, the spouse or dependent child may, with the approval of the CEO or designee of the home institution, register for courses at other institutions of the USM with fifty percent (50%) tuition remission; the remaining 50% is the responsibility of the individual student. Spouses and dependent children of Regular Faculty and Staff employees at non-degree granting units may register for courses toward a first undergraduate degree at any institution of the USM with full tuition remission (100%). Full tuition remission at any institution is also extended to spouses and dependent children of Regular Faculty and Staff employees of the University of Baltimore for the freshman and sophomore years only; and to spouses and dependent children of Regular Faculty and Staff of the University of Maryland, Baltimore for undergraduate programs not offered at that institution. A transfer of funds equal to fifty percent (50%) of the tuition will accompany all inter-institutional enrollments. All enrollments of spouses and dependents are subject to the restrictions in this policy.
 - b. Tuition remission shall not apply to courses registered for at the graduate or post-baccalaureate level.
3. Spouses and Dependent Children of Regular Faculty and Staff Whose Period of Employment Began on or After July 1, 1992 Tuition remission benefits for the spouses and dependent children of Regular Faculty and Staff whose period of employment began on or after July 1, 1992 shall, in addition to the restrictions outlined in section IV.A.2.a. and IV.A.2.b.above, be available only after the Regular Faculty or Staff employee has been in the USM service for two years prior to the anticipated last date available for late registration for the semester under consideration.

B Other Restrictions

1. Receiving institutions shall establish caps on this policy as follows:
 - a. Institutions formerly governed by the Board of Trustees of State Universities and Colleges which remitted tuition at 100% in the Fall semester of 1989 shall establish caps on the remission of tuition under this policy of at least 120% of the credit hours for which tuition was remitted at the institution for spouses and dependent children in the Fall semester of 1989; and
 - b. Institutions formerly governed by the University of Maryland Board of Regents which remitted tuition at 1/3 of the full tuition in the Fall semester of 1989 shall establish caps on the remission of tuition under this policy of at least 120% of the total credit hours taken for which tuition was remitted at a 1/3 rate in the Fall semester of 1989.
2. In applying each host institution's cap, admission, registration, and tuition remission decisions shall be made without regard to the place of employment of the student's parent or spouse.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; shall forward a copy of such designations and procedures to the Chancellor; and shall submit to the Chancellor an annual report on the use of the tuition remission program at the institution during the preceding academic year.

Replacement for: BOR V-2.10 and BOT XIII-N, January 11, 1990.

VII-4.20(A) - UMES PROCEDURES CONCERNING TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF FACULTY AND STAFF

(Approved by the President January 1, 1992)

A. ELIGIBILITY

Tuition remission is available to spouses and dependent children of:

1. Permanent faculty of the University of Maryland Systems;
2. Permanent staff of the University of Maryland System; and,
3. University of Maryland System retirees.

Normal admission standards apply in all cases. Different tuition remission benefits apply to employees based on the date that employment began. These differences, as mandated by the Board of Regents, are as follows:

1. Employment Beginning before January 1, 1990

Spouses and dependent children of employees of any UMS institution may register for courses at UMES with 100% tuition remission at both the undergraduate and graduate levels.

2. Employment Beginning On or After January 1, 1990

Spouses and dependent children of UMES employees only may receive 100% tuition remission on courses towards a first undergraduate degree.

Spouses and dependent children of employees at other UMS institutions may register for courses at UMES with 50% tuition remission with the approval of the chief executive office of the home institution.

Spouses and dependent children of University of Baltimore employees may receive 100% tuition remission for freshman and sophomore years.

Spouses and dependent children of UMAB employees may receive 100% tuition remission for programs not offered at that campus.

Self-support academic programs are available for tuition waiver/remission only if the paying enrollment of the course is sufficient to cover University costs related to the course. These enrollees may not be used to establish the basic number of students required to offer a particular course.

B. DEFINITIONS

1. Permanent faculty or staff shall mean a person who holds a position through an approved appointment process, such position being intended to last at least six months.
2. University of Maryland System Retiree shall mean a person who has earned at least five years of UMS service credit, and is receiving State of Maryland retirement checks and/or TIAA/CREF retirement checks.
3. Spouse shall mean one with whom the employee has entered a legally effective marriage. This does not include an estranged spouse maintaining a separate domicile.
4. Child shall mean a son, daughter, stepson, stepdaughter, legally adopted son, or legally adopted daughter.
5. Dependent child shall mean a child who is financially dependent under the definition adhered to by the Internal Revenue Service.

C. APPLICATION PROCEDURE

1. Students seeking to be enrolled at UMES under the tuition remission program must first apply and be admitted using the admission standards and deadlines for admission which apply to all UMES applicants. Specific program requirements shall be followed where appropriate.
2. Upon acceptance at UMES, a completed "Request for Remission of Tuition" form should be submitted to the Office of Human Resources.
3. Tuition remission and tuition waiver eligibility decisions shall be made in the Office of Human Resources. Tuition remission/waiver shall be granted on a first-come-first-served basis to students meeting the criteria set forth above and in the policy of the Board of Regents (VII-4.20). The place of employment of the student's parent or spouse is not a factor. Tuition remission shall not be granted unless all pertinent information requested on the form is supplied.
4. In those instances where self-support programs have the option of denying acceptance to non-paying students, students shall be notified of the decision to grant or deny tuition remission within thirty days of receipt of the request.

202.0 VII-4.40 - POLICY ON PAYMENT OF MOVING EXPENSES

(Approved by the Board of Regents, June 21, 1990)

1. The Chief Executive Officer of a constituent institution or component may authorize the payment of moving expenses for personnel when it is deemed to be in the interest of the institution or component to do so. The Chancellor may authorize the payment of moving expenses for Chief Executive Officers of constituent institutions and components.
2. The payment may include moving expenses of normal household goods, including reasonable packing and unpacking charges.
3. Moving expenses may be authorized only when the distance between the former residence and the University System location is in excess of 35 miles one way.
4. Exceptions to the 35 mile limitation may be made for payment of relocation expenses when the relocation is for the convenience of the institution or component.
5. Nothing in this Policy requires the payment of moving expenses.
6. Each Chief Executive Officer shall develop procedures implementing this Policy.

Replacement for: BOR V - 2.20

VII-4.40(A) - UMES POLICY ON PAYMENT OF MOVING EXPENSES

(Approved by the President January 1, 1992)

I. POLICY

The President or a designee may approve the payment of moving expenses for personnel consistent with Board of Regent's Policy VII-4.40. A request for payment shall be reviewed on a case-by-case basis to determine if payment is in the best interest of the University. Payment of moving expenses is strictly at the discretion of the President.

II. PROCEDURES

A request for moving expenses should be made in writing as part of the employment negotiations. If the request is approved by the President, it shall be appropriately processed for the reimbursable amount.

(i) Faculty Form VII

Faculty employed on ten month or nine and one-half month contracts are required to fill out “Faculty Form VII” for submission to their department chair each month. Faculty employed on twelve-month contracts submit the appropriate time sheet biweekly. Codes must be inserted to account for each day worked. After the department chair signs the forms, they are forwarded to the dean for signature, and then routed to the Office of Human Resources.

SECTION IV: Faculty Responsibilities

II-1.25- POLICY ON FACULTY WORKLOAD AND RESPONSIBILITIES

(Approved by the Board of Regents, August 19, 1994; Amended by the Board of Regents, July 9, 1999)

I. Purposes

The purposes of the "USM Policy on Faculty Workload and Responsibilities" are to promote optimal performance by the University of Maryland System and by each of its institutions in meeting the needs and expectations of its students and other clienteles, and to provide mechanisms that will ensure public accountability for that performance. Because faculty are the primary performers of the System's instruction, research/scholarship and service, the policy must encourage and support faculty in applying their creativity, ingenuity, initiative, knowledge, experience, and professional skills in performing many diverse functions. Faculty is expected to meet their responsibilities independently and in full accord with both institutional expectations and established tenets of academic freedom.

This policy reflects the centrality of instruction at degree-granting institutions while acknowledging the essential development of knowledge through research/scholarship and its application to societal needs.

II. Application

The policy applies to the following individuals:

1. All persons holding tenured and tenure-track positions who are classified as faculty (instructional, research and public service) and are so reported to the Maryland Higher Education Commission through the Employee Data System;
2. All persons who, while holding faculty rank, are classified as administrators and are so reported to the Maryland Higher Education Commission through the Employee Data System, and perform their administrative duties at the level of academic department or equivalent academic unit, including chairs, assistant chairs, program director, etc.;
3. All persons who, while neither tenured nor on the tenure track, are employed full time by the USM, are classified as instructional faculty and are so reported to the Maryland Higher Education Commission through the Employee Data System; and
4. All persons who, while neither tenured nor on the tenure track, are employed full time by the USM, are classified as research faculty and are so reported to the Maryland Higher Education Commission through the Employee Data System, and whose salaries are supported, in whole or in part, by state funds.

The University of Baltimore Law School and the University of Maryland at Baltimore schools of law, medicine, dentistry and pharmacy shall develop separate policies for their faculties. These policies, subject to the approval of the Chancellor, shall provide accountability fully comparable to that provided in this policy. This policy does not apply to individuals who hold faculty rank but who are assigned to administrative duties outside the department or equivalent academic units, for example, deans, vice presidents, presidents, etc.; nor does it apply to individuals who are classified as research faculty but whose salary is fully supported by non-state funds, e.g., federal research grants.

III. Responsibilities

Each institutional president shall establish, in consultation with faculty and academic administrators, and subject to approval by the Chancellor, institution-specific policy and implementation mechanisms consistent with the University of Maryland System's "Policy on Faculty Workload and Responsibilities." Institution-specific policies, including proviso for departmental/school variation, shall include explicit statements of expectations and accountability mechanisms, including the means for comparing faculty performance with workload expectations and reporting the results of such comparisons.

IV. Standard Workload Expectations

Each institution's policy shall include standard expectations for faculty workload. It is understood that there will be exceptions and that those exceptions will be both accounted for and justified. Generally, standard expectations will cover instruction, research/scholarship, and service, and will be consistent with the mission of the institution. The proper balance among instruction, scholarship/research, and service for an individual faculty member may change over the faculty member's career. For each individual faculty member, any substantial difference between the actual and the standard expectation for any basic workload element will be balanced by compensating changes in one or both of the other basic workload elements. Workload expectations for each faculty member should be reviewed annually by the responsible department chair and/or other appropriate administrator and adjusted as necessary and appropriate. The following table provides guidelines for the general standard expectation in the categories of instruction, research/scholarship and service. It is understood that there may be differences across departments of an institution, as approved by the president.

INSTITUTION TYPE	INSTRUCTION SERVICE	RESEARCH	SCHOLARSHIP
COMPREHENSIVE			
% of Total Effort	65 – 77	15 – 25	5 - 15
# Course Units/Yr.	7-8		
RESEARCH			
% of Total Effort	45 – 55	35 – 45	5 - 15
# Course Units/Yr.	5-6		
NON-DEGREE GRANTING			
% of Total Effort	5-15	75-85	15-25

*Including directed research and individual studies.

Instructional effort includes, in addition to classroom time, all concomitant activities necessary to the preparation, delivery and evaluation of instruction and learning, including the various forms of student advising. The sum of the “% of total effort” in each area must equal 100% for each individual faculty member.

For purposes of defining standard instructional load expectations, the course unit is defined as equivalent to a three-credit course. Individuals whose instructional load includes other than three-credit courses will have their standard instructional load expectations defined accordingly. As an example, the following weights should be used to convert graded instructional experiences that do not follow the traditional course format (e.g., individual studies, supervision of dissertation research, etc.) to course units.

COURSE LEVEL	No. of Credits
Supervised	
800-899 (dissertation & doctoral level individual studies) credit hours = 1 course unit	9
799 (masters thesis) credit hours = 1 course unit	12
500-798 (other graduate level individual studies) credit hours = 1 course unit	18
100-499 (graduate/undergrad level individual studies) credit hours = 1 course unit	21

Workload expectations for each faculty member in the areas of research/scholarship and service shall be specified according to institutional mission.

In order to focus on the centrality of instruction, all faculty members, including those with administrative responsibilities at the departmental level, shall be involved in the instructional program. Further, senior faculty in departments having undergraduate programs shall participate in undergraduate teaching.

V. Exceptions to Standard Workload Expectations.

All faculty at degree-granting institutions are expected to be involved in instruction, research/scholarship and service as previously defined. Recognizing that some faculty will assume new or additional responsibilities in any one of these areas, exceptions to the standard workload may be made. However, the department is responsible for making the necessary adjustments in the total faculty workload so that departmental expectations in each of these areas are fulfilled. These expectations will be determined by student and curricular needs, shall be consistent with the resources available to the department, and shall be approved by the president. Institutions shall make the minimum number of exceptions necessary for fulfillment of its institutional mission. Exceptions to the standard workload may be made based on the following considerations.

1. Instruction. Exceptions from the standard instructional load may be based upon a number of factors, including class size; development of new courses; modality of instruction, including distance education; level of instruction; discipline; accreditation requirements; etc.
2. Departmental Administration. Assumption of responsibility for the functions of chair, assistant chair, or program director, or for special departmental projects, may require reduction of expectations for service, research/scholarship or instruction. The magnitude of such reduction shall be dependent on the scope of administrative responsibilities and size of the department.
3. Externally Funded Research and Service Activities. Assignment of additional time for research or service activities can be supported by external funds, either research or training grants. In these instances, the accompanying reduction of expectations for service or instruction should mirror the replacement of departmental salary support by externally-funded salary support.
4. Department-Supported Research. (Departmental Research) Assignment of additional time for research activities supported by the department and consequent reduction of expectations for service or instruction should be related to the institution's mission.
5. Department-Supported Service. Assignment of additional time in areas of service and consequent reduction of expectations for research/scholarship or instruction should be directly related to the duration and the extent of the commitment. For example, individual faculty members may be released from the standard expectation in the areas of research/scholarship or instruction in order to make major professional contributions -- e.g., to work in partnership with the public schools or with business or industry.

VI. Accountability

The institutional reward structure will take cognizance of the workload assignment for each faculty member. Institutions shall develop procedures for the systematic review of faculty, recognize outstanding performance, and establish consequences for failure to fulfill expectations.

The focus of external accountability (to the Regents and to the State) will be the department or academic unit, not the individual faculty member. The primary measure of departmental accountability should be the total number of course units produced on load by the department or academic unit's tenured/tenure track faculty (excluding the department chair) divided by the number of full-time equivalent faculty adjusted for sabbaticals.

Each president shall submit annually to the Chancellor an accountability report in a form to be developed by the Chancellor.

II.1.25 (A) UMES POLICY ON FACULTY WORKLOAD AND RESPONSIBILITIES

I. Introduction

The University of Maryland System has established minimum standards for faculty performance in the areas of instruction, research/scholarship, and service for all System institutions. These standards are set forth in the **University of Maryland System Policy on Faculty Workload and Responsibilities**.

The purposes of the **UMES Policy on Faculty Workload** are to promote optimal performance by the faculty and to provide mechanisms of accountability. Faculty are the primary performers of teaching, research/scholarship and service and are encouraged to pursue these activities with the highest degree of skill, effort, and professionalism in accordance with the institutional mission and expectations as well as established tenets of academic freedom.

The UMES policy reflects the centrality of instruction to the mission and purpose of the University. UMES rewards its faculty primarily for their teaching and advising, for research and scholarship, for contributions to the University, and for contributions to the community.

II. Application

This policy applies to the following individuals:

1. All persons holding tenured and tenure-track positions who are classified as faculty (instructional, research and public service) and are so reported to the Maryland Higher Education Commission through the Employee Data System.
2. All persons who, while holding faculty rank, are classified as administrators and are so reported to the Maryland Higher Education Commission the Employee Data System, and perform their administrative duties at the level of academic department or equivalent academic unit, including chairs, assistant chairs, program director, etc.;
3. All persons who, while neither tenured or on the tenure track, are employed full time by UMES, are classified as instructional faculty and are so reported to the Maryland Higher Education Commission through the Employee Data System; and
4. All persons who, while neither tenured nor on the tenure track, are employed full time by UMES, are classified as research faculty and are so reported to the Maryland Higher Education Commission through the Employee Data System, and whose salaries are supported, in whole or in part, by state funds.

This policy does not apply to individuals who hold faculty rank but who are assigned to administrative duties outside the department or equivalent academic units, for example, deans, vice presidents, presidents, etc.; nor does it apply to individuals who are classified as research faculty but whose salary is fully supported by non-state funds, e.g., federal research grants, experiment station faculty.

III. Definitions

- A. **Instructional Effort** – classroom time (including field trips and laboratory work), necessary preparation for classroom instruction, evaluations of instruction and learning, and student advising.
- B. **Research/Scholarship** – the nature of performance in this area varies from one discipline to another; the requirements are outlined in more detail in the **UMES Policy and Procedures on Promotion and Tenure of Faculty**.
- C. **Service** – includes contributions to the University and the Community as described in the **UMES Policy and Procedures on Promotion and Tenure of Faculty**.
- D. **Course unit** – one course unit is equivalent to a three credit course.

IV. Responsibilities

The department chair is responsible for ensuring compliance with faculty workload standards as approved by the President for that department. The department chair shall meet with each faculty member in the department prior to the beginning of the academic year to establish the faculty member’s workload expectations for that academic year. These expectations shall be recorded as percentages, and should equal 100% for teaching, research/scholarship, and service.

Each faculty member is responsible for recording and documenting research/scholarship and service activities during the academic year. These records shall be forwarded to the department chair, in a form established by the University, at the end of each academic year.

Each department chair shall compile the information obtained from the faculty in the format required by USM, and forward the information to the Vice President for Academic Affairs. This information shall include a comparison of the department’s performance compared with the expected workload performance for that year. The Vice President for Academic Affairs shall review the information for form and accuracy and forward it to the President.

V. Standard Workload Expectation

A. System Expectation

UMES is classified as a Comprehensive University. The System standard workload requirements for a Comprehensive University are:

	Instruction*	Research	Scholarship
% of total effort	65-75	15-25	5-15
# of course units per year	7-8		

*Including direct research and individual studies.

The following weights should be used to convert graded instructional experiences that do not follow the traditional course format (e.g., individual studies, supervision of dissertation research, etc.) to course units.

Course Level	No. of Credits = 1 Course Unit
800 -899 (dissertation & doctoral level individual studies)	10 credits = 1 course unit
799 (masters thesis)	13 credits = 1 course unit
500-798 (other graduate level individual studies)	18 credits = 1 course unit
400-499 (graduate/under-graduate level individual studies)	21 credits = 1 course unit
100-399 (undergraduate level individual studies)	30 credits = 1 course unit

B. UMES Expectation

All full-time faculty members at UMES are expected to teach **12 credit hours** per semester, which is the equivalent of 8 course units per year, as well as the established System standards for research/scholarship and service.

VI. Exceptions to Workload Expectations

Type of Exceptions

A. Departmental Exceptions

Exceptions to the standard workload expectations for individual departments may be made by the Vice President for Academic Affairs, with the approval of the President.

Deviations from UMES exceptions for an entire department will be extremely rare, and would only be made if it is demonstrated that the mission of the department is best achieved by such deviations. In general, each department is expected to make adjustments for individual exceptions so that the department as a whole is able to meet the faculty workload requirements.

A department seeking an exception must apply in writing to the Vice President for Academic Affairs no later than March 1 for an exception for the following academic year. The request must come from the department chair. Exceptions may be made for one academic year only.

B. Individual Exceptions

Exceptions to the standard workload expectations for individuals may be requested in the following manner.

1. A written application for an exception should be sent to the department chair with supporting documentation.
2. The department chair shall forward the application to the Vice President for Academic Affairs or a designee with comments concerning departmental support of the application.
3. The Vice President for Academic Affairs or a designee shall make a recommendation to the President that the application be approved or disapproved.
4. The decision of the President shall be final.

Reasons for Exceptions

In general, faculty are expected to fulfill workload expectations. Exceptions will be kept to a minimum, shall be granted for a period of one academic year, and shall generally be based on:

1. Instruction Exceptions from the standard instructional load may be based upon a number of factors, including class size; development of new courses; modality of instruction, including distance education; level of instruction; discipline; accreditation requirements; etc.
2. Departmental Administration Assumption of responsibility for the functions of chair, assistant chair, or program director, or for special service, research/scholarship or instruction. The magnitude of such reduction shall be dependent on the scope of the administrative responsibilities and size of the department.
3. External-Funded Research and Service Activities Assignment of additional time for research or service activities can be supported by external funds, either research or training grants. In these instances, the accompanying reduction of expectations for service or instruction should mirror the replacement of departmental salary support by externally-funded salary support.
4. Department-Supported Research (Departmental Research) Assignment of additional time for research activities supported by the department and consequent reduction of expectations for service or instruction should be related to the institution's mission.

5. Department-Supported Service Assignment of additional time in areas of service and consequent reduction of expectations for research/scholarship or instruction should be directly related to the duration and the extent of the commitment. For example, individual faculty members may be released from the standard exception in the areas of research/scholarship or instruction in order to make major professional contributions – e.g., to work in partnership with the public schools or with business or industry.

V. **Accountability**

The focus for accountability is in the area of faculty workload in the academic department, not individual faculty members. UMES shall use the following reporting mechanism to ensure compliance with faculty workload expectations in each department.

1. **Departmental Reports**

Each department chair shall submit a report to the Vice President for Academic Affairs within thirty (30) days of the close of the academic year which contains the following information:

- a. Teaching, research and service activities for each faculty member in the department as compared to the established departmental expectations. Any exceptions should be noted.
- b. A written evaluation of each faculty member in the areas of teaching, research, and service.
- c. Each department, by vote of all faculty members in the department, shall nominate a candidate for award for excellence in teaching, research, and service. These nominations shall be included in the report to the Vice President for Academic Affairs.

2. **Report to President**

- a. The Vice President shall compile the reports of the department chairs. The reports should be reviewed for compliance with established workload standards. Additional information may be requested.
- b. The Vice President shall forward the reports to the President with comments concerning compliance and recommendations.
- c. The President shall review the reports and choose the one individual from each department for outstanding service in teaching, research, and service.
- d. Upon approval of the reports, the President shall forward them to the Office of Institutional Research who will prepare a report for the President to submit to the Chancellor.

(Approved by the Board of Regents, November 30, 1989; Amended by the Board of Regents, June 27, 2003)

I. INTRODUCTION

By accepting an appointment to an institution in the University System of Maryland, faculty members make a major professional commitment to the institution, its students, and the State of Maryland. Maryland law encourages higher education institutions to promote economic development in the State and to increase their financial resources through arrangements with the private and nonprofit sectors, including collaborative research and development, commercial application of institution-owned intellectual property, and provision of technical assistance. The University System of Maryland encourages its faculty to use its expertise in serving the economic and social interests of the community and the advancement of the academic disciplines.

Faculty members may be expected to contribute to all aspects of the mission of the institution, including such essential components as teaching, student direction, and advisement; research and economic development; professional, public, and institutional service; and administration. The distribution of assignments will vary greatly from year to year and from person to person according to the particular talents and interests of the faculty member and the needs of the institution and the academic unit as determined in consultation with the department chair or responsible administrator.

II. SCOPE AND PURPOSE

- A. Scope. This policy applies to all faculty members in the University System of Maryland and shall be incorporated in the published policies of each institution. By explicit reference, some sections of the policy apply only to full-time faculty members.
- B. Purpose. Recognizing the need for balance among personal, institutional, and social missions and goals, this policy establishes broad guidelines for avoiding conflicts of commitment and requires each institution to review or develop procedures for handling possible instances of conflict of commitment.
- C. Definition. A conflict of commitment situation arises when outside activities substantially interfere with the person's obligation to students, colleagues, or the institution.

III. PROFESSIONAL SERVICES WITHIN THE INSTITUTION

Full-time faculty members may undertake consulting, overload teaching, or professional services within the constituent institution during an appointment period for a stipend only with the advance written approval of the President or designee.

IV. EXTERNAL COMMITMENTS

Consulting and other external professional services may enhance the reputation of the institution as well as the individual, assist in recruiting or placing students, apply the expertise developed in its academies to the enterprises of the State, and test the applicability of theoretical ideas. Nevertheless, the faculty and the institution must remain vigilant to ensure that such external services enhance and do not detract from a faculty member's fulfillment of his or her responsibilities to the institution. Therefore, external professional services, whether income-producing or not, may be undertaken only when it is ensured that all responsibilities associated with the individual's faculty position are fully satisfied and will continue to be met.

A. Professional Services

1. Within USM or State of Maryland. Consulting or professional services which carry a stipend and are rendered to another institution in the University System or another State agency in Maryland require the advance written approval of the President or designee of the faculty member's institution.

2. Use of University Resources. A faculty member may use the physical resources of his or her institution in connection with consulting or professional services beyond routine use of the office, computer, library, and telephone only if the institution is reimbursed in accordance with prior arrangements, or if such reimbursement is waived by the President or designee of the affected institution.
 3. Endorsement Not Implied. A faculty member shall not convey endorsement by the institution or the University System of the recommendations or results from his or her consulting or professional services.
 4. Protection of Intellectual Property. No individual shall enter into an agreement in the pursuit of consulting or professional services which conflicts with the University System policy on intellectual property (See Policy IV-3.20) without the advance written waiver or consent of the Chancellor or designee.
- B. Teaching Outside the Home Institution. A full- time faculty member, with the advance written permission of the President (or designee) of his or her institution, may teach a maximum of two courses at another institution for extra compensation during the individual's contract year.

V. DISCLOSURE TO PREVENT CONFLICT OF COMMITMENT

Although external activities may enhance the institution and the University System of Maryland, they also bring with them the potential for conflicts of commitment. Although some situations carry the potential for a conflict of commitment, the faculty member and the University may be able to avoid actual conflict by careful attention to the individual's assigned institutional responsibilities. In situations that have the potential for conflict, a faculty member must confer with the department chair or other appropriate administrator and resolve the potential conflict according to institutional procedures before assuming additional professional responsibilities outside the unit.

VI. IMPLEMENTATION

- A. Limits of Application to Contract. Nothing contained in this policy shall be construed as imposing any obligations on faculty members to the institution or to the University System beyond those required by law or contract, nor as adding any grounds for termination of a faculty appointment beyond those stipulated in the policies governing faculty appointments, ranks, and tenure, as approved by the Board of Regents.
- B. Procedures at Each Institution. Each institution of the University System of Maryland shall develop and publish procedures to implement this policy. Such procedures shall include provisions for regular reporting by faculty members to the institution on all outside professional consulting or teaching and substantial external professional services, whether paid or unpaid.

II-3.10(A) UMES POLICY AND PROCEDURE ON OUTSIDE CONSULTANCY

(Approved by the President January 1, 1992)

I. Policy

The University of Maryland Eastern Shore strives to provide quality education in the liberal arts and sciences and selected career fields as well as to provide appropriate research and public service programs to the state and the region which it serves. In order to accomplish this goal, the campus must employ and retain faculty, administrators and professional staff who are highly competent in their field. These people are often sought by the business and professional community to provide consulting or other professional services. It is the policy of UMES, consistent with the Board of Regents Policy 11-3.10, that professional consultancy by full and part-time faculty and professional staff members is permitted when responsibilities to UMES have been fully satisfied as determined by the responsible administrator and if there is not conflict of interest.

II. Procedures for Reporting Paid Professional Consultancy

A. Reports must be made by any staff member doing outside paid consulting work. Reports are made to the department chair or department administrator in writing, due within ten days of the close of each semester, and must contain:

1. the number of hours worked, and the dates;
2. the company or agency for which the work was performed; (names of clients or patients need not be disclosed if this would be a breach of ethical standards)
3. the general nature of the work.

B. Reports are signed by the department chair or department administrator and forwarded to the President through the appropriate administrative channels.

III. Consultancy to Another State Agency

Paid consultancy or professional service to another State agency must be approved in advance by the department chair or department administrator and the President. A written explanation of the services to be rendered, the time involved, and the agency should be submitted to the department head. The department head shall recommend to the President either approval or denial of the consultancy.

If the President's decision is negative the individual requesting the decision is so informed in writing with an explanation for the decision. The decision of the President is final.

IV. Consultancy to UMES Administered Grants

Paid consultancy for contracts or grants administered through UMES are generally not allowed. A waiver may be granted by the President in unusual or exceptional circumstances. A written request for a waiver should be made to the President through the department head. The request should contain a detailed explanation of the services to be rendered and an explanation of the unusual circumstances which may warrant a waiver of the normal policy.

V. Use of UMES Resources

UMES resources are not to be used in rendering consulting services unless there have been prior arrangements with the responsible administrator for reimbursement. There must be a written identification of the costs, and agreement specifying when the costs will be reimbursed.

VI. Conflict of Interest and Conflict of Commitment

A. Definition

BOR II-3.10 section II.B. states “conflict of interest arises when a faculty member influences, or is in a position to influence, the institution’s decision for personal financial gain or benefit. A conflict of commitment situation arises when outside activities substantially interfere with the person’s obligation to students, colleagues, or the institution”.

B. Procedures for Resolving Issues of Conflict of Interest

Any faculty member or professional staff member engaged or seeking to be engaged in consulting work who has reason to believe that there may be a conflict of interest, or the appearance of a conflict of interest, should

1. inform the department chair or responsible administrator of the possible conflict;
2. consult the State Ethics Commission for an official opinion. [The State Ethics Commission has the sole authority to interpret the State Ethics Law.]
3. At the request of the department chair or responsible administrator, consulting work may be suspending pending an opinion by the State Ethics Commission.

VII. Miscellaneous

- A. A faculty member or professional staff member shall not in any way convey through his or her outside work an endorsement by UMES of the recommendations or results.
- B. No individual shall enter into any agreement in the pursuit of consulting services which conflicts with UMES or University System policy on intellectual property without the express written consent of the Chancellor.

43.0 II-3.20- POLICY ON TEACHING OUTSIDE THE HOME INSTITUTION BY FULL-TIME FACULTY

(Approved by the Board of Regents, November 30, 1989)

A full-time faculty member, with the written permission of the President (or designee) of his or her institution, may teach a maximum of two courses at another institution for extra compensation during the individual's contract year.

Replacement for: BOR III-14.50 and BOT VII-K.5.b(1) and (2)

52.0 III-1.00 POLICY ON FACULTY, STUDENT AND INSTITUTIONAL RIGHTS AND RESPONSIBILITIES FOR ACADEMIC INTEGRITY

(Approved by the Board of Regents, November 30, 1989)

The academic enterprise is characterized by reasoned discussion between student and teacher, mutual respect for the learning and teaching process, and intellectual honesty in the pursuit of new knowledge. By tradition, students and teachers have certain rights and responsibilities which they bring to the academic community. While the following statements do not imply a contract between the teacher or the institution and the student, they are nevertheless conventions which should be central to the learning and teaching process.

I. FACULTY RIGHTS AND RESPONSIBILITIES

- A. Faculty members shall share with students and administrators the responsibility for academic integrity.
- B. Faculty members shall enjoy freedom in the classroom to discuss all subject matter reasonably related to the course. In turn, they have the responsibility to encourage free and honest inquiry and expression on the part of students.
- C. Faculty members, consistent with the principles of academic freedom, have the responsibility to present courses that are consistent with their descriptions in the catalog of the institution. In addition, faculty members have the obligation to make students aware of the expectations in the course, the evaluation procedures, and the grading policy.
- D. Faculty members are obligated to evaluate students fairly, equitably, and in a manner appropriate to the course and its objectives. Grades must be assigned without prejudice or bias.
- E. Faculty members shall make all reasonable efforts to prevent the occurrence of academic dishonesty through appropriate design and administration of assignments and examinations, careful safeguarding of course materials and examinations, and regular reassessment of evaluation procedures.
- F. When instances of academic dishonesty are suspected, faculty members shall have the responsibility to see that appropriate action is taken in accordance with institutional regulations.

II. STUDENT RIGHTS AND RESPONSIBILITIES

- A. Students share with faculty members and the administrators the responsibility for academic integrity.
- B. Students have the right of free and honest inquiry and expression in their courses. In addition, students have the right to know the requirements of their courses and to know the manner in which they will be evaluated and graded.
- C. Students have the obligation to complete the requirements of their courses in the time and manner prescribed and to submit their work for evaluation.
- D. Students have the right to be evaluated fairly, equitably, and in a timely manner appropriate to the course and its objectives.
- E. Students shall not submit as their own work any work which has been prepared by others. Outside assistance in the preparation of this work, such as librarian assistance, tutorial assistance, typing assistance, or such special assistance as may be specified or approved by the appropriate faculty member, is allowed.
- F. Students shall make all reasonable efforts to prevent the occurrence of academic dishonesty. They shall by their own example encourage academic integrity and shall themselves refrain from acts of cheating and plagiarism or other acts of academic dishonesty.
- G. When instances of academic dishonesty are suspected, students shall have the right and responsibility to bring this to the attention of the faculty or other appropriate authority.

III. INSTITUTIONAL RESPONSIBILITIES

- A. Constituent institutions of the University of Maryland System shall take appropriate measures to foster academic integrity in the classroom.
- B. Each institution shall take steps to define acts of academic dishonesty, to ensure procedures for due process for students accused or suspected of acts of academic dishonesty, and to impose appropriate sanctions on students found to be guilty of acts of academic dishonesty.
- C. Students expelled or suspended for reasons of academic dishonesty by any institution in the University of Maryland System shall not be admissible to any other System institution if expelled, or during any period of suspension.

Replacement for: BOR I-9.00

III-1.00(A) UMES POLICY CONCERNING UNIVERSITY ESTABLISHED EXAMINATIONS

(Approved by the President January 1, 1991)

I. POLICY

It is the policy of UMES that a final examination shall be given in every course. Exceptions may be made with the approval of the department chairperson and the dean.

All University established exams shall be given at the regularly scheduled time and place as listed in the schedule of classes unless approval for a change has been granted by the department chairperson and dean.

II. PROCEDURES

A. Religious Observances

Absences of students that are as a result of religious observances shall be excused, and provision shall be made for rescheduling.

B. Changes

All unpublished changes in the scheduling of or location of tests must be approved by the department chair and reported to the dean.

C. Make-Up Examinations

An instructor has an obligation to provide a student with an opportunity for a make-up examination if the absence was caused by:

1. Illness documented by an excuse signed by the Vice President for Student Affairs;
2. Religious observance;
3. Participation in University activities at the request of university authorities.
4. Compelling circumstances beyond the student's control.

The make-up examination must be given on campus at a time and place mutually agreeable to the instructor and student; and must cover only material for which the student was originally responsible.

132.0 VI-1.00- POLICY ON AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY

(Approved by the Board of Regents On October 19, 1989)

The University of Maryland System is actively committed to providing equal educational and employment opportunity in all of its institutions and programs. All policies, programs, and activities of the University System are and shall be in conformity with all pertinent federal and State laws on non-discrimination regarding race, color, religion, age, national origin, sex, and handicap, including, but not limited to, Title VI of the Civil Rights Act of 1964 as amended, Title IX of the 1972 Education Amendments, and Section 504 of the Rehabilitation Act of 1973.

It is the goal of the University of Maryland System to assure that women and minorities are equitably represented among the student body, faculty, staff, and administration of the institutions constituting the System, so that the System reflects the diversity of the State's population.

The Board of Regents shares with the Maryland Higher Education Commission certain authorities and responsibilities with respect to ensuring equal educational and employment opportunity throughout the University of Maryland System. To assist the Board in carrying out these responsibilities, the following delegations of authority are made.

The Chancellor shall: (1) prepare, in System's name, any plans, reports, or data which the Commission may require the Board to submit in connection with the statewide desegregation and equal opportunity program mandated by State law; (2) be responsible for monitoring the progress made by the University of Maryland System under, and assuring compliance with, the goals, measures, and commitments made in the MHEC statewide desegregation and equal opportunity program; and (3) report quarterly to the Board regarding progress and compliance with the statewide desegregation and equal opportunity program.

The Presidents and Directors shall be responsible for implementing the statewide desegregation and equal opportunity program at their respective institutions. Each President shall designate an individual or office to which inquiries regarding compliance with federal, State, University System laws, policies, or plans with respect to desegregation and equal opportunity may be made.

Replaces Policies VI-21.00 and VI-28.00 of the former Board of Regents of the University of Maryland and Section O of Policy XIII of the former Board of Trustees of the State Universities and Colleges.

136.0 VI-1.05 POLICY OF NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION

(Approved by the Board of Regents, July 11, 1997)

The commitment of the University System of Maryland to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that treatment of students, faculty, and staff of University System of Maryland institutions, and applicants for admission and employment, be based on individual abilities and qualifications and be free from invidious discrimination.

This policy specifically prohibits discrimination against students, faculty, and staff on the basis of sexual orientation in academic admissions, financial aid, educational services, housing, student programs and activities, recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services. "Sexual orientation" is defined as the identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality. The Board of Regents reserves the right to observe the terms of any bona fide employee benefit plan such as a retirement, pension, or insurance plan, and to enforce or comply with any Federal or State law, regulation, or guidelines, including conditions for the receipt of federal funding.

This policy shall be published in all appropriate University System of Maryland Headquarters and individual institutions' documents, and University System of Maryland Headquarters and each System institution shall adopt procedures to implement and enforce this policy, including the designation and publication of the officials responsible for receiving, investigating and resolving complaints of discrimination prohibited by this policy.

(a) Faculty I.D. Card

Each faculty member should carry a picture identification card. The card may be required to gain access to certain buildings or to show at anytime for security reasons. These cards are made either during the regular registration period in the Student Development Center or after registration in the Office of Residence Life.

(b) Teaching Load Form

The “Teaching Load Form” (See Appendix) is a record of faculty’s teaching load per semester. It also denotes the texts used in the classes taught, the posted office hours and additional University responsibilities. This form may be obtained from the department chair or dean to be submitted at the beginning of each semester to the department chair.

(c) Classroom Repairs

Faculty members encountering maintenance problems or necessary repairs while assigned the use of a classroom or laboratory should contact Physical Plant. Examples of problems handled include leaking plumbing or defective electrical fixtures, broken locks, elevators out of the service, broken windows, torn upholstery, installation of shelves, inoperative refrigeration units, broken handrails, rooms too hot or too cold, and repair of electronic equipment to name a few.

51.0 III-1.00 (B) UMES STUDENT CODE OF ACADEMIC INTEGRITY

(Approved by the Faculty Assembly on November 17, 1998)

INTRODUCTION:

The University is an academic community. Its fundamental purpose is the pursuit of knowledge. Like all other communities, the University can function properly only if its members adhere to clearly established goals and values. Essential to the fundamental purpose of the University is the commitment to the principles of truth and academic honesty. Accordingly, the Code of Academic Integrity is designed to ensure that the principles of academic honesty lie with the students.

DEFINITIONS:

1. **Academic Dishonesty:** Any of the following acts, when committed by a student, shall constitute academic dishonesty:
 - a. **CHEATING:** Intentionally using or attempting to use unauthorized material, information, or study aids in any academic exercise.
 - b. **FABRICATION:** Intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
 - c. **FACILITATING ACADEMIC DISHONESTY:** Intentionally or knowingly helping or attempting to help another to violate any provision of this Code.
 - d. **PLAGIARISM:** Intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.

RESPONSIBILITY TO REPORT ACADEMIC DISHONESTY

2. Academic dishonesty is a corrosive force in the academic life of a University. It jeopardizes the quality of education and depreciates the genuine achievement of others. It is, without reservation, a responsibility of all members of the campus community to actively deter it. Apathy or acquiescence in the presence of academic dishonesty is not a neutral act. Histories of institutions demonstrate that a laissez-faire response will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for academic dishonesty are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by students and faculty alike.

All members of the University community – students, faculty, and staff – share the responsibility and authority to challenge and make known acts of apparent academic dishonesty. Faculty must undertake a threshold responsibility for such traditional safeguards as examination security and proctoring.

HONOR STATEMENT

1. All applicants for admission to undergraduate or graduate programs at the University of Maryland Eastern Shore will be expected to sign an honor statement as a condition of admission. Failure to sign the statement in no way relieves the student from the responsibilities specified in this Code. The statement shall also appear on appropriate registration materials. Wording of the statement will be recommended by the Student Honor Council, for approval by the UMES Senate.

PROCEDURES: ACADEMIC DISHONESTY

2. Any Member of the University community who has witnessed an apparent act of academic dishonesty or has information that reasonably leads to the conclusion that such an act has occurred or has been attempted, has the responsibility to inform the Office of the Academic Affairs promptly. The Office of Academic Affairs will then send a written report of the allegation to the Student Honor Council, the accused student, and the instructor teaching the course.

3. Upon receipt of a report of academic dishonesty, the Student Honor Council will assign the matter to three of its members for preliminary inquiry. Members of the Student Honor Council when acting in this capacity shall be designated Review Offices. In the event the report pertains to the conduct of a graduate student, then at least two of the Review Officers will be graduate students.
4. The Review Officers shall conduct a preliminary inquiry into the facts of the case in order to determine if there is a reasonable cause to believe that an act of academic dishonesty has occurred or has been attempted.
5. University administrators and faculty members are expected to provide reasonable assistance to the Review Officers and to permit access to pertinent student papers or examinations, as determined by the Vice President for Academic Affairs. The Review Officers shall be advised by the Vice President for Academic Affairs.
6. If, after consultation with the Vice President for Academic Affairs:
 - (a) A majority of Review Officers determine that an act of academic dishonesty did not occur or was not attempted, the Council will inform the student and the course instructor of its finding; or
 - (b) If a majority of Review Offices determines that there is a reasonable cause to believe that an act of academic dishonesty did occur or was attempted, they will forward a written referral containing a statement of facts and their rationale to the Student Honor Council.
7. Upon receipt of a written referral from the Review Officers, the Student Honor Council shall:
 - (a) Convene an Honor Board to resolve the matter through an Honor Review. The Board will be selected in a manner described in Paragraph 13, below.
 - (b) Appoint one of the Review Officers or the Campus Advocate to serve as the Presenter of the case. The responsibilities of the Presenter are more fully described in Paragraph 11 below.
8. The meetings and deliberations of the Review Officers and of the Student Honor Council shall be privileged and confidential.
9. The principal responsibilities of the Presenter are:
 - (a) To prepare a formal Charge of Academic Dishonesty, including the identity of the complaining party, and deliver it to the student and the Honor Board. The student will be deemed to have received such notice on the date of personal delivery, or, if certified mail is used, on the date of delivery at the most recent address provided to the University by the student;
 - (b) To inform the complaining party of the actions being taken; to present the evidence and analysis upon which the Charge is based to the Honor Board during the Honor Review;
 - (c) To perform such other duties as may be requested by the Student Honor Council or the Honor Board.
10. The Charge of Academic Dishonesty serves to give a student a reasonable understanding of the act and circumstances to be considered by the Honor Board, thereby placing the student in a position to contribute in a meaningful way to the inquiry. It also serves to provide initial focus to that inquiry. It is not, however, a technical or legal document and is not analogous to an indictment or other form of process. The charge may be modified as the discussion proceeds, as long as the accused student is accorded a reasonable opportunity to prepare a response.

PROCEDURES: RESOLUTION BY AN HONOR REVIEW

11. An Honor Review is conducted by an Honor Board. The Board is convened by the Student Honor Council acting for the Vice President for Academic Affairs. It must consist of six (6) persons, five (5) of whom will be voting members. Determinations of the Honor Board will be by a majority vote (three votes or more). Honor Boards are selected as follows:

- (a) Three (3) students selected by the Student Honor Council from among its members. In the event the student accused of academic dishonesty is a graduate student, then at least two (2) of the student members shall be graduate students. No person who served as a Review Office may serve on a factually related Honor Board.
- (b) Two (@) faculty members shall be selected by the Vice President for Academic Affairs from a list of four faculty members elected by the Faculty Assembly. Faculty Assembly will elect four (4) faculty members from the three (3) undergraduate Schools, at least two of them must be Graduate Faculty and all undergraduate Schools must be represented. In the event the student accused of academic dishonesty is a graduate student, then at least one (1) of the persons selected shall be a member of the Graduate faculty;
- (c) The Honor Board shall have one (1) person as a non-voting member, who shall serve as the Presiding Officer. The Presiding Office may be a student, faculty, or staff member of the University. The Presiding Officer will be selected by the Vice President for Student Affairs.

If the Vice President for Academic Affairs determines that Student Honor Council or a Student Honor Board cannot be convened within a reasonable period of time after an accusation is made, the Vice President or a designee may review the case. If there is reasonable cause to believe that an act of academic dishonesty has occurred or has been attempted, the Vice President or designee will convene an ad hoc Honor Board by selected and appointing two students and one faculty/staff member. Whenever possible, student members of ad hoc boards shall be members of the Student Honor Council. A non-voting presiding officer shall be appointed by the Vice President for Student Affairs. If Review Officers cannot be appointed in accordance with Part Five of this Code, the Campus Advocated or another person designated by the Vice President for Academic Affairs will serve in that capacity.

- 12. The purpose of an Honor Review is to explore and investigate the incident giving rise to the appearance of academic dishonesty, to reach an informed conclusion as to whether or not academic dishonesty occurred, and to make a recommendation to the Dean. In keeping with the ultimate premise and justification of academic life, the duty of all persons at an Honor Review is to assist in a thorough and honest exposition of all related facts. The basic tenets of scholarship – full and willing disclosure, accuracy of statement and intellectual integrity in hypothesis, in argument, and in conclusion – must always take precedence over the temptation to gain a particular resolution of the case. An Honor Review is not in the character of a criminal or civil legal proceeding. It is not modeled on these adversarial systems; nor does it serve the same social functions. It is not a court or tribunal. Rather it is an academic process unique to the community of scholars that comprise a University.
- 13. The role of the Presiding Officer is to exercise impartial control over the Honor Review in order to achieve an equitable, orderly, timely, and efficient process. The Presiding Officer is authorized to make all decisions and rulings as are necessary and proper to achieve that end, including such decisions and rulings as pertain to scheduling and to the admissibility of evidence. If in the judgment of the Presiding Office there is reasonable cause to question the impartiality of a board member, the Presiding Officer will so inform the Honor council, which will reconstitute the board.
- 14. The Presiding Officer will select the date, time and place for the Honor Review and notify the student in writing a minimum of ten (10) days prior to the review.
- 15. The sequence of an Honor Review is necessarily controlled by the nature of the incident to be investigated and the character of the information to be examined. It thus lies within the judgment of the Presiding Office to fashion the most reasonable approach. The following steps, however, have been found to be efficient and are generally recommended:
 - (a) The Presenter, and then the student summarized the material before the Honor Board, including any relevant information or arguments.
 - (b) The Presenter, and then the student present question persons having knowledge of the incident, and offer documents or other materials bearing on the case. The Presenter, he student, and all members of the Honor Board may question any person giving testimony.
 - (c) The members of the Honor Board may ask the Presenter or the student any relevant questions. The member may also request any additional material or the appearance of other persons they deem appropriate.

- (d) The Presenter, and then the student, should make brief closing statements.
- (e) The Honor Board meets privately to discuss the case and reaches a finding by a majority vote.
- (f) The Honor Board will not conclude that a student has attempted or engaged in an act of academic dishonesty unless, after considering all the information before it, a majority of members believe that such a conclusion is supported by clear and convincing evidence. If this is not the case, the Honor Board will dismiss the charge of academic dishonesty in favor of the student with a finding that an attempt or act of academic dishonesty “did not occur”, or that it was “not proven”, whichever more accurately describes the result of its investigation. The student would then be notified in writing of the decision to dismiss the charge.
- (g) If the Honor Board finds the student has engaged in an act of academic dishonesty both the Presenter and the student may recommend an appropriate penalty. Pertinent documents and other material may be offered. The Honor Board then meets privately to formulate a recommendation. The recommendation of the Honor Board will be by a majority vote of its members.
- (h) The Presiding Officer will provide the appropriate Dean with a written report of the findings and recommendations.

16. The Presiding Officer will attempt to ensure that the following rules and points of order are observed:

- (a) The student may be assisted by an advisor, who may be an attorney. The role of an advisor will be limited to
 1. Making brief opening and closing statements, as well as comments on an appropriate sanction.
 2. Suggesting relevant questions, which the Presiding Officer may direct to the witness.
 3. Providing confidential advice to the student.

Even if accompanied by an advisor, the student must take an active and constructive role in the Honor Review. In particular, the student must fully cooperate with the Honor board and respond to its inquiries without undue intrusion or comment by an advisor. In consideration of the limited role of an advisor and of the compelling interest of the University to expeditiously conclude the matter, the work of an Honor Board will not, as a general practice, be delayed due to the unavailability of an advisory.

- (b) A tape recording of the Honor Review will be maintained.
- (c) Presence at an Honor review lies within the judgment of the Presiding Officer. An Honor Review is a confidential investigation. It requests a deliberative and candid atmosphere, free from distraction.

Accordingly, it is not open to the public or other “interested” person. However, at the student’s request the Presiding Officer will permit a student’s parents or spouse to observe and may permit a limited number of additional observers. The Presiding Officer may cause to be removed from the Honor Review any person, including the student or an advisor, who disrupts or impedes the investigation, or who fails to adhere to the rulings of the Presiding Officer. The Presiding Officer may direct that the person(s), other than the student and the Presenter, who are to be called upon to provide information, be excluded from the Honor Review except for that purpose. The members of the Honor Board may conduct private deliberations at such times and places as they deem proper.

- (d) It is the responsibility of the person desiring the presence of a witness before an Honor Review Board to ensure that the witness appears. If necessary, a subpoena may be requested. The Presiding Officer of the board may subpoena witnesses upon the motion of any board member or of either party and shall subpoena witnesses upon request of the Board advisor. Subpoenas must be approved by the Vice President for Academic Affairs and shall be personally delivered or sent by certified mail, return receipt requested. University student and employees are expected to comply with subpoenas issued pursuant to this procedure unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.

If the Vice President for Academic Affairs or his or her designee determines that a fair hearing cannot be held without the testimony of a particular witness, and after good faith attempts are made, the witness either fails or refuses to appear, the disciplinary hearing will be postponed until the witness agrees to appear or the charges will be dismissed. Because experience has demonstrated that the actual appearance of an individual is of greater value than a written statement, the latter is discouraged and should not be used unless the individual cannot or reasonably should not be expected to appear. Any written statement must be dated, signed by the person making it and witnessed by a University employee. The work of an Honor Board will not, as a general practice be delayed due unavailability of a witness.

- (e) An Honor Review is not a trial. Formal rules of evidence commonly associated with a civil or criminal trial may be counterproductive in an academic investigation proceeding, and shall not be applied. The Presiding Officer will accept for consideration all matters that reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious, irrelevant, or personally abusive materials should be excluded.
- 17. If the Honor Board finds that an attempt or act of academic dishonesty did occur, it shall recommend an appropriate sanction. The normal sanction shall be a grade of "XF" in the course, but the Honor Board may recommend a lesser or more severe sanction. Generally, acts involving advance planning, falsification of papers, collaboration with others or some actual or potential harm to other students will merit a severe sanction, i.e., suspension or expulsion, even for a first offense. An attempt to commit an act shall be punished to the same extent as the consummated act.
- 18. The finding of the Honor Board will be final and not subject to review. The Board's sanction recommendation is advisory to the Dean. If the Dean modifies the Honor Board's recommendation, the Dean will provide written reasons to the Honor Board.

PROCEDURES: ACTION BY THE DEAN, INSTRUCTOR, VICE PRESIDENT AND PRESIDENT

- 19. If the Honor Board finds that an attempt or act of academic dishonesty did occur, then the Dean will provide the student a copy of the Board's finding and recommendations, by personal delivery or certified mail. The Student may submit a written appeal to the Dean concerning the Honor Board's recommendation within ten (10) days after the student receives the Board's findings and recommendations. The student will be deemed to have received such findings and recommendations on the date of personal delivery, or if certified mail is used, on the date of delivery at the last address provided to the University by the student.
- 20. If the Honor Board awards the student a grade including the grade of "XF," or fashions an academic requirement, the decision constitutes the final and conclusive action of the University. If the Honor Board determines to suspend or expel the student, this action will not be implemented until reviewed by the President (or designee). If the Honor Board determines to take an action not otherwise described above (e.g., a community service assignment), then this will not be implemented until reviewed by the Vice President for Academic Affairs. In each instance, the review shall be limited to ensuring the sanction is not grossly disproportionate to the findings of the Honor Board.

THE GRADE OF "XF"

- 21. The grade of "XF" is intended to denote a failure to accept and exhibit the fundamental value of academic honesty. The grade "XF" shall be recorded on the student's transcript with the notation "failure due to academic dishonesty." The grade "XF" shall be treated in the same was as an "F" for the purpose of Grade Point Average, course repeatability, and the determination of academic standing.
- 22. No student with an "XF" on his or her transcript shall be permitted to represent the University in any extracurricular activity or run for or hold office in any student organization that is allowed to use University facilities or that receives University funds.
- 23. A student may file a written petition to the Student Honor Council to have the grade of "XF" removed and permanently replaced with the grade of "F." The decision to remove the grade of "XF" and replace it with an "F" shall rest in the discretion and judgment of a majority of a quorum of the Council; provided that:

- (a) At the time the petition is received, at least twelve months shall have elapsed since the grade of “XF” was imposed; and
 - (b) At the time the petition is received, the student shall have successfully completed a non-credit seminar on academic integrity, as administered by the Office of the Academic Affairs; or, if the person no longer enrolled at the University, an equivalent activity as determined by the Office of Academic Affairs, and
 - (c) The Office of Academic Affairs certifies that to the best of its knowledge the student has not been found responsible for any other act of academic dishonesty or similar disciplinary offense at the University of Maryland Eastern Shore or another institution.
24. Prior to deciding a petition, the Honor Council will review the record of the case and consult with the Vice President for Academic Affairs. Generally, the grade of “XF” ought not to be removed if awarded for an act of academic dishonesty requiring significant premeditation. The decision of the Honor Council review for four years, unless the Honor Council specifies an earlier date on which the petition may be reconsidered. Honor Council determinations pertaining to the removal of the “XF” grade penalty may be appealed to the Vice President for Academic Affairs. If the Vice President removes the grad of “XF” from the student’s transcript, the Vice President shall provide written reasons to the Honor Council. If the “XF” grade is removed, records of the incident may be voided by the Vice President for Academic Affairs for good cause, upon written petition of the student. Factors to be considered in review of such petition shall include:
- (a) The present behavior of the student,
 - (b) The conduct of the student subsequent to the violation,
 - (c) The severity of damage or harm resulting from it.

THE STUDENT HONOR COUNCIL

25. There shall be a Student Honor Council. The Honor Council is composed of ten (10) full-time students, normally selected in the spring for the following academic year, and who may be reselected for additional one-year terms.
26. The members of the Honor Council are selected in the following manner:
- (a) The Deans of the Undergraduate Schools each appoint one undergraduate student,
 - (b) The Dean of the Graduate School will appoint one graduate student,
 - (c) The Student Government Association will elect four full-time undergraduate students and the Graduate Students Association will elect two graduate students.
 - (d) If a Dean wishes to reappoint a member of the Council, the Dean shall seek the recommendation of the executive committee of the Student Honor council. The Council shall recommend reappointment only if the member has demonstrated a level of service and commitment to the functions and ideals of the Council that is exemplary.
27. A member of the Honor Council must be in high academic standing (a cumulative G.P.A. or at least 3.0) at the University and have no history of disciplinary, academic, or criminal misconduct.
28. All council members are subject to the training and conduct requirements as outlined below:
- (a) Prior to participating in board deliberations, new members will participate in one orientation session offered at least once each academic year by the Academic or Student Affairs Office.
 - (b) Student members of the Honor council who are charged with any violation of this Code or with a criminal offense may be suspended from their judicial positions by the Vice President for Academic Affairs during the pendency of the charges against them. Students convicted for any such violation or offense may be disqualified by the Vice President for Academic Affairs from any further participation in the Council. Additional grounds and procedures for removal may also be set forth in the bylaws of the Honor Council.

29. The Student Honor Council has the following responsibilities and authority:
- (a) To develop bylaws subject to approval by the University for legal sufficiency and consistency with the requirements of this Code, and the Code of Student Conduct (if any),
 - (b) To designate from its members students to serve as Review Officers, Presenters, and members of Honor Boards as specified in this Code. Appointment to these responsibilities will generally rotate in accordance with the bylaws of the Honor Council.
 - (c) To consider petitions for the removal of the grade of "XF" from University records in accordance with Part 26 of this Code.
 - (d) To receive complaints or reports of academic dishonesty from any source,
 - (e) To assist in the design and teaching of the non-credit seminar on Academic integrity and moral development, as determined by the Vice President for Student Affairs
 - (f) To advise and consult with faculty and administrative officers on matters pertaining to academic integrity at the University.
 - (g) To issue an annual report to the Campus Senate on academic integrity standards, policies, and procedures, including recommendations for appropriate changes.
30. The campus administration shall provide an appropriate facility, reserved for the primary use of the Honor Council, and suitable for the conduct of hearings. Clerical and secretarial assistance will also be provided.

FUTURE SELF-GOVERNANCE

31. Insofar as academic dishonesty is most immediately injurious to the student body, and because the student body is in a unique position to challenge and deter it, it is the intent of the University that ultimately this Code will evolve into one that is marked by complete student administration. The UMES Senate shall review the operation of this Code during the 2002-2003 academic year based in part on the annual reports of the Student Honor Council for the first three years of its operation. Consideration at that time should be given to introducing additional enforcement responsibilities and privileges characteristic of traditional honor systems at sister institutions, including the provision that only student members of Honor Boards may vote. It is expected that faculty participation on the Honor Boards will continue since the faculty ha an important interest in academic integrity, and since faulty members will have insights that should be consider in the resolution of individual cases.

TERMS:

AD HOC HONOR BOARD: Board consisting of two students and one faculty member appointed by the Vice President for Academic Affairs, and a Presiding Officer appointed by the Vice President for Student Affairs. (Part 14)

ACADEMIC DISHONESTY: SEE Part 1 of this Code.

CHARGE OF ACADEMIC DISHONESTY: A formal description of the case being considered by the Honor Board. Part 12

HONOR BOARD: Body appointed by the Student Honor Council to hear and resolve a case of academic dishonesty. The board consists of five voting members (three student members of the Honor Council and two faculty members). (Part 13)

HONOR REVIEW: The process leading to resolution of an academic dishonesty case. The process is conducted by an Honor Board. (Parts 18-21)

PRESENTER: The officer responsible for preparing the charge of academic dishonesty and presenting the case before the Honor Board. The presenter is appointed by the Honor Board from among the Review Officers, or is the Campus Advocate. (Part 11)

PRESIDING OFFICER: The individual on the Honor Board responsible for directing proceedings during the Honor Review. The Presiding Officer is a non-voting member of the Honor Board selected by the Vice President for Student Affairs. (Part 16)

QUORUM: Two-thirds of the members of the Student Honor Council

REVIEW OFFICERS: Three members of the Student Honor Council assigned to make a preliminary inquiry into an allegation of academic dishonesty. (Part 5)

STUDENT HONOR COUNCIL: A body of ten (10) students selected by the various Deans of Schools, as well as by the Student Government Association and the Graduate Students Association.

59.0 III-1.20 POLICY FOR REVIEW OF ALLEGED ARBITRARY AND CAPRICIOUS GRADING

(Approved by the Board of Regents, January 11, 1990)

Each institution shall develop guidelines and procedures to provide a means for a student to seek review of course grades alleged to be arbitrary or capricious. In this policy, the term "arbitrary and capricious" grading means 1) the assignment of a course grade to a student on some basis other than performance in the course; 2) the assignment of a course grade to a student by unreasonable application of standards different from the standards that were applied to other students in that course; or 3) the assignment of a course grade by a substantial and unreasonable departure from the instructor's initially articulated standards.

Replacement for: BOR II-5.01 and II-6.0

III-1.20(A) - UMES PROCEDURES FOR REVIEW OF ALLEGED ARBITRARY AND CAPRICIOUS GRADING

(Approved by the President January 1, 1992)

A. DEFINITIONS

1. “Arbitrary and Capricious Grading”
 - a. The assignment of a course grade to a student on some basis other than performance in the course, or
 - b. The assignment of a course grade to a student by unreasonable application of standards different from standards that were applied to other students that were in that course, or
 - c. The assignment of a course grade by a substantial and unreasonable departure from the instructor’s initially articulated standards.
2. “Student”

Student refers to any individual in attendance at UMES, and includes both undergraduates and graduate levels.
3. “Instructor”

Instructor refers to any tenured or non-tenured teacher or any Graduate Assistant teaching a course and assigning grades at UMES.
4. “Day or Days”

Refers to normal working days at UMES.

B. INFORMAL PROCEDURE

1. A student who believes he or she has received an improper final grade in a course should inform the instructor promptly. The instructor shall meet with the student at a mutually convenient time and place within ten days of receipt of the information. The purpose of the meeting is to attempt to reach a resolution.
2. If the instructor has left the University, is on approved leave, or cannot be reached by the student, the student should contact the Department Chairperson. The Department Chairperson, or a designee, shall meet with the student as described above to attempt to solve the problem.

C. FORMAL APPEAL

A formal appeal is available only upon a showing that the informal process has been exhausted.

1. General Requirements
 - a. An appeal must be made in writing, addressed to the appropriate dean and contain:
 - the course title and number;
 - the instructor’s name; and
 - a statement detailing why the grade is believe to be arbitrary and capricious as defined in this policy, and providing all relevant supporting evidence.
 - b. An appeal must be received in the Dean’s Office within 20 (twenty) days of the first day of instruction of the next semester (excluding summer).

2. Procedures

- a. Each school shall have a standing committee of two tenured faculty and one senior level student for the undergraduate school or graduate student for the graduate school to hear appeals of arbitrary and capricious grading. The appeal shall be heard within the academic unit offering the course. If the instructor of the course is a member of the committee, that instructor shall be replaced by an alternate dean.
- b. Each written appeal is to be reviewed by the entire committee for a decision by the majority. The committee shall either dismiss the appeal, or move it forward.
- c. Grounds for dismissal are:
 - the student has submitted the same complaint to any other grievance procedure;
 - the allegations, if true, would not constitute arbitrary and capricious grading;
 - the appeal was not timely;
 - the informal process has not been exhausted.
- d. If the appeal is dismissed, the committee shall notify the student in writing within ten days of the decision, and include the reason or reasons for the dismissal.
- e. If the appeal is not dismissed, the committee shall submit a copy of the appeal to the instructor. The instructor must reply in writing to the committee within ten days.
- f. If based on the instructor's reply, the committee feels there is a viable solution, that solution should be pursued with the student and the instructor.
- g. If no solution is reached, a fact-finding meeting with the instructor shall be held promptly. It is to be non-adversarial and informal with neither party represented by an advocate. Witnesses may be asked to make a statement to the committee if the committee is informed prior to the meeting. The meeting shall not be open to the public.
- h. The committee shall meet privately at the close of the fact-finding meeting to decide whether a majority believe the evidence supports the allegation of arbitrary and capricious grading beyond a reasonable doubt.
- i. The committee shall notify the student, the instructor, and the Dean in writing of the decision within five days of the meeting.

D. AUTHORITY OF THE COMMITTEE

1. The committee has the authority to take any action it believes will bring about substantial justice, including but not limited to:
 - a. Directing the instructor to grade the student's work anew.
 - b. Directing the instructor to administer a new final exam or paper.
 - c. Directing the cancellation of the student's registration in the course.
 - d. Directing the award of a grade of "pass" in the course.
2. The committee does not have the authority to:
 - a. Assign a letter grade for the course.
 - b. Reprimand or take disciplinary action against the instructor.
3. The decision of the committee is final, and binding on both parties. The decision may not be appealed to any other body within UMES or the University of Maryland System.

E. IMPLEMENTATION

The dean shall be responsible for implementing the decision of the committee.

85.0 III-5.10- POLICY CONCERNING THE SCHEDULING OF ACADEMIC ASSIGNMENTS ON DATES OF RELIGIOUS OBSERVANCE

(Approved by the Board of Regents, January 11, 1990)

It is the policy of the Board of Regents that the academic programs and services of each institution shall be available to all qualified students who have been admitted to its programs, regardless of their religious beliefs. Students shall not be penalized because of observances of their religious holidays and shall be given an opportunity, whenever feasible, to make up within a reasonable time any academic assignment that is missed due to individual participation in religious observances.

Each institution shall develop written policies and procedures for the implementation of this policy. The institution's policy in this matter shall be published regularly in the appropriate faculty and student media and other reasonable steps shall be taken to disseminate adequately this information to all members of the institution's community.

Replacement for: BOR I-2.00 and I-2.01

III-5.10(A) - UMES POLICY AND PROCEDURES CONCERNING ACADEMIC ASSIGNMENTS ON DATES OF RELIGIOUS OBSERVANCES

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES that students not be penalized in any way for participation in religious observations. Students shall be allowed, whenever practical, to make up academic assignments that are missed due to such absences. It is the student's responsibility to contact the instructor for each course in which work is missed, and make arrangements for make-up work or examinations.

A. Examinations and Tests

Students shall be allowed to take any examination or test administered during the student's absence for religious observance within one week of the student's return. Only material for which the student was originally responsible may be used in a make-up examination, and the examination must be given at a time and place feasible for both the instructor and the student.

B. Classwork

Students absent for religious observation shall receive any materials given out during the absence, and shall be given an opportunity to obtain class notes. Students shall be given a reasonable time to make up class assignments.

II. COMPLAINTS

A. A student may file a complaint about an instructor who he or she believes has not complied with this policy. Such complaints should be:

1. in writing;
2. submitted to the Department Chairperson; and
3. state the specifics of the complaint

B. The Department Chairperson shall review the complaint and meet with the instructor and the student to resolve the complaint.

C. A copy of the complaint is to be maintained by the Department Chairperson.

D. A student is not to be penalized in any way for filing a complaint.

E. If the student believes his or her final grade was affected a complaint may be filed under UMES Policy III.1.20 (A), Procedures For Review of Alleged Arbitrary and Capricious Grading.

III. ACADEMIC SCHEDULE

The President may specify certain dates within the academic calendar which, for reasons of religious observation by a large number of student and faculty, may not be used to administer examinations or tests, and may not be set as due dates for assignments.

(a) Enrollment and Class Lists

No student is officially enrolled in any class either for credit or as an auditor unless the student's name is on the official class list or the instructor has received the student's class card. A student may receive a grade or official audit credit only if he/she is officially enrolled, even if the student has attended the class and completed the work. It is, therefore, important that the student is informed as to whether he/she is properly registered. Class lists showing names of students assigned to each class and section are distributed to department heads as soon after registration as possible.

(b) Scheduling of Classrooms

Information as to the time and place of meeting of all classes is printed in the Schedule of Classes. Request to change the time or place of class meetings are made only through the department chair and the dean of the school under whose jurisdiction the course is given with the approval of the Vice President for Academic Affairs.

Classrooms and teaching laboratories may be used for occasional special lectures or discussions with the approval of the scheduling coordinator. In order that Physical Plant can have the facilities open, supply custodial service and notify Campus Security that special use of the building and room had been authorized, reservations must be made in advance of the activity scheduled.

Request for repairs to furniture in classrooms and teaching laboratories or for special equipment should be made directly to the department chair or dean. Each faculty member is expected to help protect University property and to conserve utilities by making certain upon leaving a room not in immediate use that windows are closed and the lights are turned off. Items left in classrooms should be taken to the lost and found service at the information desk of the Student Development Center.

SECTION V: Student Policies

71.0 III-2.40- POLICY ON UNDERGRADUATE STUDENT CONCURRENT INTER-INSTITUTIONAL REGISTRATION

(Approved by the Board of Regents, February 22, 1990)

I. POLICY

In order to permit enrichment of the college experience for full-time undergraduate students attending System institutions, each institution shall provide opportunities for students to pursue courses for credit at other institutions within the University System, with exceptions as provided in III below. The existence of this policy does not supersede cooperative agreements entered into by two or more UMS institutions. Student participation is on a voluntary basis; however, course work should be used to augment the program of study being pursued at the home institution.

II. DEFINITIONS

- A. Home Institution - The institution at which the student has been admitted and is enrolled as an undergraduate degree candidate;
- B. Host Institution - The institution at which the student is registered to pursue courses through the inter-institutional registration program.

III. REGULATIONS GOVERNING THE INTER-INSTITUTIONAL REGISTRATION PROGRAM

- A. Only undergraduates who are enrolled full-time in degree programs and who have attained at least sophomore status and are in good academic standing at the home institution are eligible to participate in the program. Students participating in the ROTC program are exempt from the sophomore standing requirement.
- B. This program is not available at University College or in self-support programs.
- C. Participation in the student inter-institutional registration program shall be entered into only after receiving approval from the appropriate authority at the home institution and with the concurrence of the appropriate authority at the host institution. Approval does not insure availability of a place in the course at the host institution. Students will use the registration procedures and times applicable to native students at the host institution.
- D. All tuition and fees incurred by students shall be paid to the home institution in accordance with that institution's policies. No additional registration fees may be charged. However, fees at the host institution associated with special courses may be assessed.
- E. Ordinarily students may attempt in a given semester only the number of credits in combined registration equal to the maximum number permitted students at the home institution. At least fifty percent of the semester course credits must be taken at the home institution.
- F. All credits and grades earned by participating students at a host institution shall be defined as resident credit and entered on the academic record of the student at the home institution. Both grades and credits earned within this program shall be included in the calculation of the grade point average at the home institution.
- G. The University of Maryland System and each institution shall develop coordinated procedures for the implementation of this policy.

Replacement for: BOT XI-M&N and Appendix H

III-2.40(A) - UMES POLICY ON UNDERGRADUATE STUDENT CONCURRENT INTER-
INSTITUTIONAL REGISTRATION

(Approved by the President January 1, 1992)

I. POLICY

In order to permit enrichment for students attending University of Maryland System institutions, opportunities exist for students to augment their programs by taking courses for credit at other UMS institutions. The following are the procedures to affect inter-institutional registration.

II. PROCEDURES - HOME INSTITUTION

- A. The student obtains the inter-institutional registration form from the Office of Admissions and Registration at the home institution, and secures approval from an academic advisor or department chairperson. The student submits the form to the coordinator/registrar who shall verify the information and, if appropriate the request.
- B. The home institution shall register the student for a “generic”. This ensures that the student is “officially registered” at the home institution and would allow monitoring of the student by providing the registrar with class lists.
- C. The registrar/coordinator shall inform the student of the registration days and times at the host institution and give one copy of the completed form to the student to facilitate completion at the host institution.
- D. Upon completion of the course, the host institution’s registrar/coordinator shall forward an official transcript to the home institution reflecting the grades earned and the courses taken there.
- E. Upon official notification, the home institution shall post the grade(s) according to institutional policy so that they are calculated in institution’s academic totals.
- F. In addition to the posting of the grades, the home institution shall make a notation on the student’s record indicating that the courses were taken as part of an inter-institutional registration and list the name of the institution. This information should appear with the semester in which courses were taken.
- G. Students participating in inter-institutional registration programs shall be advised that they are expected to follow the change of schedule deadlines and pertinent academic policies that are in effect at the host institution for those courses in which they are registered. Failure to comply with a host institution’s deadlines/policies may result in failing grades or other academic actions, which shall need to be resolved between the student and the host institution.

III. PROCEDURES – HOST INSITUTION

- A. Upon receipt of the inter-institutional registration form, the host institution’s registrar/coordinator shall arrange for registration at a time appropriate to the student’s classification.
- B. Incoming students shall be classified as inter-campus registrants to eliminate them from head counts and to alleviate any problems with billing.
- C. Special permits, parking or other fees at the host institution are the responsibility of the student electing to participate in the program.
- D. Students wishing to participate in the inter-institutional registration shall be accommodated on a course available basis. Students are expected to have met the prerequisites or other criteria set for restricted programs of study.

IV. PROCEDURES - SPECIAL CIRCUMSTANCES

Inter-institutional registration is a student responsibility, but exceptions shall be permitted when both coordinators at the home and host institutions agree that circumstances warrant action. Those for whom a special situation exists (disability, special circumstances, etc.) may ask the home institution coordinator to facilitate the registration process for them.

94.0 III-6.40- POLICY ON CLASSIFICATION OF UNDERGRADUATE STUDENTS

(Approved by the Board of Regents, April 26, 1990)

- I. For academic certification purposes during any Fall or Spring Semester, a full-time undergraduate student is one who is registered in any day and/or evening courses totaling twelve (12) or more credit hours.
- II. For official reporting purposes, undergraduate students will be classified according to credits earned, according to the following scale:

0 – 29	Freshman
30 – 59	Sophomore
60 – 89	Junior
90 and above	Senior
- III. For internal purposes, which may include -- but are not limited to -- eligibility to register, eligibility for honors, parking, housing, transfer, each institution shall establish and publish an undergraduate classification based on credit hours earned or attempted.

Replacement for: BOT X-0 and X-P

III-6.40(A) UMES POLICY ON CLASSIFICATION OF UNDERGRADUATE STUDENTS

(Approved by the President January 1, 1992)

Students at UMES are classified according to the number of credits earned as follows:

0-27	credit hours earned	Freshman
28-55	credit hours earned	Sophomore
56-83	credit hours earned	Junior
84 or more	credit hours earned	Senior

100.0 III-7.20 UNIVERSITY OF MARYLAND SYSTEM POLICY ON UNDERGRADUATE GENERAL EDUCATION TRANSFERABILITY BETWEEN UMS INSTITUTIONS

(Approved by the Board of Regents June 10, 1994)

Among the benefits to students inherent in attending a University of Maryland System institution is the opportunity to move beyond the walls of the original admitting institution to take advantage of the full resources of the UMS. In some instances, students may elect to transfer to another institution within the System. Such transfer should be possible without loss of credit, redundant course work and consequent unnecessary cost. In recognition of the principle that the appropriate application of general education course credit towards degree completion enhances the efficiency of the transfer process, UMS institutions will facilitate students' inter-institutional transfer by allowing them to use completed general education requirements at one System institution to meet general education requirements at any System degree-granting institution, as specified below.

I. Students who complete general education requirements which include course work in each of the areas of

- a) arts and humanities,
- b) English composition,
- c) social and behavioral sciences,
- d) mathematics, and
- e) biological or physical sciences

at a University of Maryland System degree-granting institution shall be considered to have completed general education requirements at any University of Maryland System degree-granting institution to which they transfer. For the purposes of this policy, the distribution of general education may be covered using interdisciplinary courses.

II. Students who do not complete their general education requirements at a University of Maryland System degree-granting institution before transferring to another degree-granting institution in the System, shall be required to complete the general education requirements of the System institution to which they transfer.

A. Transferable courses defined as meeting the general education requirements at the sending institution shall be applicable to the general education requirements of the receiving institution according to the distribution requirements of the receiving institution.

B. The student will be notified in writing at or before transfer which courses are transferable, and which of the receiving institution's general education requirements are satisfied by specific transferable courses.

III. System institutions may require as a condition of graduation completion of special courses beyond those designated as general graduation requirements and major program requirements. A student transferring from another System institution may be required to complete no more than twelve hours of such course work. Examples of such courses are new student orientation, speech, foreign language, physical education, health, upper-division writing, culture and diversity, and social/ethical/historical foundations. A student transferring from another System institution must complete such requirements regardless of whether or not the student has completed the general education requirements prior to transfer.

IV. The determination of the major program requirements for a baccalaureate degree, including courses in the major taken in the lower division, shall be the responsibility of the faculty of the institution awarding the degree. The receiving institution may set major requirements which fulfill general education requirements simultaneously.

V-1.00(A) - UMES JUDICIAL CODE

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES to administer a judicial system to handle infractions committed by a University student. In the interest of maintaining order on the campus and guaranteeing the broadest range of student freedom, rules have been promulgated by the Student Judicial Council and the Campus Judicial Board, which will govern student conduct and enhance the educational environment of its constituents.

The UMES judicial system is designed to assure due process, speedy and constructive resolution of cases and controversies. It is intended that this judicial system, as applicable to UMES students, will operate on the principle that the ends of justice will best be served by promoting the development of self-knowledge and self-discipline expressed in socially desirable ways rather than harmful, destructive or immature attitudes or behavior.

The UMES Judicial Code is not applicable to employment responsibilities, academic responsibilities, financial responsibilities, or organized group responsibilities.

There are three levels of hearings within the UMES judicial system. The Judicial Administrator hears cases of minor infractions of the judicial code by mutual consent of the parties. The Student Judicial Council has original jurisdiction in cases involving serious or repeated violations where suspension is a possible punishment. The Campus Judicial Board hears appeals from decisions of the Student Judicial and has original jurisdiction in matters involving minor violations of the Judicial Code, which may not lead to suspension.

II. JUDICIAL CODE

Violations of the following standards of conduct are heard by the Student Judicial Council/Campus Judicial Board:

A. Scholastic Dishonesty

1. Willful and intentional submission of false records of academic achievement.
2. Cheating on assignments or examinations.
3. Plagiarism.
4. Altering, forging, or misusing a University academic record.
5. Taking, acquiring or using test materials without faculty permission.
6. Acting alone or in concert with another to falsify records or to obtain dishonest grades, honors, awards or professional endorsement.

B. Falsification

1. Willfully and intentionally providing University offices or officials with false, misleading, inaccurate, or incomplete information.
2. Intentionally and willfully making a false report of a bomb, fire, natural disasters, or other emergency to a University official.
3. Misusing, altering, forging, falsifying or transferring to another person, without proper authorization, any official University records, documents, including but not limited to meal cards, athletic cards, and identification cards.

4. Conspiring or inducing others to forge or alter, without proper authorization, any official University records, or documents including but not limited to meal cards, athletic cards, identification cards, tickets to officially recognized or sponsored University activities and events.
- C. Misrepresentation
1. Willfully refusing to identify oneself to University officials with the intent to obtain a benefit or to insure or defraud;
 2. Willfully falsely identifying one's self with the intent to obtain a benefit or to insure or defraud.
- D. Non-Compliance
1. Willfully failing to comply with a proper order or summons when requested by an authorized University official.
 2. Willfully failing to comply with instructions of University officials acting in performance of their duties.
 3. Willfully failing to appear before a disciplinary committee upon a request.
- E. Theft
1. Willfully and intentionally destroying, defacing, or damaging property of or belonging to the University or a member of the campus community, including guests.
 2. The wrongful sale or conversion of a gift or property belonging to the University or a member of the campus community including guests.
- F. Property Damage
1. Willfully and intentionally destroying, defacing, or damaging property of or belonging to the University or a member of the campus community, including guest.
 2. Being an accomplice, including advisement or encouragement though not actually present, to acts of destroying or defacing property of or belonging to the University or a member of the campus community, including guests.
- G. Disorderly Conduct on Campus
1. Threats, physical or verbal abuse, harassment, or hazing which threatens or endangers the health, safety, or welfare of a member of the campus community.
 2. Fighting or physically attacking another.
 3. Obstructing or disrupting teaching, research, administrative and public service functions.
 4. Obstructing or disrupting disciplinary proceedings or other authorized University activities.
 5. Intentional participation in campus demonstrations, which disrupts the normal operations of the University and infringes on the rights of other members of the campus community.
 6. Leading or inciting others to disrupt scheduled/and or normal activities of any campus area causing infringement on the rights of other members of the University community.
 7. Intentional obstruction, which unreasonably interferes with freedom of movement and rights of other members of the campus community.

8. Inappropriately making noises or causing noises to be made which disturb classes, meetings, office procedures, and other authorized University activities.
9. Vandalism or breaking and entering on campus, or being an accomplice to such an act.

H. Possession of Dangerous Weapons, Firearms or Explosives on Campus

Except for authorized use by law enforcement agencies and officials, the possession or use of the following devices is prohibited on University property, including but not limited to residence halls, sororities, fraternities, University buildings and grounds: BB guns, pellet guns, rifles, handguns, switchblade knives, hunting knives, straight razors, any incendiary devices, explosives and ammunition.

I. Illegal Use and Possession of Narcotics on Campus

1. Possession, unauthorized use and involvement in handling or sale of drugs and narcotics without a prescription from a duly licensed physician is strictly prohibited.
2. Possession, use or sale of marijuana, cocaine, LSD or other hallucinogenic or illegal drugs is strictly forbidden.

J. Conduct in Violation of State, Local, or Federal Law

Any conduct in violation of state, local or federal law or regulation is strictly forbidden.

K. Tampering With Mail

Tampering with campus post office letterboxes, the mail of others and/or postal thefts is strictly forbidden.

L. Residence Life and Housing Rules and Regulations

1. Violation of residence hall quiet hours.
2. Violation of visitation policy as posted by the housing office.
3. Failure to meet standards of room cleanliness.
4. Using non-specified exits.
5. Misuse of fire equipment.
6. Making, or causing to be made, a false fire alarm.
7. Misuse of residence hall vending equipment (kicking, banging, hammering, etc.)

III. OFFICE OF JUDICIAL ADMINISTRATOR

A. Appointment

A judicial administrator shall be appointed by the Vice President for Student Affairs of the University of Maryland Eastern Shore.

B. Authority

It is the responsibility of the judicial administrator to coordinate and administer the UMES judicial system. The judicial administrator may adjudicate any case providing the individuals involved (the accuser and the accused) agree to the adjudication.

The judicial administrator shall be responsible for having official notice of complaints or charges served, scheduling hearings, and maintaining order at hearings of the judicial body.

The judicial administrator may refer any act, which is a violation of state, local or federal law, which may be adjudicated under the judicial code, to the local law enforcement authorities. The Chief of Police of UMES shall inform the Vice President for Student Affairs of the referral of any University community member for alleged violation of state, local, or federal law to local law enforcement authorities. This does not preclude any University member's right to civil adjudication of a case where the case is a violation of state, local or federal law, shall be referred to the appropriate state, local or federal law enforcement authority.

The judicial administrator has the authority to reach a settlement with the accused. If the settlement is not acceptable to the accuser, the case is presented before the judicial body designated by the judicial administrator. A written settlement executed by both parties and approved by the judicial administrator shall be the final disposition in any case.

IV. CAMPUS JUDICIAL BOARD

Jurisdiction

Original jurisdiction in all matters involving minor violations of the UMES Code of Conduct, which may not lead to suspension.

Composition

The Campus Judicial Board shall consist of five members. Three members shall be recommended by the Office of Residence Life and two by the president of the Student Government Association. The Vice President for Student Affairs shall make the appointment and designate a chair.

Scope of Determination

The Campus Judicial Board may determine and apply penalties appropriate to the offense up to but not including separation from the University. In the event of flagrant or repeated violation, the Campus Judicial Board may refer to the case to the Student Judicial Council for hearing.

V. STUDENT JUDICIAL COUNSEL

A. Jurisdiction

Original jurisdiction in all matters involving serious or repeated violations of the UMES Code of Conduct where suspension is a possible consequence.

B. Composition

The Student Judicial Council shall consist of seven members, none of whom may be associated with the Student Affairs Office. Three members shall be students recommended to the President by the president of the Student Government Association. Four members shall be appointed by the President, with one of the four designated as chair.

To be eligible to sit as a student member of the Student Judicial Council a student shall possess the following minimum qualifications:

1. Current, full-time enrollment in UMES;
2. No academic or conduct probation at any time during tenure as a judge;
3. Not an elected officer of the Student Government Association, Pan-Hellenic Council or UMES Senate;
4. Not a member of any judicial body on campus; and
5. Maintain at least a 2.0 average.

A faculty member sitting on the Student Judicial Council must:

1. Not be an elected member of the UMES Senate;
2. Be appointed by the President; and
3. Not be a member of any other judicial body on campus.

The chair of the Student Judicial Council shall be a faculty member, staff member, or administrator appointed by the President.

Vacancies on the council shall be filled in the same manner as provided for original selections, and removal shall be for any valid reason with a two-thirds vote and a written recommendation from the council to the President.

VI. PROCEDURES

A. Filing Charges

Any member of the campus community may initiate a case by filing a written complaint with the Office of the Judicial Administrator. The complaint must contain:

1. The name and address of the accuser;
2. The name and address of the accused;
3. The date of the complaint;
4. A short, clear statement of the complaint;
5. A request for judgment or the relief desired, if any.

B. Rights of the Accused

1. Presumption of Innocence

Every accused shall be presumed innocent until proven guilty. The burden of proof shall rest with the accuser(s), to prove by clear and convincing evidence, the facts of the complaint.

2. Notice

The accused shall be served a copy of the complaint in person or by certified mail by the appropriate UMES administrator or official as expeditiously as possible (usually within seven academic calendar days). A record shall be made of the date of service.

3. Response

The accused shall be entitled to file a written response. The response must be received by the Judicial Administrator within seven academic calendar days of the date of service. The response shall be served by certified mail or in person, and should be concise, and contain any denials, defenses, or counterclaims.

4. Hearing

If a settlement which is agreeable to both parties is not reached, the case shall be presented before the judicial body designated by the Judicial Administrator.

C. Hearings

Every student at the UMES campus has the right to a hearing as herein provided. Except for the imposition of summary suspension, no disciplinary penalty shall be imposed without a hearing.

Both parties shall be entitled to appear in person and to be accompanied by a member of the UMES campus of their choice who may serve as counsel. Only members of the faculty, staff, or student body who are not members of the judicial counsel may serve as counsel.

Both parties shall have the right to present or oppose a claim for relief, to call witnesses on their behalf, to present proof through testimony or documentary evidence, to ask questions of opposing witnesses, and to argue matters in dispute so as to enable the judicial body to develop reasonable findings and to reach a just decision.

All hearings shall be closed unless otherwise designated by the judicial body's chair.

The technical rules of evidence shall not apply, but evidence may be excluded at the discretion of the chair of the judicial body if it is irrelevant, immaterial or unduly repetitious. Evidence may be ruled irrelevant if it has no bearing on the issue of the case, immaterial if it has no weight in the disposition of the case, and unduly repetitious if it is duplicative of evidence already received to such an extent that it has no further probative value.

If the student charged does not appear, either personally or by a representative, without satisfactory explanation being made at the earliest possible opportunity, or should the student leave before the adjournment or conclusion of the hearing, the hearing shall proceed. A decision shall be rendered based on the available evidence.

VII. NOTIFICATION OF DECISION

The parties shall be entitled to a written decision with an explanation of the reasons for the decision within fourteen academic calendar days of the hearing.

VIII. RIGHT TO APPEAL

A decision of the campus Judicial Board may be appealed by the student charged or the person bringing the charge. A request for appeal must be filed in writing with the judicial officer within five working days of the notification of decision. The decision to grant or deny an appeal is at the sole discretion of the President or a designee. The President may conduct a new hearing to be held within ten working days from receipt of the appeal. The sanctions of the original judicial body may be upheld, reduced, or strengthened on appeal.

The only grounds for an appeal are:

1. Substantial departure from the procedures set forth in this policy, such departure impacting on the outcome of the hearing.
2. The discovery or availability of new evidence, which, if true, would substantially alter the outcome.

IX. PRACTICE AND PROCEDURE

The Rules of Practice and Procedure are general guidelines to be utilized. Said rules are not subject to amendment without the approval of the UMES Senate. Additional guidelines, which amplify or clarify these rules, may be added so long as they do not restrict or deny the guarantee of due process specified in these Rules. Such guidelines must be in writing and approved by a majority of the council membership and are subject to review by the UMES Senate.

X. RECORD OF HEARINGS

There shall be a complete record kept of all proceedings by tape recording. All recordings of hearings shall be the property of UMES and may be released to the council only.

XI. ACCESS TO DISCIPLINARY RECORDS

Records of any proceedings under this policy are available to the chair of the Student Judicial Council, the accuser and accused in any case, to which they are a party, and the President or a designee.

All disciplinary records shall be destroyed upon the graduation of the disciplined student. In cases where the student has been found not guilty, files shall be destroyed within 30 days of the decision.

XII. PRESIDENT'S RIGHT TO SUMMARY SUSPENSION

The President or a designee may summarily suspend a student from the University for up to one week when, in his or her best judgment, immediate action is necessary. Such suspensions are subject to review by the Student Judicial Council within one week of the suspension.

Students receiving summary suspensions shall have rights provided in the Judicial Code, and until and unless the student is found guilty, the student's status as a member of the UMES community shall not be altered.

In cases where a suspension is not upheld by the Student Judicial Council, the student shall have the right to be granted excused absences from all classes and responsibilities missed due to the suspension.

XIII. ANNUAL REPORT

The Vice President for Student Affairs shall make an annual report to the UMES Senate on the functioning of these policies and procedures.

XIV. ANNUAL REVIEW

There shall be an annual review of the Code of Student Conduct by a faculty-student committee appointed by the President.

XV. AMENDMENT

These policies and procedures may be amended by approval of the UMES Senate with full consideration and participation by a representative of the Judicial Council.

VIII-2.01 – POLICY ON TUITION

(Approved by the Board of Regents June 11, 1993; Amended on December 19, 2003)

PREAMBLE

The University System of Maryland is responsible for and committed to ensuring that qualified Maryland residents have access to System institutions and quality education at affordable costs. Since the students benefit from the education they receive, they have a responsibility to pay a reasonable share of the costs through tuition. Since Maryland benefits from having an educated citizenry, the state also has a responsibility to bear a substantial portion of the costs through taxpayer support. The University System of Maryland also has a responsibility to maximize the efficiency of its operation so as to minimize the cost to taxpayers and students.

Among the principles set forth in the System's founding legislation are the following:

The people of Maryland deserve high quality in all aspects of public higher education.

Public higher education should be accessible to all those who seek and qualify for admission.

Adequate funding by the State is critical to ensure access to high quality public higher education.

To help identify the responsibilities of students and the state in funding public higher education AND to ensure that the University System of Maryland is able to fulfill its legislative mandates, the System leadership recognizes the need for a tuition policy. The policy is designated to:

- provide students with a quality education and enable the System to move toward its legislatively-mandated goal of achieving and sustaining national eminence;
- further the state's understanding and appreciation of the significant role state revenues are expected to play in supporting the goals of the System;
- allow the System and its institutions to plan, budget, and allocate resources over the long term;
- keep tuition increases predictable, enabling students to plan for their educational expenses;
- provide access to System institutions for the range of qualified students; and
- recognize and support the individual institutional missions.

Students from other states and countries who enroll at USM institutions add a richness of experience and diversity that benefits all institutions and their students. However, those students should pay an additional amount of tuition, which, at minimum, offsets the State's contribution intended to subsidize the education of its residents.

I. DEFINITIONS

Tuition: The rate paid by students to enroll in a USM institution and the fees all students must pay that are part of the state supported budget. Fees to support auxiliary enterprises, self-funded operations and fees that are not collected from all students (e.g., lab fees, application fees, etc.) are not covered by this policy.

Funding Guideline: The funding guideline is a calculation that provides an institutional benchmark to assess the adequacy of funding for an institution against an external peer-related comparison.

Full-Time Equivalent Student (FTES): Number of full-time students plus one-third the number of part-time students. This formula is consistent with that used for the funding guidelines and national standard practice.

State Appropriations: General funds (state tax dollars) provided annually to an institution.

Self-funded Operations and Auxiliary Enterprises: Operations supported by fees and charges that are determined by the amount of revenue required for the individual activity to operate on a sound fiscal basis, without accumulating a deficit or postponing required expenditures to a future year.

II. Tuition Plan and Level

Tuition at an institution, when combined with state appropriations for that institution, is expected to provide sufficient revenue to support the goals of quality and of achieving and sustaining national eminence.

A. Institutional Tuition Plans

1. Each institution will update annually a four-year tuition plan based on assumptions that on a format provided by the Chancellor, related to projected state appropriation, funding guidelines target and planned enrollment levels. Changes proposed in the annual update should address changes in assumptions that caused the recommended revision to tuition rates.
2. Funding guidelines targets will NOT be adjusted to compensate for enrollment growth that has not been approved by the Board of Regents.
3. This plan will also include targets for increased efficiencies in institutional operations, including cost containment initiatives reported to the State.
4. Revenues from tuition or special programs that are part of the state-supported budget should be included in the tuition plans. The plans should also include revenues from all fees that are not related to auxiliary operations or other self-funded activities.
5. Tuition is expected to vary by institution based on mission, program offerings, general funds per full-time equivalent student, facilities, and other factors.
6. The semester tuition approved by the Regents for Fall and Spring semesters will be subject to change under extenuating circumstances.

B. Tuition Level

Annually, the Board of Regents will approve the tuition rates included in the institutional tuition plans. Tuition for each category of student at an institution will be established either as a semester cost or specified as a cost per credit hour. The tuition levels should be established in accordance with the following principles:

1. Generally, undergraduate tuition within an institution should not vary by discipline or cohort, except for the professional schools at the University of Maryland, Baltimore. However, institutions may seek an exception to this policy.
2. Out-of-state undergraduate students should pay an additional amount of tuition which at a minimum offsets the State's contribution intended to subsidize the education of its residents and institutions are encouraged to set tuition for out-of-state undergraduate students at market level. Based on compelling reasons, institutions may seek an exception to this policy. For each institution, the calculation of the State contribution shall include the general funds appropriations per resident FTES (as defined in the USM Funding Guidelines) plus the System average cost of GO and PAYGO debt amortization (cost of facilities not reflected in the institutions' budgets) per resident FTES. The calculation of state subsidy should be adjusted for state financial aid and research/public service support.
3. Part-time undergraduate students are to pay a per-credit hour charge based on a normal semester load for a full-time undergraduate student of at least 12 credits per semester.
4. Tuition for graduate and professional students may be set on a program differential basis.
5. Out-of-state graduate and professional students are to pay a higher amount than in-state graduate and professional students; their tuition should reflect market levels unless there is a compelling reason to the contrary.
6. Tuition for special programs at the graduate level may be set at a flat rate that may include fees and may vary from the guidelines state above.

III. FINANCIAL AID

Institutions should address need-based institutional financial aid opportunities in their tuition plans with the goal of maximizing access for all qualified students under the proposed tuition rates.

IV. REQUIRED REPORTS

This policy provides for undergraduate tuition to be established independent of tuition at comparable institutions. However, tuition information for comparable institutions within the region and nationally is to be made available to the Board of Regents Committee on Finance at the time it considers the operating budget request and the related tuition adjustments.

Each USM institution will provide to the public easily accessible information reflecting a four year projection of costs to attend the institution. The projection will include an explanation of the assumptions serving as the basis of the projects. The information should include examples of the total costs for typical students, including tuition, mandatory fees, course fees, and room and board.

73.0 III-2.41 - POLICY ON GRADUATE STUDENT INTER-INSTITUTIONAL REGISTRATION

(Approved by the Board of Regents, June 19, 1991)

I. POLICY

It is the policy of the Board of Regents of the University of Maryland System to encourage graduate students enrolled at one institution of the System to avail themselves of course offerings, research facilities, and special faculty competencies at the other institutions of the System. Therefore, degree-seeking graduate students at UMS institutions may, with the permission of the director of graduate studies in the program to which they were admitted, pursue for credit at other institutions within the University System graduate courses to augment their degree programs.

Courses taken at other institutions should be used to augment the home campus program. If a major portion of the program a student wants is not given at the home institution, then the student should transfer to an institution which offers the program.

In granting permission to pursue the opportunity afforded by this policy, significant factors to be considered by the director of graduate studies may include but are not limited to:

- A. Unavailability of a similar or comparable course at the home institution within a reasonable time frame. Here convenience is not adequate justification.
- B. Possible enhancement of the student's overall program in a way not possible at the home institution, as by the existence at the host institution of a unique research or instructional facility, particular faculty expertise, or the availability of a particular course not offered at the home institution.
- C. The level and content of the course, including the nature of prerequisite course work.

II. DEFINITIONS

- A. Home Institution -- The institution to which the student is currently, formally admitted in an approved graduate degree program. The home institution will be responsible for admission, academic advising, grants of financial aid, the academic transcript and the awarding of the graduate degree. The student must maintain academic eligibility at the home institution.
- B. Host Institution -- The institution which registers the inter-institutional student for the inter-institutional course only and offers the course(s) taken as a visiting inter-institutional student. The host institution will provide, on a space available basis, access to courses, seminars, and research facilities. Use of the libraries, parking facilities, and emergency health care will be made on the same terms on which they are offered to graduate students at that institution.

III. REGULATIONS GOVERNING THE INTER-INSTITUTIONAL REGISTRATION PROGRAM

- A. Degree-seeking graduate students in good academic standing in approved graduate programs at UMS institutions are eligible to participate.
- B. Participation in the program shall be entered into only after receiving approval from the appropriate authority at the home institution and with the concurrence of the appropriate authority at the host institution. Approval does not insure availability of a place in the course at the host institution. Actual registration is on a "seats available" or other established basis. Contact with the department or program at the host institution is recommended in order to determine availability of space in the course and the existence of particular prerequisites. This should be done well in advance of the registration period in which the course will be taken. Students will use the registration procedures and times applicable to native students at the host institution.
- C. Inter-institutional students shall pay all tuition for courses taken at a host institution directly to the home institution in accordance with that institution's policies. On an annual basis there will be an exchange of tuition collected based on enrollments at the host institutions. For teaching load and FTE student computation, the credit hours taken at the host institution will be reflected at the host institution.

- D. All credits and grades earned by participating students at a host institution are defined as resident credit by the home institution and entered on the academic record of the student at the home institution.
- E. The University of Maryland System and each institution shall develop coordinated procedures for the implementation of this policy.
- F. The University of Maryland System and each institution shall develop coordinated procedures for the implementation of this policy.

Replacement for: BOR I-4.00, Section IV

III-2.41(A) - UMES POLICY ON GRADUATE STUDENT CONCURRENT INTER-INSITUIONAL
REGISTRATION

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES to permit degree-seeking graduate students to make use of course offerings, research facilities and special faculty competencies at other institutions of the University of Maryland System, and to allow graduate students of other System institutions to do the same at UMES. The following are the procedures to affect graduate inter-institutional registration.

Students wishing to participate in graduate inter-institutional registration shall be able to demonstrate either that the course(s) are unavailable at the home institution or that the host institution does have important and unique resources that would significantly enhance the student's program of study.

Students must have the permission of the Vice President for Academic Affairs to participate in this program, and in all cases, the decision of the Vice President for Academic Affairs is final.

II. PROCEDURES – HOME INSTITUTION

- A. Students obtain the graduate inter-institutional registration form from the home institution, and secure approval from their advisors and the Vice President for Academic Affairs. The student submits the form to the registrar who shall verify the information and, if appropriate, approve the request.
- B. The home institution shall register the student for a generic course in the graduate school. This ensures that the student is "officially registered" at the home institution and would allow monitoring of the student by providing the registrar with class lists.
- C. The registrar shall inform the student of the registration days and times at the host institution and give one copy of the completed form to the student to facilitate completion at the host institution.
- D. Upon completion of the course, the host institution's registrar shall forward an official transcript to the home institution reflecting the grades earned and the courses taken there.
- E. Upon official notification, the home institution shall post the grade(s) according to institutional policy so that they are calculated in institution's academic totals.
- F. In addition to the posting of the grades, the home institution shall make a notation on the student's record indicating that the courses were taken as part of an inter-institutional registration and list the name of the institution. This information should appear with the semester in which courses were taken.
- G. Students participating in inter-institutional registration programs shall be advised that they are expected to follow the change of schedule deadlines and pertinent academic policies that are in effect at the host institution for those courses in which they are registered. Failure to comply with a host institution's deadlines/policies may result in failing grades or other academic actions, which shall need to be resolved between the student and the host institution.

III. PROCEDURES – HOST INSTITUTION

- A. Upon receipt of the inter-institutional registration form, the host institution's registrar/coordinator shall arrange for registration at a time appropriate to the student's classification.
- B. Incoming students shall be classified as inter-campus registrants to eliminate them from head counts and to alleviate any problems with billing.
- C. Special permits, parking or other fees at the host institution are the responsibility of the student electing to participate in the program.

- D. Students wishing to participate in the inter-institutional registration shall be accommodated on a course available basis. Students are expected to have met the prerequisites or other criteria set for restricted programs of study.

IV. PROCEDURES - SPECIAL CIRCUMSTANCES

Inter-institutional registration is a student responsibility, but exceptions shall be permitted when both coordinators at the home and host institutions agree that circumstances warrant action. Those for whom a special situation exists (disability, special circumstances, etc.) may ask the home institution coordinator to facilitate the registration process for them.

261.0 VIII-2.60 - POLICY ON TUITION FELLOWSHIPS FOR GRADUATE STUDENTS

(Approved by the Board of Regents, July 26, 1990)

Constituent institutions in the University of Maryland System which enroll students in graduate programs are authorized to provide tuition fellowships to graduate students. Such fellowships are available only to students enrolled full-time in degree programs and entail no service obligations on the part of the recipients.

Each institution eligible to implement a tuition fellowship program for graduate students shall adopt procedures to administer the program, within this policy.

VIII-2.60(A) - UMES POLICY AND PROCEDURES CONCERNING TUITION FELLOWSHIPS FOR GRADUATE STUDENTS

(Approved by the President January 1, 1992)

A. POLICY

A fellowship is an award bestowed on a student who displays academic merit and promise. To be eligible for a fellowship at UMES, applicants must be admitted to a full-time degree program in the Graduate School.

B. FELLOWSHIPS FOR SCIENCE

UMES participates in the Graduate Fellowship program of the United States Office of Education for minorities in the sciences.

C. OTHER RACE GRANTS

1. This grant is intended to increase the participation of non-black students in graduate education at UMES.
2. Applicants must:
 - a. be citizens or permanent resident aliens who are classified as Maryland residents;
 - b. be admitted as degree seeking students;
 - c. be willing to register as full-time students;
 - d. be able to demonstrate special merit or need.
3. The individual educational grants vary.
4. Students may apply for reappointment for up to three years.

(Approved by the Board of Regents, February 22, 1990)

Each institution, in order to encourage students to resume their pursuit of a baccalaureate degree after an academic separation of at least five calendar years from the institution, may establish an academic clemency policy that may remove or reduce the burden of unsatisfactory or failing grades (as defined by the institution) earned previously at that institution.

Replacement for: BOR I-1.70

III-1.30(A) - UMES POLICY AND PROCEDURES ON ACADEMIC CLEMENCY

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES to allow undergraduate students returning to the campus after a separation of at least five years to petition for the removal of a limited number of unsatisfactory or failing grades earned previously at the Eastern Shore Campus.

II. CRITERIA

In order to apply for academic clemency the following must be met:

1. The student must be readmitted or reinstated at UMES.
2. The student must be registered for classes at UMES.
3. The student must have been separated from UMES and not enrolled in any other four-year degree program for a period of at least five years.

III. PROCEDURES

1. The student must file a written petition with the Vice President for Academic Affairs.
2. The petition must contain:
 - a. the student's name and social security number;
 - b. the dates the student attended UMES;
 - c. a list of the courses the student wishes to have removed from the calculation of the grade point average. A maximum of sixteen credits may be removed.
3. The petition must be filed prior to the last day of classes in the semester the student first returns to UMES.
4. The Vice President for Academic Affairs shall decide which, if any, of the courses should be excluded from calculation of the students' grade point average, and shall notify the student in writing of the decision. The decision of the Vice President for Academic Affairs is final, and there is no appeal within UMES or the University of Maryland System.
5. Courses, which are excluded, are designated on the transcript with the notation E.C. (excluded credit) and are not counted toward graduation requirements.
6. Courses, which are excluded, are designated on the transcript with the notation E.C. (excluded credit) and are not counted toward graduation requirements.

64.0 III-1.40- POLICY ON CREDIT BY EXAMINATION AND PORTFOLIO ASSESSMENT

(Approved by the Board of Regents, February 22, 1990)

An institution may provide its undergraduate students with opportunities to earn up to sixty semester credit hours by examination. Such credits may be awarded through standardized examinations such as those in the Advanced Placement Program of the College Entrance Board (AP), or in the College Level Examination Program (CLEP), or through portfolio assessment or institutional examinations conducted by the faculty of the institution in the appropriate discipline. The total amount of credit earned through either institutionally developed examinations or portfolio assessment shall not exceed thirty semester credit hours. At each institution, the source of such credit shall be identified on the student's permanent record.

Replacement for: BOR I-6.00 and BOT X-A.10

III-1.40(A) - UMES POLICY AND PROCEDURES CONCERNING CREDIT BY EXAMINATION

(Approved by the President January 1992)

I. POLICY

Students at UMES may earn a maximum of 60 (sixty) credit hours towards a baccalaureate degree by examination only 30 of which may be obtained through the College Level Examination Program (CLEP). Tests are administered through either the appropriate UMES department or CLEP.

II. UMES CREDIT BY EXAMINATION

A. Eligibility

In order to be considered for credit by examination a student must meet the following criteria:

1. a minimum of 12 (twelve) credit hours completed at UMES;
2. a minimum of a "C" average
3. completion of all prerequisite courses or the approval of the department chairperson, the dean, and the Vice President for Academic Affairs.

Note: Requirements 1. and 2. may be waived for entering freshman by the department chairperson and the dean.

B. Grading

1. A student may cancel application for credit by examination at any time prior to the completion of the examination with no entry on the permanent record.
2. The examination instructor shall make the grade available to the student prior to formal submission of the grade.
3. A grade of "C" or better must be obtained to establish credit by examination.
4. If a student elects not to have the grade posted, a symbol of "W" shall be recorded. No course may be attempted more than once using credit by examination.
5. Grades earned using credit by examination shall be posted on the transcript and used in computing grade point average. Such grades shall be accompanied by the notation "By exam" or "By CLEP" as applicable.

C. MISCELLANEOUS

1. Credit by examination will not be accepted for any part of the final 30 (thirty) semester hours without permission of the Vice President for Academic Affairs. With such permission, six of the final 30 (thirty) credit hours may be credit by examination.
2. Applications for examinations shall be approved on an individual course basis.
3. The instructor must certify on the report of examination that copies of the examination questions and the student's answers have been filed in the Office of Admissions and Registration.

III. COLLEGE LEVEL EXAMINATION PROGRAM (CLEP)

1. No more than 30 (thirty) hours of credit can be received through CLEP testing.
2. Credit may only be granted to students receiving 50% or more on the general examinations.
3. In accordance with the recommendations of the Council of College-Level Examination Program, UMES accepts for college credit the mean score achieved by students in the national norm groups who earned grades of "C" in comparable courses.
4. No credit may be granted by CLEP tests, which are repeated.
5. The amount of credit to be awarded shall be determined by the major department and the department in whose discipline the course falls.
6. CLEP credit shall be granted on a pass/fail basis and so entered on the student's record with the notation "By CLEP".
7. An official, original CLEP score report must be sent from the College Board directly to the UMES Office of Admissions and Registration to be accepted.

70.0 III-2.30- POLICY ON ELIGIBILITY TO REGISTER

(Approved by the Board of Regents, February 22, 1990)

To remain eligible to register, a student must maintain satisfactory levels of academic progress as established and published by each institution. Each institution may adopt policies which establish additional criteria for registration eligibility.

Replacement for: BOT XI-E

66.0 III-2.00- POLICY ON CONTINUING EDUCATION

(Approved by the Board of Regents, November 30, 1989)

Continuing education includes both credit and non-credit educational opportunities which are offered at times and in locations that meet the special needs of individuals and/or groups and which are congruent with the mission and goals of the institution. Each institution shall exercise curricular and administrative responsibility for continuing education activities.

Non-credit continuing education activities may be awarded Continuing Education Units (CEU's). Those institutions which award CEU's shall establish procedures for approving their award, consistent with nationally established guidelines.

Replacement for: BOT XI-I

III.2.00 (A) UMES POLICY ON CONTINUING EDUCATION

(Approved by the President April 6, 1999)

I. Administrative and Curricular Responsibility for Continuing Education Activities

Administrative and Curricular responsibility for UMES continuing education activities is placed in an Office of Continuing Education within the School of Graduate Studies. The coordinator of the office reports to the Dean of Graduate Studies for credit and non-credit educational opportunities offered on campus and at off campus locations to meet the special needs of individuals and groups and which are congruent with the UMES mission and goals.

II. Policy on award of Continuing Education Units (CEU's) for non-credit continuing

The University of Maryland Eastern Shore in defining Continuing Education Unit (CEU) uses the national standard definition of the Council on the Continuing Education Unit that, "one (1) Continuing Education Unit (CEU) is defined as ten contact hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction, and qualified instruction." The University of Maryland Eastern Shore will honor the CEU definition or guidelines of professional organizations and societies which document a different CEU measure as the national standard for their profession or society.

The University of Maryland Eastern shore sets its own processing fee for the issuance of CEU's.

87.0 III-6.00- POLICY ON ACADEMIC TRANSCRIPTS AND FINANCIAL AID RECORDS

(Approved by the Board of Regents, January 11, 1990)

I. ACADEMIC TRANSCRIPTS

Each institution in the University of Maryland System will maintain an academic transcript for each student who enrolls. The transcript will conform to standards as established by the American Association of Collegiate Registrars and Admissions Officers, and will include courses and grades for each term of enrollment. Each institution will develop policies concerning resident credit and the calculation of grade point averages.

II. WITHHOLDING TRANSCRIPTS AND RECORDS

An institution may withhold copies of official academic transcripts and financial aid records requested by or on behalf of a student who is delinquent in his or her financial obligations. A student is defined as an individual who is or who has been in attendance at an institution in the University of Maryland System.

Such delinquency may include delinquency in the payment of institutional charges and/or default on a Stafford Loan or any education loan made, guaranteed, or reinsured in whole or in part by the federal or Maryland State government made or received for attendance at an institution in the University of Maryland System. In those instances where

(1) a student requesting the education records is in default on a Stafford Loan or any education loan made, guaranteed, or reinsured in whole or in part by the federal or Maryland State government, and

(2) the institutional business office has been notified that the student has filed a bankruptcy petition, copies of financial aid records and official academic transcripts may be withheld only after consultation with the Office of the Attorney General.

Replacement for: BOR II-4.10

III-6.00(A) - UMES POLICIES CONCERNING ACADEMIC TRANSCRIPTS AND CALCULATION OF GRADE POINT AVERAGE

(Approved by the President January 1, 1992)

POLICY

All candidates for undergraduate degrees should plan to take their final 30 credits in residence at UMES. A student who at the time of graduation will have completed 30 credit hours in residence at UMES may, under unusual circumstances, be permitted to take a maximum of six of the final thirty credits at another institution. Written permission must be obtained in advance through the Dean's Office to the office of the Vice President for Academic Affairs.

Credits completed with grades of A, B, C, D and F, but not P and S, shall be used in computation of the semester and cumulative GPA with values of 4.00, 3.00, 2.00, 1.00 and 0.00, respectively. Marks of I, P, S, W and NGR will not be used in the computation of semester and cumulative GPA.

92.0 III-6.30- POLICY ON CONFIDENTIALITY AND DISCLOSURE OF STUDENT RECORDS

(Approved by the Board of Regents, January 11, 1990)

Each institution shall formulate and implement policies to

- 1) protect the confidential nature of student education records; and
- 2) provide compliance with all federal and State laws regarding disclosure of such records.

As a minimum, the policy on disclosure should include: definitions of "students" and "education records"; the rights of students to have access to or to permit others to have access to specific records; a specification of all conditions under which that disclosure may occur without prior consent of the student; and a process which allows students the opportunity to review and to seek correction of their education records.

Replacement for: BOR II-4.00 and BOT X-H

III-6.30(A) - UMES POLICY AND PROCEDURES ON THE DISCLOSURE OF STUDENT EDUCATION RECORDS

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES to comply with the requirements of the Federal Family Educational Rights and Privacy Act, known as the Buckley Amendment, concerning the disclosure of student records. Following is an outline of the policy, and an explanation of the procedures by which students may obtain access to education records. A copy of this policy is to be furnished to each student annually with Registration materials for the Fall semester. New and transfer students enrolling for the first time during the Spring semester will receive the policy at that time.

II. DEFINITIONS

“Attendance” includes but is not limited to attendance in person or by correspondence; and the period during which a person is working under a work-study program.

“Directory Information” means information, which would generally not be considered harmful, or an invasion of privacy if disclosed. It includes, but is not limited to: a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic teams, dates of attendance, degrees, and the most recent previous educational agency or institution attended.

“Disclosure” means to permit access to or the release, transfer, or other communication of education records to any party by any means, including oral, written, or electronic means.

“Education Records” means those records maintained by UMES, which contain information directly related to a student, except:

1. Records made by instructors, professors, and administrators for their own use, and not shown to others.
2. Records maintained by UMES Police solely for law enforcement purposes and kept separately from the education records described above.
3. Records of employment, which relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose.

(NOTE: If a currently enrolled student is employed as a result of his or her status as a student, records relating to that employment are education records.)

4. Records on a student who is eighteen years of age or older made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment.
5. Alumni records which contain only information relating to a person's activities after that person is no longer a student at UMES and not related to that person as a student.

“Parent” means a parent of a student, and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent.

“Party” means an individual, agency, institution or organization.

“Personally identifiable information” means a student's name, a name of a student's parent or family member, an address of a student or a student's family, a personal identifier such as a social security number or student number, a list of personal characteristics or any information that would make a student's identity easily traceable.

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, tape, film, microfilm, and microfiche.

“Student” means any individual who is or has been in attendance at UMES, and on whom education records are maintained.

III. RIGHT TO ACCESS

Each student in attendance at UMES has a right to inspect and review his or her education records.

A. PROCEDURE

1. Form of Request – Requests for access to education records must be made in writing, signed by the student, and must include the student’s social security number.
2. Place of Request – Requests are made to the Office of Admissions and Registrations, First Floor, Bird Hall, Princess Anne, Maryland 21853.
3. Response by UMES – UMES shall comply with a request for access within a reasonable time, in no case to exceed 45 days. Whenever possible, arrangements shall be made for the student to read his or her records in the presence of a staff member.
4. Reproduction of Records – A student may ordinarily obtain copies of education records by paying the cost of reproduction. The fee for copies is \$.25 per page. There is no charge for staff time to search for or collect education records. Only copies of a student’s current UMES transcript will be provided. Official or unofficial University of Maryland transcripts with the seal of the University will be provided at a higher cost.

B. TYPES AND LOCATIONS OF EDUCATION RECORDS MAINTAINED AT UMES

(NOTE: All requests must be routed through the Office of Admissions and Registrations.)

1. Admissions

Applications and transcripts from institutions previously attended.

2. Registrations

All on-going academic and biographical records.

Director of Admissions and Registrations

3. Departments

Departmental Offices

Chairperson of the Department

4. Deans

Miscellaneous records.

Dean’s offices of each school.

5. Residence Life

Student’s housing records.

Director of Residence Life

6. Advisors
Letters of evaluation, personal information sheet, transcript, test scores (with student's permission).
7. Judicial Affairs
Student's judicial and disciplinary records.
8. Counseling Center
Biographical data, summaries of conversations with students, test results.
9. Financial Aid
Financial aid applications, needs analysis statements, awards made.
(NOTE: There is no student access to parents' confidential statements.)
10. Career Development Center
Recommendations, unofficial copies of academic record.
11. Office of the Comptroller
Student accounts receivable, records of students' financial charges, and credits.

C. WAIVER OF ACCESS TO CONFIDENTIAL RECOMMENDATIONS

A student may waive the right of access to confidential recommendations in the following areas:

1. Admission to any educational institution,
2. Job placement,
3. Receipt of honors and awards.

The waiver must be in writing, and UMES shall not require such waivers as a condition to admission, or the receipt of any service or benefit. If right of access is waived, a student will be notified, upon written request, of the names of all persons making confidential recommendations. Such recommendations shall be used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time, and will only apply to subsequent recommendations.

IV. DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

It is the policy of UMES to limit disclosure of personally identifiable information without a student's prior written consent, subject to the following limitations and exceptions:

A. DIRECTORY INFORMATION (defined above)

1. This information may be disclosed and may appear in public documents unless a student files a written notice not to disclose any or all of the information within three weeks of the first day of the semester in which the student begins each year. This notice must be filed annually with the Registrar's Office within the allotted time to avoid automatic disclosure of directory information.
2. Students will be given annual notice of the categories of information designated as directory information.

B. PRIOR CONSENT NOT REQUIRED

Prior consent is not required for disclosure of education records to the following parties:

1. School officials of UMES who are or may be in a position to use the information in furtherance of a legitimate educational objective.

A school official is:

- a. A person employed by the University of Maryland System in an administrative, supervisory, academic or research, or support staff position.
- b. A member of the Board of Regents.
- c. A person employed by or under contract to the University to perform a special task, such as an attorney or auditor.

A school official has a legitimate educational interest if the official is:

- a. Performing a task that is specified in his or her position description or by contract agreement.
- b. Performing a task related to a student's education.
- c. Performing a task related to the discipline of a student.
- d. Providing a service or benefit relating to the student's family, such as health care, counseling, job placement or financial aid.

2. Officials of other schools in which a student seeks or intends to enroll or is enrolled. A student will be provided with a copy of the records that have been transferred upon request and payment of copying fees as described above.
3. Authorized representatives of the Comptroller General of the United State, the Secretary of Education, the Commissioner of the Office of Education, the Direction of the National Institute of Education, the Administrator of the Veteran's Administration, the Assistant Secretary of Education, and State educational authorities, but only in connection with the audit or evaluation of federally supported education programs, or in connection with the enforcement of or compliance with federal legal requirements relating to these programs. Subject to controlling federal law, these officials will protect information received so as not to permit personal identification of students to outsiders.
4. Authorized persons and organizations that are given work in connection with a student's application for or receipt of financial aid to the extent necessary.
5. State and local officials to whom such information is required to be reported by effective state law adopted prior to November 19, 1974.
6. Organizations conducting education studies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to outsiders, and the information is to be destroyed when no longer needed for these purposes.
7. Accrediting organizations for purposes necessary to carry out their functions.
8. Parents of a student who is dependent for income tax purposes.

9. Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals.
10. In response to a court order or subpoena. UMES will make reasonable efforts to notify the student before complying with the court order.

C. PRIOR CONSENT REQUIRED IN ALL OTHER CASES

With the exception of the cases listed in 1 and 2 above, UMES will not release personally identifiable information in education records, or allow access to those records without prior consent from the student. The consent must be in writing, signed by the student, and dated. The student must specify the records to be disclosed, the identity of the recipient, and the purpose of the disclosure. A copy of the record disclosed will be provided to the student upon request and payment of copy fees described above.

D. RECORD OF DISCLOSURES

1. Maintenance of List

UMES shall maintain a list of each request and each disclosure of personally identifiable information with each student's education records. The list shall include:

- a. the parties who have requested or received the information;
- b. the legitimate interest the parties had in requesting or receiving the information.

2. Inspection of List

The list of disclosures may be inspected by:

- a. the student;
- b. the official custodian of the record; and
- c. other UMES and governmental officials.

3. Exceptions

The following disclosures are not listed:

- a. disclosures to the student;
- b. disclosures pursuant to written consent;
- c. disclosures to instructional or administrative officials of UMES;
- d. disclosures of directory information.

V. CORRECTION OF EDUCATION RECORDS

It is the policy of UMES to provide students the opportunity to seek corrections to education records which are believed to be inaccurate, misleading, or which violate the right to privacy, or other rights.

A. REQUEST TO CORRECT AN EDUCATION RECORD

1. A request must be in writing, to the Registrar's Office.
2. A request must contain:
 - a. the specific document(s) being challenged.
 - b. the basis for the challenge
 - c. UMES shall decide within a reasonable time whether to amend the document(s). The student shall be notified of the decision in writing, and if the decision is to refuse to amend, the student shall be notified of the right to a hearing.

B. RIGHT TO A HEARING

Upon request, a student shall be provided an opportunity for a hearing to challenge the content of education records. A request for a hearing must be made in writing to the Registrar's Office. Within a reasonable time, the student shall be notified in writing of the date, place and time. The student shall be given reasonable advance notice of the hearing.

C. CONDUCT OF HEARING

1. A hearing shall be conducted by a UMES official with no direct interest in the outcome.
2. The student shall have a full and fair opportunity to present evidence, and may be represented by individuals of his or her choice, including an attorney. The cost for such representation shall be the responsibility of the student.

D. DECISION

1. The student shall be notified in writing within a reasonable amount of time.
2. The decision is to be based solely upon evidence presented at the hearing, and must include a summary of the basis of the decision.
3. In cases where the challenged information is found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the education record shall be amended accordingly within a reasonable time.
4. In cases where the challenge information is not found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of a student, the student shall be informed in writing of the right to place in the challenged record a statement commenting on the information and explaining any reasons for disagreeing with the decision.
5. The statements described above shall be kept as part of the student's record, and disclosed whenever that portion of the record is disclosed.

VI. RIGHT TO FILE A COMPLAINT

Student alleging noncompliance with the Family Educational Rights and Privacy Act may file a complaint with the Department of Education, Room 4512, Switzer Building, 330 C Street, S.W. Washington, D.C. 202__.

120.0 V-1.10- POLICY ON STUDENT PUBLICATIONS

(Approved by the Board of Regents on January 11, 1990)

Responsibility for adopting rules for student publications which are financed by student activities fees is delegated to the President of each institution.

127.0 V-4.00- POLICY ON STUDENT EMPLOYMENT

(Approved by the Board of Regents on January 11, 1990)

Each institution shall adopt rules governing and encouraging student employment as a means of benefiting both the institution and its students.

V-4.00(A) - UMES GUIDELINES CONCERNING STUDENT EMPLOYMENT

(Approved by the President January 1, 1992)

I. COLLEGE WORK STUDY PROGRAM

A. Program Description

The College Work Study Program at UMES makes part-time employment available to undergraduate and graduate students who are either citizens or permanent residents of the United States and have financial needs. Awards are made by the Financial Aid Office.

Jobs under this program may be on campus or off campus in a public or private non-profit agency. Students may work as much as twenty hours a week when school is in session. No student may earn more than his or her award. Compensation under this program must be at least minimum wage.

If a faculty member desires a work-study assistant to assist him/her, he/she makes a request to the department chairperson who places a request to the Financial Aid Office for the number of work-study students needed for that department. The Financial Aid Office makes the assignments; however, if possible, the Financial Aid Office will honor requests for specific work-study students. The department chairperson and/or the individual faculty member assigns the work for the student to do, supervises the student, and takes responsibility to see that the student works the required hours. The Financial Aid Office is located in Byrd Hall and has office hours 8:30 AM to 4:30 PM.

B. Application Procedures

Students wishing to apply for this program should complete the Financial Aid Form and submit it to the Financial Aid Office by April 1 for the coming year. Application must be made each year, and awards are based on demonstrated need.

II. STUDENT WORKSHIP EMPLOYMENT

A. Program Description

Workshop is a University sponsored student employment outside of the College Work Study Program, and is handled by individual departments. When a department determines a need exists, it may hire Student Workshop Program. The University does not encourage a student's employment in more than one department, but does not forbid it.

B. General Guidelines

1. It is the policy of UMES to base appointments, promotions and continuing employment on qualifications and performance. In keeping with this policy, members of the same family, including husband and wife, are eligible for employment with the University. However, a supervisor-employee relationship shall not be permitted, nor shall a member of a family assume for another member the role of advocate or judge with respect to conditions of employment or promotion. Where members of the same family are recommended to work for the same supervisor, approval shall be obtained in advance from the Vice President for Administration or a designee.

2. Each department shall establish procedures to provide appropriate general working conditions for student employees participating in Workship Employment. These guidelines should include, but are not limited to the following:
 - a. a brief statement of job responsibilities for each student employee;
 - b. a clear understanding of the hours to be worked, developed by coordinating availability of the student and the needs of the employing department;
 - c. job categories and the student wage ranges;
 - d. general/normal working conditions in the department;
 - e. duration of employment;
 - f. a method whereby students may resolve job-related problems.

C. Application

1. Students must complete an application in the Department of Human Resources at the beginning of each academic school year.
2. Students may complete applications during April and May for the summer and upcoming academic year; during August and September for the current year; and during January and February for the current spring semester.
3. Applications will only be current for one academic year.
4. Students must be prepared to meet the selection criteria of the department.
5. Before beginning work, all students must have their contracts approved by the Office of Financial Aid and the Department of Human Resources.
6. Full-time students, as defined by the Office of Admissions, are not allowed to work more than twenty hours in a seven-day week.

131.0 V-6.00 - POLICY ON COMMUNITY SERVICE

(Approved by the Board of Regents, December 10, 1991)

The University of Maryland System Board of Regents recognizes the value of involvement in community service. Such service allows students to volunteer in their campus and local communities for experiences which, integrated with the academic program, provide valuable and rewarding learning experiences.

The institutions of the University of Maryland System shall encourage their students to become involved in community service activities. Consistent with its mission, each institution shall provide appropriate administrative mechanisms for its students to do so.

V-7.00 - POLICY ON STUDENTS WHO ARE CALLED TO ACTIVE MILITARY DUTY DURING A NATIONAL OR INTERNATIONAL CRISIS OR CONFLICT

(Approved by the Board of Regents on October 5, 2001)

1. Purpose and Applicability.

This policy governs students who are called to active military duty during a national or international crisis or conflict. It applies to full-time and part-time students enrolled at institutions in the University System of Maryland.

2. Policy

- A. USM students may be called to active military duty during national or international crises. These students may be required to interrupt their academic careers after they and their families have invested considerable resources in the payment of tuition, mandatory and auxiliary fees, and room and board. Each President shall develop and administer policies and procedures consistent with this policy that will assist such students in fulfilling their active military duty obligations by minimizing the negative effects of institutional policies otherwise applicable to students who withdraw from or interrupt their course of study.
- B. Upon application by a student, who has been called to active military duty, to withdraw from an institution or a particular course, and presentation of appropriate military orders, the President or appropriate designee, in accordance with the institution's exemption procedures, shall grant exemptions to otherwise applicable refund policies, and allow full or partial refund of tuition and fees (mandatory and auxiliary) and pro rata refund of room and board fees based on the actual days of occupancy. At the student's option, a notation of "AD" (active duty) will appear on the student's transcript.
- C. As an alternative to the refund of tuition, the President or appropriate designee may allow a student, who has been called to active military duty, to receive an incomplete grade for a course, and may extend the time permitted to complete the course for any reasonable period.
- D. The President or appropriate designee, in accordance with institution procedure, may allow other exceptions to otherwise applicable policies in order to assist students, who have been called to active military duty, and shall allow such exceptions if necessary to ensure that a student, who withdraws from a course or the institution because he or she has been called to active military duty, does not suffer institutional penalties, academic or otherwise (i.e. housing).
- E. In order to facilitate the reintegration of a student called to military duty, the President or appropriate designee, will minimize the process required to return to the institution.

137.0 VI-1.10 - POLICY ON ACTS OF VIOLENCE AND EXTREMISM

(Approved by the Board of Regents on January 11, 1990)

The essential nature of the University requires an atmosphere of tolerance and understanding of diverse groups, ideas, and opinions.

Acts of destruction or violence which are racially, ethnically, religiously, and/or otherwise motivated against the person or property of others and which infringe on the rights and freedom of others will not be tolerated at the University System's institutions or facilities.

Individuals committing such acts at any facility of the System are subject to campus judicial and personnel action, including suspension, expulsion or termination.

In addition, the Board of Regents encourages its institutions to pursue criminal prosecution of persons committing such acts under State and federal criminal laws.

Replacement for: BOR VI-36.00, and BOT Resolution 1984-14

254.0 VIII-2.30- POLICY ON WAIVER OF TUITION AND GRANTING OF OTHER PRIVILEGES FOR SENIOR CITIZENS OF THE STATE OF MARYLAND

(Approved by the Board of Regents, November 30, 1989)

It is the policy of the University of Maryland System to extend special privileges, where practicable, to senior citizens who are residents of the State of Maryland. The term "senior citizen" includes any individual who is sixty years of age or older, who is retired and whose chief income is derived from retirement benefits, and who is not employed full time.

Privileges to be extended to such individuals shall include, subject to certain conditions, waiver of tuition for undergraduate and graduate courses, use of the libraries, and such other privileges as individual institutions shall determine.

I. WAIVER OF TUITION

- A. Each institution shall determine the availability of this benefit for self-support programs.
- B. The exercise of this privilege shall be on a space available basis, and the institution shall be responsible for determining space availability. A senior citizen shall not be entitled to a waiver of tuition for more than three courses in a single academic semester or term.
- C. For purposes of this program, "tuition" is defined as the basic instructional charge for courses and does not include fees, such as those for application, registration, or other mandatory fees. Policies on waiver of fees other than tuition for senior citizens shall be determined by the institution.
- D. A senior citizen may enroll in a degree granting program under these policies only if he or she is admissible to that program.
- E. The full-time equivalent enrollment of senior citizens for whom tuition is waived shall not exceed two percent of the institution's full-time equivalent undergraduate enrollment.
- F. Each institution shall adopt procedures to administer the tuition waiver program under these policies.
- G. Each institution shall report to the Chancellor, at the end of each semester or session, for submission to the Board of Regents, the number of senior citizens who have exercised the privilege of tuition waiver.

II. GOLDEN IDENTIFICATION CARD PROGRAM

- A. Eligible senior citizens may apply for a Golden Identification Card from any institution in the University System, which shall be honored throughout the System. This card shall serve to identify the individual as eligible for any privileges (for example, use of the libraries) that an institution determines to be available to senior citizens. Holders of the Golden Identification Card may be entitled to admission to student events, as determined by the institution.
- B. Except for emergencies, the health care facilities at institutions where they exist shall not be available to holders of the Golden Identification Card unless they are enrolled as regular full-time students and have paid the health fee.
- C. Each institution shall adopt and publicize procedures for, and privileges available under, the Golden Identification Card program.

Replacement for: BOR VI-11.00 and BOT X-C

(Approved by the Board of Regents August 28, 1990; Amended July 10, 1998; Amended November 27, 2000; Amended April 11, 2003)

I. POLICY

It is the policy of the Board of Regents of the University System of Maryland (USM) to recognize the categories of In-State and Out-of-State students for the purpose of admission, tuition, and charge differentials at those institutions where such differentiation has been established.

A. An In-State student is a student whom the University determines to be a permanent resident of the State of Maryland. For the purposes of this Policy, "permanent resident" is defined as a person who satisfies all the following conditions and has done so for at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the person seeks In-State Status:

1. Is not residing in the State of Maryland primarily to attend an educational institution; and,
2. Owns and continuously occupies or rents and continuously occupies living quarters in Maryland. There must exist a genuine deed or lease in the individual's name reflecting payments/rents and terms typical of those in the community at the time executed. Persons not having such a lease may submit an affidavit reflecting payments/rents and terms as well as the name and address of the person to whom payments are made which may be considered as meeting this condition. As an alternative to ownership or rental of living quarters in Maryland, a student may share living quarters in Maryland which are owned or rented and occupied by a parent, legal guardian, or spouse; and,
3. Maintains within Maryland substantially all personal property; and,
4. Pays Maryland income tax on all earned taxable income including all taxable income earned outside the State; and,
5. Registers all owned motor vehicles in Maryland in accordance with Maryland law; and,
6. Possesses a valid Maryland driver's license, if licensed, in accordance with Maryland law; and,
7. Is registered in Maryland, if registered to vote; and,
8. Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland; and,
9. Has a legal ability under Federal and Maryland law to live permanently without interruption in Maryland.

B. In addition, persons with the following status shall be accorded the benefits of In-State Status for the period in which they hold such status:

1. A full-time or part-time (at least 50 percent time) regular employee of the University System of Maryland.
2. The spouse or financially dependent child of a full-time or part-time (at least 50 percent time) regular employee of the USM.
3. A full-time active member of the Armed Forces of the United States whose home of residency is Maryland or one who resides or is stationed in Maryland, or the spouse or a financially dependent child of such a person.

4. For UMUC, a full-time active member of the Armed Forces of the United States on active duty, or the spouse of a member of the Armed Forces of the United States on active duty.
 5. A graduate assistant appointed through the University System of Maryland for the semester/term of the appointment. Except through prior arrangement, this benefit is available only for enrollment at the institution awarding the assistantship.
- C. Students not entitled to In-State Status under the preceding paragraphs shall be assigned Out-of-State Status for admission, tuition, and charge-differential purposes.
 - D. Assignment of In-State or Out-of-State classification will be made by the University upon an assessment of the totality of facts known or presented to it. The person seeking In-State Status shall have the burden of proving that he or she satisfies all requirements.
 - E. Either of the following circumstances raises a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an educational institution,
 1. The student was attending high school or residing outside Maryland at the time of application for admission to a USM institution or,
 2. The student is both
 - (a) not financially independent and
 - (b) is financially dependent upon a person not a resident of Maryland.

The burden shall be on the student to rebut the presumption.

II. PROCEDURES

- A. An initial determination of In-State Status will be made by the University at the time a student's application for admission is under consideration. The determination made at that time, and any determination made thereafter, shall prevail for each semester/term until the determination is successfully challenged in a timely manner.
- B. A change in status must be requested by submitting a USM "Petition for Change in Classification for Admission, Tuition and Charge Differential". A student applying for a change to In-State Status must furnish all required documentation with the Petition by the last published date to register for the forthcoming semester/term for which the change in classification is sought.
- C. The student shall notify the institution in writing within fifteen (15) days of any change in circumstances which may alter In-State Status.
- D. In the event incomplete, false, or misleading information is presented, the institution may, at its discretion, revoke in-state status and take disciplinary action provided for by the institution's policy.

Such action may include suspension or expulsion. If In-State Status is gained due to false or misleading information, the University reserves the right to retroactively assess all Out-of-State charges for each semester/term affected.
- E. Each institution of the University System of Maryland shall develop and publish additional procedures to implement this policy. Procedures shall provide that on request the President or designee has the authority to waive any residency criterion set forth in Section I. if it is determined that the student is indeed a permanent resident and the application of the criteria creates an unjust result. These procedures shall be filed with the Office of the Chancellor.

III. DEFINITIONS

- A. Financially Dependent: For the purposes of this policy, a financially dependent student is one who is claimed as a dependent for tax purposes or who receives more than one-half of his or her support from another person during the twelve (12) month period immediately prior to the last published date for registration for the semester or session. If a student receives more than one-half of his or her support in the aggregate from more than one person, the student shall be considered financially dependent on the person providing the greater amount of support.
- B. Financially Independent: A financially independent student is one who
 - (1) declares himself or herself to be financially independent as defined herein;
 - (2) does not appear as a dependent on the Federal or State income tax return of any other person;
 - (3) receives less than one-half of his or her support from any other person or persons; and
 - (4) demonstrates that he or she provides through self-generated support one-half or more of his or her total expenses.
- C. Parent: A parent may be a natural parent, or, if established by a court order recognized under the law of the State of Maryland, an adoptive parent.
- D. Guardian: A guardian is a person so appointed by a court order recognized under the law of the State of Maryland.
- E. Spouse: A spouse is a partner in a legally contracted marriage.
- F. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of Maryland.
- G. Self-Generated: Self-generated describes income which is derived solely from compensation for an individual's own efforts as evidenced, for example, by federal or state W-2 forms or IRS Form 1099 where interest income is based upon finances created from one's own efforts. For the purposes of this policy, grants, stipends, awards, benefits, loans and gifts (including federal and State aid, grants, and loans) may not be used as self-generated income.
- H. Regular Employee: A regular employee is a person employed by USM who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system. Examples of categories NOT considered regular employees are graduate students, contingent employees, and independent contractors.

IV. IMPLEMENTATION

This policy as amended by the Board of Regents on November 27, 2000 shall be applied to all student residency classification decisions made on or after this date.

UMES Policy for Class Attendance

1. The University expects all students to take full individual responsibility for their academic work and progress. All students must meet the qualitative and quantitative requirements of each course in their curricula to progress satisfactorily. They are expected to attend classes regularly, for consistent attendance offers the most effective opportunity open to all students to gain command of the concepts and materials of their courses of study. Absences (whether excused or unexcused) do not alter what is expected of students qualitatively and quantitatively.
2. In many courses, in-class participation is an essential part of the work of the course, such as courses requiring group discussion, laboratories, clinics, public speaking or language conversation, or performance of particular skills. In other courses, occasional in-class assessments may occur, without prior notice.
3. The University will excuse the absences of students that result from instances such as: illness (where the student is too ill to attend class), death in the immediate family*, religious observance (where the nature of the observance prevents the student from being present during the class period), participation in University activities at the request of University authorities, and compelling circumstances beyond the student's control. Students requesting excused absences must furnish acceptable documentation to their course instructors to support their assertion that absences were the result of one of these causes. However, the nature of some courses will preclude make-up of assessments missed. In these cases, students will not be penalized for excused absences; grades will be computed on actual assessment as explained in the course syllabus. Otherwise, students with excused absences will be given an opportunity to make up missed assessments. The responsibility for granting excused absences and determining which assessments can be made up lies with the instructor of each individual course. Absences (whether excused or unexcused) do not relieve the students of their responsibility to complete the course assessments. Instructors are especially understanding in cases related to health and/or death, provided the student provides proper documentation.

*Family members are defined as being one or more of the following persons:

Father, stepfather, grandfather or legal guardian

Mother, stepmother, grandmother

Sister, brother, stepsister, stepbrother

Any person living as an integral member of a student's home

4. Students must notify their instructors of the reason for any absence as soon as possible. Where the reason for an absence from a scheduled assessment is known in advance (for example, in cases of religious observance or participation in University activities at the request of University authorities), students must inform their instructors two weeks prior to the absence, if known that far in advance or immediately upon discovering the impending absence. Prior notification is particularly important in connection with examinations and other major assessments since failure to reschedule them before conclusion of the final examination period may result in loss of credits during the semester. Where the reason is not known in advance (for example, in cases of health related emergencies or compelling circumstances beyond their control), students must inform their instructors as soon as possible after its development.
5. Each department and school may develop a general policy for class attendance as long as it conforms to this **UMES Policy for Class Attendance.**
6. Each instructor is responsible for distributing a written statement as part of the course syllabus at the beginning of the semester to each student in order to inform each class of the nature of in-class participation and assessments expected and what effect absences will have on the evaluation of the student's work in the course. This statement must include any department and school policies which are applicable to the course. Absences shall be handled by the instructor in accordance with this statement, the general policy of his or her department and school, and this **UMES Policy for Class Attendance.**
7. In cases of dispute, the student may appeal to the Chair of the department offering the course within one week from the date of the refusal of the right to a make-up assignment. In those instances where the instructor is the Chair, the appeal may be made to the Dean. The Dean's decision will be final in all cases. When permitted a make-up assessment must be given on campus unless the published schedule or course description requires other arrangements. The make-up assessment must be held at a time and place mutually agreeable to the instructor and student. The make-up assessment must not interfere with the student's regularly scheduled classes. In the event that a group of students requires the same make-up assessment, one make-up assessment time may be scheduled at the convenience of the instructor and the largest possible number of students involved, and a second make up for the remaining group.
8. All students are expected to attend all classes. Excessive unexcused absences for any reason may result in either a low grade or course failure. All students will be considered excessively absent from a class if they miss a class more hours during the semester or term than the class meets each week. For example a student should not miss (unexcused absence) a class that meets three hours per week more than three hours during the semester or term nor be absent from a class that meets one hour per week more than once during the semester or term. At the beginning of each semester or term, the class instructor will distribute this written policy and

other relevant information as part of the course syllabus, regarding his/her expectations or absenteeism, attendance, warnings, requests for withdrawal, and make-up privileges.

9. Instructors are to document student's class attendance through the process of taking and maintaining daily attendance during each semester.

Approved: _____
Thelma B. Thompson, President Date

Not Approved: _____
Thelma B. Thompson, President Date

SECTION VI: Resources for Teaching, Guidance & Counseling

74.0 III-2.50- POLICY ON ACADEMIC ADVISING

(Approved by the Board of Regents, June 21, 1990)

Academic advising, the primary concerns of which are individual student growth and development, and effective use of the institution's resources, shall be acknowledged as a necessary part of a student's education.

Each institution shall develop, maintain and publicize an academic advising system which provides accurate and timely advice for all students.

The President of each institution or his designee shall monitor the operation of the academic advising system to ensure its continued effectiveness and will determine the most appropriate way to recognize and reward superior academic advising.

Replacement for: BOR III-2.14 and 2.14.1

III-2.50(A) - UMES POLICY AND PROCEDURES ON ACADEMIC ADVISING

(Approved by the President January 1, 1992)

I. POLICY

Advising has always been a primary concern and responsibility of UMES. In the Fall of 1988, the Freshman Advising Program, under the Center of Academic Advising, was implemented.

UMES accepts the responsibility to make sure that every freshman has an assigned advisor. Faculty members volunteer to advise freshman students beyond their normal faculty duties and responsibilities.

A series of training sessions are held each year under the leadership of the President, the Vice President for Academic Affairs and the Director of the Academic Support Services Program. Advising is viewed as an ongoing process throughout the freshman year. The model employed is one of advisor/mentor/friend.

II. GUIDELINES

The following are guidelines by which the Advising Program is managed and monitored:

1. During the Spring-Summer semester, all newly admitted students are assigned to an advisor.
2. Letters are mailed to the incoming freshmen with information about the advisor and other pertinent concerns. Additionally, students are invited to contact their advisors and to visit when possible.
3. During the Freshman Orientation week in August, the advisors interact on several occasions with the advisees, including assisting with registration.
4. After the registration period, students contact advisors for add/drop approvals, class schedule conflicts, problems with instructors, personal problems, career and major selection, etc.
5. Advisors contact students periodically throughout the semester to monitor progress, to review mid-term grades, to select classes for the following semester, to serve as an advocate in cases of illness, to offer referrals for tutoring and financial matters, etc.
6. Grades and assessment test scores are made available to each advisor.
7. The advisor remains with each assigned advisee for two semesters. After the second semester, the students are assigned advisors within their major departments.
8. Advisors maintain files and other records on each student.
9. At the end of the Spring semester, students evaluate their advising experience and their advisors using an Advisor Perception Inventory.
10. Although second-year students are reassigned to advisors, they are encouraged to continue the mentor relationship with their freshman advisors.
11. The Coordinator of Academic Advising designs, coordinates and supervises all advising-related activities. In addition, the coordinator serves as general advisor for all freshmen.

204.0 VII-4.50 - POLICY ON THE EMPLOYMENT OF AND BENEFITS FOR GRADUATE ASSISTANTS

(Approved by the Board of Regents, September 27, 1990)

Institutions may appoint as Graduate Assistants only those students enrolled as degree-seeking students in graduate programs at System institutions.

Each institution employing graduate assistants shall develop policies concerning tuition remission and other benefits.

Replacement for: BOT VIII - A-D

VII-4.50(A) - UMES POLICY ON BENEFITS FOR GRADUATE ASSISTANTS

(Approved by the President January 1, 1992)

I. REMISSION OF TUITION

Graduate assistants may receive remission of up to ten (10) credits of tuition each academic semester. As employees of the University of Maryland graduate assistants are billed at the in-state rate. As soon as the assistantship is terminated, students are billed at their original status, unless they have changed their status by petition.

Stipends for graduate assistants paid from contract or grant accounts are generally adjusted to compensate for the additional financial burden imposed by the necessity for them to pay their own tuition.

II. HEALTH INSURANCE

Graduate assistants may enroll in the University health care programs. Enrollment must be within 60 days of employment.

III. RETIREMENT, SOCIAL SECURITY

Retirement fees and social security are not withheld from the salaries of graduate assistants, and they are not entitled to the benefits that accrue from withholding.

IV. VACATION AND SICK LEAVE

Graduate assistants are not eligible for vacation or sick leave credit.

V. FACILITIES

Departments generally provide graduate assistants with suitable work space, laboratory space and office space, when necessary.

VI. HOUSING

Housing is available to graduate assistants on a first-come, first-served basis.

(a) Career Planning and Placement

The Career Planning and Placement office assists students with career plans, career options, in-school experience opportunities, preparation of personal credentials for entrance into the world of work, and/or entrance into graduate/professional program. The Office maintains a career library containing career information computerized inventory of skills and abilities, a professional testing service (LSAT, GRE, GMAT, NTE, etc.), a newsletter, one-on-one assistance with resumes and interview preparation.

Confidential Files are maintained for students to have information readily available for on-campus, or for mail-outs to prospective employers, upon request. The office also assists with placing students in various job opportunities, namely summer, part-time, internships, entry-level and volunteer work.

An on-campus recruitment service is available to seniors and alumni who maintain personal credentials in the office. Office hours are from 8:00 AM to 4:30 PM Monday through Friday in the Student Service Center, 2nd Floor.

(b) Comprehensive Counseling Center

The Comprehensive Counseling Center (CCC) services are provided for the development and/or maintenance of psychological health and include confidential counseling for personal and educational problems as well as testing and computer assisted instructions. Any member of the University community may refer students to the center and may seek assistance individually. The CCC is located in the Student Service Center and has office hours 8:30 AM to 4:30 PM weekdays.

(c) Basic and Communicative Skills

The Center for Basic and Communicative Skills sponsors two federally funded programs:

Academic Development Program (ADP) is a program designed to provide individualized instructional assistance in reading, math and writing for those students whose high school grades and SAT scores indicate a need.

Special Services to Disadvantage Students (SSDS) is a program designed to assure selected first generation and/or economically disadvantaged students an opportunity to receive a degree by providing individual instruction, cultural experiences, and counseling services.

The Center is located in the Student Services Center and has office hours weekdays 8:30 AM to 4:30 PM.

(d) Upward Bound

Upward Bound is a pre-college level program for underachieving low-income students who are in the last years of high school. The aim of this program is to develop skills and motivation necessary for success in post secondary education.

College students with grade point averages of at least 3.0 are hired to work as tutors and counselors during the academic year and summer sessions. Some UMES faculty are hired to teach.

The Upward Bound program is located in the Banneker Hall and has office hours weekdays at 8:30 AM to 4:30 PM.

(e) Library

The Frederick Douglas Library functions as a viable component of the University's academic program through an organized structure consisting of seven closely interrelated departments: Acquisitions, Cataloging, Circulation, Interlibrary Loan, Media Services, Public Services/Circulation, Public Services/Reference and Serial Documents. The book collection and government documents are supported by more than 26,000 volumes of scholarly and popular periodicals. The Media Services Center houses a sizable collection of non-print materials. The entire collection has been carefully assembled to serve the needs of the University community primarily and also the large community of the geographic area.

The Acquisitions Department combines the responsibilities of collection development and acquisitions tasks. The Department also serves as the clearinghouse for all publishing and book trade information. Through the Library/Faculty Liaison Project, the Acquisitions librarian coordinates collection development for the library. Recommendations for books and other materials must be made through the Acquisitions Librarian or through the library liaisons.

Borrows must present valid University ID with a unique Library Bar Code for use identification to charge out materials. Student borrowers may check out 7 books at a time for a period of 28 days, and the faculty loan period is one semester. Books may be presented for renewals at the end of the loan period. All library users are encouraged to request receipts when library materials are returned.

The Reserve Collection consists of books or reprints placed on reserve by faculty for specific classes. These are usually consulted in the library only; however, there may be exceptions depending upon the instructors' decision.

The on-line Library Catalog of the University of Maryland System has the ability to search the individual library catalogues of the many and diverse collections of the University of Maryland System as well as search the combined UMS Catalog – a union catalog of the holdings for the entire system. The On-line Catalog also provides the option of searching other library systems.

The Media Services Center houses a collection of videotapes, kits, cassettes and other non-print media as well as audiovisual equipment. There is also a curriculum area that houses elementary and secondary guides and resource books in educational disciplines. The Black College Satellite Network is also maintained and operated by this department.

The Serials/Documents Department is responsible for the collection, organization, maintenance and dissemination of serials and documents resources. These materials include popular magazines, scholarly journals, newspapers and gazettes, newsletters and both Federal and Maryland State documents. The department also houses a growing microforms collection. Materials in this department do not circulate outside the library, except to faculty and researchers for overnight use.

Reference staff assist readers by answering general, as well as research questions, and when appropriate refer readers to other departments in the library. This department also provides library instruction to all Freshman and others upon request, assists with use of the On-line Catalog and other data bases and administers the Research Assistance Program (RAP).

Upon request, library users may obtain articles from journals or books not owned by the library through Interlibrary Loan. Interlibrary Loan forms are available at the Reference Desk, and borrowers must fill in the required information for processing. It may take five to ten working days or more for requested materials to arrive.

UMES students, faculty and staff may borrow materials from any of the University of Maryland Libraries either through actual visits or Inter-campus Requests. Inter-campus requests may be obtained by filling out Hold Requests Forms at the first or second floor Circulation Desks. All Inter-campus Requests may be picked up at the first floor Circulation Desk from the Hold Shelf.

Library Hours:

Monday – Thursday	8:00 AM – 1:00 AM
Friday	8:00 AM – 5:00 PM
Saturday	9:00 AM – 5:00 PM
Sunday	2:00 PM – 1:00 AM

(f) Work Study Program

The Work-Study Program makes part-time employment available to undergraduates and graduates who are either citizens or permanent residents of the United States and have financial need.

If a faculty member desires a work-study assistant to assist him/her, he/she makes a request to the department chairperson who places a request to the Financial Aid Office for the number of work-study students needed for that department. The Financial Aid Office makes the assignments; however, if possible, the Financial Aid Office will honor requests for specific work-study students. The department chairperson and/or the individual faculty member assigns the work for the student to do, supervises the student, and takes responsibility to see that the student works the required hours. The Financial Aid Office is located in Byrd Hall and has office hours 8:30 AM to 4:30 PM.

SECTION VII: Resources for Research

58.0 III-1.11 POLICY ON CONFLICTS OF INTEREST IN RESEARCH OR DEVELOPMENT

(Approved by the Board of Regents, August 23, 1996)

I. Introduction

Maryland law encourages public senior higher education institutions to promote economic development in the State and to increase their financial resources through arrangements with the private sector, including collaborative research and development, commercial application of institution-owned intellectual property, and provision of technical assistance. To facilitate these purposes, the Maryland Public Ethics Law allows for the exemption of University of Maryland System personnel from some of that law's conflict of interest provisions. This policy establishes the essential elements of the procedures, to be adopted by each System institution, for obtaining such exemptions.

II. Policy

A. A present or former official or employee of a constituent institution of the System, UMSA, UMBI, or CEES may have a relationship (as defined herein) with an entity engaged in research or development, or an entity having a direct interest in the outcome of research or development, which relationship would otherwise be prohibited by the conflict of interest provisions of the Ethics Law, if such relationship is disclosed and approved by the President of the educational institution in accordance with the institution's faculty conflict of interest procedures developed pursuant to this Policy.

B. The Chancellor, a Vice Chancellor, a President, or a Vice President or one holding a similar such position may have such a relationship only if the Board of Regents makes the following findings:

- (1) that participation by, and the financial interest or employment of, the official is necessary to the success of the research or development activity; and
- (2) that any conflict of interest can be managed consistent with the purposes of relevant provisions of the Public Ethics Law.

The Board shall promptly notify the State Ethics Commission in writing of any approval given under this paragraph. In the event that the Commission disagrees with any approval and provides notice to the Board within 30 days of the Commission's receipt of notice of the approval, the Board shall reexamine the matter. The Board shall adopt procedures for handling requests for approvals under this paragraph.

C. If the above conditions are not met, this Policy does not exempt a former or present official or employee from any of the provisions of the State Ethics Law.

D. Nothing in this Policy allows an exemption on the part of any official or employee of the System from the provisions of 15-505 ("Solicitation or acceptance of gifts of honoraria") of the State Government Article. Further, an official or employee of the System may not:

- (1) represent a party for contingent compensation in any matter before the Board of Regents or before the State's Board of Public Works, or
- (2) intentionally misuse his or her position with the System for personal gain or for the gain of another person.

E. The approval of a relationship under this policy does not relieve the official or employee from the obligation to comply with other System and institution policies, including the System Policy on Professional Commitment of Faculty.

- F. The Chancellor is encouraged to consult periodically with the Maryland Department of Business & Economic Development and with Federal agencies that regulate federally-funded research concerning the implementation of this policy.

III. Procedures

- A. Each institution and UMSA shall develop procedures based on the above policy and the purposes of the Maryland Public Ethics Law as stated at Section 15-101 of the State Government Article of the Maryland Annotated Code. The procedures shall be approved by the Office of the Attorney General and approved as to conformity with Maryland Public Ethics Law by the State Ethics Commission. The approved procedures shall be filed with the Office of the Chancellor.
- B. Procedures shall:
 - (1) Require timely disclosure of any relationship. The disclosure shall be filed with the State Ethics Commission, and maintained as a public record at the institution.
 - (2) Subject to paragraph (5), require review of all disclosed relationships by a designated official who shall determine what further information must be disclosed and what restrictions shall be imposed in order to manage, reduce, or eliminate any actual or potential conflict of interest. The designated official shall also determine whether or not the disclosed relationship represents a harmful interest, as defined herein. If so, approval shall not be granted.
 - (3) Include guidelines to ensure that relationships do not improperly give an advantage to entities with which the relationships exist, lead to misuse of institution students or employees for the benefit of such entities, or otherwise interfere with the duties and responsibilities of the official or employee maintaining the relationship.
 - (4) Subject to paragraph (5), require that each relationship be approved or disapproved by the president of the institution, with such determination to be the final decision.
 - (5) Require that any relationship maintained by the President or a Vice President, by the Chancellor or a Vice Chancellor, and by one holding any other position designated by the Board of Regents be approved by the Board of Regents.

IV. Reporting

Institutions shall submit to the Chancellor in a format determined by the Chancellor a quarterly report which shall include all approvals granted under this Policy. The Board of Regents shall report to the Governor, the Legislative Policy Committee of the General Assembly, and the State

Ethics Commission, the number of approvals granted under this Policy and how this Policy and the procedures adopted pursuant to it have been implemented in the preceding quarter.

V. Definitions

- A. "Harmful interest" means an interest which is found to be so influential as to impair impartiality in the conduct of the research, the interpretation of the results of the research, and/or the determination of research or other professional and employment priorities.
- B. "Institution" as used in this policy means each constituent institution of the System, The University of Maryland System Administration, The University of Maryland Biotechnology Institute, The Center for Estuarine & Environmental Studies, and any other Unit of the System that the Chancellor shall designate.

- C. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with an entity that would be prohibited by Title 15, Subtitle 5 of the State's Public Ethics Law if not disclosed and approved pursuant to this Policy and procedures adopted pursuant to it. "Relationship" includes any relationship of the spouse or other relative of an officer or employee if such relationship creates restrictions on the officer or employee under the conflict of interest provisions of the Ethics Law.
- D. "Research or development" means basic or applied research or development, and includes the development or marketing of University-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

Replacement for: BOR II-3.30

III-1.11(A) PROCEDURES ON CONFLICT OF INTEREST IN RESEARCH OR DEVELOPMENT

(Approved by the President February 1, 1997)

I. General

UMES supports programs to foster economic development in the state and region and programs for commercializing and transferring University-produced technology to the private sector and providing campus affiliations to emerging private high-technology firms. Confidence and trust are eroded, however, when state and University business is subject to improper influence. The Maryland Public Ethics Law establishes certain condition under which officials and employees may have relationships with entities involved with research or development.

Outside activities of an official or employee must not interfere with the primary commitment to the mission of the University. The Board of Regents of the University of Maryland System has enacted a Policy on Professional Commitment of Faculty (BOR II - 3.10), which addresses external commitments and general conflict of interest concerns for its faculty. In addition, the Board of Regents has enacted a Policy on Conflict of Interest in Research or Development (BOR II – 3.30), which allows officials and employees to have certain relationships with businesses involved in research or development, provided certain conditions are met consistent with the Maryland Public Ethics Law.

These procedures implement the System Policy on Conflicts of Interest, and apply to situations where an official or employee seeks to hold an interest in, serve as an employee, director, or officer of, or maintain any other relationship (as defined herein) with an entity which:

- A. Is engaged in or participates in research or development; or
- B. Has a direct interest in the outcome of research or development.

Neither these procedures, nor the statute and System policy under which they have been adopted, exempt any official or employee of the System from any provisions of the Public Ethics Law except as specifically provided in these procedures.

II. General Procedure

- A. An official or employee of UMES may have an interest in or serve as an employee, director, or officer of or maintain any other relationship (as defined herein) with an entity engaged in research or development, or an entity having a direct interest in the outcome of research or development if:
 - 1. The interest, service, employment, or other relationship is disclosed on a form filed with the Vice President for Academic Affairs and maintained as a public record in the Office of the Vice President for Academic Affairs. A copy of the form must also be filed with the state Ethics Commission. An annual report shall also be filed with the State Ethics Commission. An annual report shall also be required for any interest, service, employment or other relationship that lasts more than a year.
 - 2. The relationship will not give improper advantage to the entity with which the relationship exists because its affiliation or involvement with the official or employee, lead to misuse of institution students or employees for the benefit of such entities, or otherwise interfere with the duties and responsibilities of the official or employee maintaining the relationship.
 - 3. The interest will not constitute a harmful interest as defined in these procedures or otherwise present an unacceptable conflict of interest.
 - 4. The interest, service, employment, or other relationship with the entity is approved by the UMES President in accordance with these procedures.

- B. If the requirements of these procedures are not met, the official or employee is not exempt from any of the provisions of the Ethics Law. Approvals granted under these procedures do not affect the application of other University of Maryland System and UMES policies, including Policies on Patents, Copyrights, and Professional Commitment of Faculty, or the obligation to adhere to the provisions of the Maryland Public Ethics Law relating to prohibited gifts. Notwithstanding any approval under these procedures, an official or employee may not (1) represent a party for contingent compensation in any matter before the System's Board of Regents or the State's Board of Public Works, or (2) intentionally misuses his or her position with the System for personal gain or for the gain of another person.

III. Specific Procedures and Guidelines

A. Request and Disclosure Provision

1. Each official or employee who proposes to hold a relationship pursuant to these procedures is required to fill out the Research or Development Interest Form at the time approval of the relationship is requested, at such time(s) as the circumstances of the faculty member concerning the interest change, and annually beginning one year from the date of the initial approval under these procedures. Such forms shall be maintained as a public record at UMES. A copy of each form shall be filed with the State Ethics Commission and with the Vice President for Academic Affairs.
2. The disclosure shall fully describe the relationship and provide such other information as may be required by the Office of the Vice President for Academic Affairs or the President.
3. It is the responsibility of the faculty member to request approval of any relationship.

B. Review Process

The President's Advisory Committee on Conflict of Interest shall review the Research or Development Interest Form at the time of the initial request and at each subsequent filing to determine whether or not the disclosed interest represents a harmful interest, is an unacceptable conflict of interest, or is otherwise in violation of the policies, procedures, and best interests of the University. The Committee may recommend restrictions designed to manage, reduce, or eliminate any actual or potential conflict of interest. Approval of the proposed relationship may not be recommended unless the requirements set out in Section II.A of these procedures are met. The President's Advisory Committee shall be appointed by the President. The Committee's recommendations must be supported by the majority vote of the Committee members.

C. Approval Process

The President's Advisory Committee on Conflict of Interest shall review the Research or Development Interest Form at the time of the initial request and at each subsequent filing to determine whether or not the disclosed interest represents a harmful interest, is an unacceptable conflict of interest, or is otherwise in violation of the policies, procedures, and best interests of the University. The Committee may recommend restrictions designed to manage, reduce or eliminate any actual or potential conflict of interest. Approval of the proposed relationship may not be met. The President's Advisory Committee shall be appointed by the President. The Committee's recommendations must be supported by the majority vote of the Committee members.

D. Additional Operating Guidelines

1. Officials and employees with relationships approved under these procedures shall:
 - a. ensure that their activities, statements, evaluations, recommendations, and judgments do not improperly give advantage to the outside entity;
 - b. ensure that unauthorized statistics, documents, reports, comparison information, and other data are not disclosed which would improperly give advantage to the outside entity;

- c. be aware that legal restrictions regarding misuse of their position for personal gain or gain of another, solicitation or acceptance of improper gifts, and representing a party before the Board of Regents or the Board of Public Works as contingent fee, to apply, notwithstanding any approval under these procedures; and
- d. continue to adhere to other University policies, including the System Policy on Professional Commitment of Faculty.

IV. University Reporting Procedures

- A. UMES shall submit quarterly reports of all approvals to the Chancellor.
- B. UMES shall develop a public file which will contain all the approved exemptions and applicable disclosure statements, and maintain such files for public review.

V. Definitions

- A. "Harmful interest" means an interest which when examined under the review procedures is found to be so influential as to impair impartiality in the conduct of the research, the interpretation or the results of the research, and/or the determination of research or other professional and employment priorities.
- B. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with an entity not part of State government, that would be prohibited by the State's Public Ethics Law if not disclosed and approved pursuant to this Policy and procedures adopted pursuant to it.
- C. "Research or development" means basic or applied research or development, and includes the development or marketing of University-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

RESEARCH OR DEVELOPMENT INTERST FORM

NAME:

DIVISION:

SCHOOL:

DEPARTMENT:

MAILING ADDRESS:

TELEPHONE:

INITIAL REPORTING PERIOD: _____

ANNUAL UPDATE: _____

CHANGE IN INTEREST: _____

TERMINATING REPORT: _____

This form is submitted for the purpose of acquiring exemption from certain conflict of interest provisions of the Public Ethics Law. I represent that I have submitted a copy of this form to the State Ethics Commission. I acknowledge that this form will be maintained as a public record at UMES. I hereby make an oath and affirm that the contents of this disclosure statement are true and correct to the best of my knowledge, information, and belief.

Signature: _____

Date: _____

IV-2.00 – POLICY ON SOLICITATION AND ACCEPTANCE OF SPONSORED PROJECTS

(Approved by the Board of Regents, January 11, 1990;
Amended February 21, 2003)

- I. The University System of Maryland engages in a wide variety of activities sponsored by non-System entities. These activities include research, training and public service projects which are consistent with the missions of the System and the institution. Such activities are encouraged as a means to further the objectives of the System and the institution, to strengthen ties with government, industry, the community, and other academic institutions, and to expand and enhance the instructional environment.
- II. All proposals for specific sponsored projects shall be reviewed by institution personnel for consistency with all University System and institutional policies, for appropriateness to the mission of the institution, and for liability assessment. Each institution has primary responsibility for the solicitation and negotiation of proposals and administration of awards.
- III. Applications may be submitted and awards accepted directly by the designated officer on each campus.
- IV. In the course of soliciting, negotiating and executing agreements with sponsors, a constituent institution may encounter conditions for performance which are not standard System practice. Upon discovery of such a condition, the chief executive officer shall immediately notify the Chancellor. Such unusual practices include, but are not limited to, the following examples:

Abridgement of publication rights
Necessity for legislation in order to conduct the program of work
Assumption of liability for a third party
Creation of an unfunded liability
Exceptional contribution of State monies to the project

The Chancellor may, in consultation with the chief executive officer, require withdrawal of the proposal or non-acceptance of the award.
- V. Constituent institutions, on an annual basis, are required to submit to the Chancellor a summary of sponsored project activity. The content and format of the report shall be determined by the System office and shall include, at a minimum, the number of awards and their dollar value.

Replacement for: BOR VII-2.00 and BOT Appendix I

106.0 IV-2.20- POLICY ON CLASSIFIED AND PROPRIETARY WORK

(Approved by the Board of Regents, April 25, 1991)

The mission of the University of Maryland System is to generate and to disseminate knowledge. University System interests and purposes are well served by the conduct of extramurally sponsored activities. Sponsors may operate within a proprietary or classified environment while the University functions on the principle of free inquiry and open expression. To serve the common interests of both the University System and the external sponsors, reasonable and workable guidelines for collaborative work which both facilitate beneficial arrangements with the sponsors and protect the basic tenets of the University are necessary.

POLICY

It is the policy of the University of Maryland System that instruction, research, and services will be accomplished openly and without prohibitions on the publication and dissemination of the results of academic and research activities. The following statements establish the basis, under this general policy, on which the University System institutions will enter into contractual agreements under governmental or private sponsorship. It also provides the basis for acceptance of graduate theses and dissertations.

1. It is the policy of the University of Maryland System that it neither conducts federal classified work nor permits the use of University facilities or resources for classified work on any of its campuses. When it is in both the University System and the national interest, it is appropriate to engage in classified work, such work must be conducted at off-campus sites.
2. The University of Maryland System enters into no contractual agreement that restrains it from disclosing the existence of the agreement, the nature of the work, and the identity of the sponsor.
3. University System institutions will enter into no agreement that bars investigator(s) from publishing or otherwise disclosing the findings publicly. However, with the concurrence of the investigator(s), the institution may agree to delay publication for a maximum of 90 days to allow sponsors to determine whether their proprietary information may be revealed, or whether they will exercise their rights under patent clauses in agreements with the institution. The institution with the concurrence of the investigator(s) may agree to an additional delay of up to 90 days.
4. The University System recognizes that some publishable work can best be accomplished if a University investigator(s) has access to a sponsor's proprietary information or materials. The University and investigator(s) may agree to use reasonable efforts to protect such information or materials from disclosure, but they cannot accept liability if such efforts fail.
5. University System institutions accept no graduate theses or dissertations that cannot be made public. The provisions stated in item 3 for delaying public disclosure also apply to graduate theses and dissertations; therefore, the institution will not permit a student to defend any thesis or dissertation which contains proprietary information until the time period allowed by item 3 has expired.
6. This policy does not apply to consulting or other activities conducted off-campus or without the use of University facilities or resources. Consulting activities must conform to the University's separate policy on consulting.
7. This policy does not require the disclosure of the identity of human-research subjects whose participation in research projects is secured through pledges of anonymity. Further, this policy does not require disclosure of confidential student, patient or employee records protected by federal, state or University policies or of information protected by professional ethics.
8. Under highly unusual circumstances, exceptions to sections 1-4 may be granted by the Chancellor of the University of Maryland System on the recommendation of the appropriate President or Director. The Chancellor will make an annual report to the Board of Regents specifying exceptions granted under this provision.

DEFINITIONS

For the purpose of this policy proprietary information or materials means unclassified information or materials that can be made public or that can be disseminated only with the approval of an individual or organization external to the University of Maryland System.

Replacement for: BOR VII - 8.00-1

IV-3.00 - POLICY ON PATENTS

(Approved by the Board Of Regents, May 31, 1990; Technical Amendment May, 2003) (On February 8, 2002, The Board of Regents Replaced This Policy With Policy On Intellectual Property IV-3.20 For All Patents Disclosed On Or After July 1, 2002. This Policy Remains Applicable Only For Intellectual Property Disclosures Made Before July 1, 2002)

I. Objectives

The objectives of this policy are to encourage and aid research at the University of Maryland System, to provide financial compensation as well as professional recognition to inventors, and to protect and best serve the public interest. To these ends, this policy encourages disclosure of inventions and discoveries and their evaluation for possible patenting and licensing and establishes principles for determining the rights of the constituent institutions and inventors. The University of Maryland System continues to encourage scholarly publication of the results of faculty and student research.

II. Applicability

A. The University of Maryland System Patent Policy applies to all personnel. As used in this policy, "personnel" means all paid and unpaid full-time and part-time faculty members and staff, and all paid employees (including those on approved leaves); and students and fellows.

III. General Policy

A. The University of Maryland System has an interest in all inventions of personnel which are conceived or first actually reduced to practice as a part of or as a result of: a University System Administration or constituent institution administered program of research; activities within the scope of the inventor's employment by the University System Administration or constituent institution; or activities involving the use, to a substantial degree, of University System Administration or constituent institution time, facilities, or materials or of University System Administration or constituent institution information not available to the public. "Invention" means any invention or discovery which is or may be patentable or which may be commercially licensable.

At the time of appointment of visiting faculty and staff a signed acknowledgement of this policy will be required. An invention shall be considered as resulting from activities "within the scope of the inventor's employment" whenever his or her duties include research or investigation or the supervision of research or investigation and the invention is relevant to the general field of inquiry to which the inventor was devoted or assigned. "Time, facilities and materials" paid for from funds administered by the University System Administration or constituent institution shall be considered University System Administration or constituent institution time, facilities and materials whether the funds arise from federal or state appropriations, student fees, donations, grants, contracts or other sources.

B. The University System Administration or constituent institution has a right to ownership of any invention in which it has an interest. Unless otherwise agreed, this Policy also applies to any inventions in which the University System Administration or constituent institution has an interest under the terms of contracts, grants or other agreements. An invention in which the University System Administration or constituent institution does not have a legal interest may be offered to the University System Administration or constituent institution, and, if accepted, the University System Administration or constituent institution will administer such invention in accordance with this Patent Policy or as otherwise agreed.

C. Except under special circumstances the University System will not agree to assign rights in future inventions to private corporations or businesses.

IV. Responsibilities of the University of Maryland System and Delegations of Authority

- A. The University System shall: (1) notify the inventor promptly whenever it decides not to pursue or to abandon the pursuit of patenting or commercialization of an invention, (2) execute, upon request, all contracts, assignments, waivers or other legal documents necessary to transfer to the inventor the University System's interest in any invention which it has so chosen not to pursue, (3) act with reasonable promptness and in good faith on all inventions disclosed to it, and (4) remit to the inventors their shares of income from inventions as specified in Section VI of this policy. Subject to these responsibilities, the University System may, at any time, decide not to pursue or to abandon the pursuit of patenting and/or commercialization of an invention in which it has an interest.
- B. Authority and responsibility for Patent Policy is delegated to the Chancellor (or his designee). The Chancellor (or his designee) may seek the advice and assistance of the University of Maryland System Intellectual Property Committee (hereafter called the Intellectual Property Committee; see Section VIII below). The responsibility for administration of the University of Maryland System Patent Policy (including subparts 1-4 of IV.A.) is delegated to the chief executive officers of constituent institutions, except that rights in future inventions shall not be assigned unless the Chancellor determines in writing that doing so is in the best interests of the System. Each constituent institution shall develop procedures for implementing this policy.

V. Responsibilities of Personnel

- A. Personnel who, either alone or in association with others, make an invention in which the University System has or may have an interest shall disclose to the chief executive officer or designee such inventions reasonably promptly. As to an invention in which the University System through the constituent institution has an interest, the inventor, upon request, shall execute promptly all contracts, assignments, waivers or other legal documents necessary to vest in the University System, or its assignees, any or all rights to the invention, including complete assignment of any patents or patent applications relating to the invention.
- B. Personnel may not: (1) sign patent agreements with outside persons or organizations which may abrogate the University System's rights and interests as stated in this Policy or which otherwise conflict with this Policy, nor (2) without prior authorization use the name of the University of Maryland System or constituent institutions in connection with any invention.

VI. Revenue Sharing

- A. The University System through its constituent institutions shall share with the inventors revenue which it receives from patents or inventions. Specific provisions of grants or contracts may govern rights and revenue distribution regarding inventions made in connection with sponsored research. Consequently, revenues received from such inventions may be exclusive of payments of royalty shares to donors or contractors.

Moreover, constituent institutions may contract with outside persons or organizations for the obtaining, managing and defending of patents, and any royalty share or expenses contractually committed to such persons or organizations may be deducted before revenues accrue or before the inventor's share is distributed.

- B. The revenues (net, if applicable per the preceding paragraph) which are received from a patent or invention will be applied first to reimburse the University System Administration or constituent institution for any specific, incremental expenses incurred by it in obtaining and maintaining the patent and in marketing, licensing and defending the patent or licensable invention. After provision for such expenses, such revenues shall be shared as follows:
 - (1) the first \$5,000 will be paid to the inventor or inventors; (2) thereafter the inventor(s) will receive fifty percent of such revenues. Applicable laws, regulations or provisions of grants or contracts may, however, require that a lesser share be paid to the inventor.

- C. To the extent consistent with State and University System budget policies any net revenue received on account of an invention, after sharing with the inventor, will be dedicated to research and to the promotion of patenting and patents. If practicable, eighty-five percent of the University System Administration's or constituent institution's share of new revenue from each invention will be designated for research in the inventor's department or analogous unit up to \$100,000 in a fiscal year for a particular department or analogous unit. The remaining part of the net revenues shall be devoted to research and the promotion of patenting and patents as directed by the chief executive officer or designee (or, for the System Office, the Chancellor or designee).
- D. If use of such funds for research within the inventor's department or analogous unit is not practicable or for an amount in excess of \$100,000 per fiscal year, the chief executive officer may allocate funds for other use within the institution.

VII. Special Cases

The University System recognizes that special cases will arise which are not specifically covered by this policy or which may justify waivers of this policy. Such cases may be submitted to the Chancellor or designee.

VIII. Administration

- A. The Intellectual Property Committee consists of the Vice Chancellor for Academic Affairs or designee as an ex officio member and chair and no more than fourteen other members selected and appointed by the Chancellor from candidates nominated by the chief executive officers of constituent institutions. Members are appointed for three-year terms with non-concurrent expiration dates and may serve successive terms.
- B. The Intellectual Property Committee convenes at the call of the Vice Chancellor or designee, who determines when implementation or interpretation of the University of Maryland System Patent Policy requires consideration by the committee. Among the matters which may be referred to the committee for recommendation to the Chancellor are: whether the University of Maryland System has an interest in an invention; questions not covered by policy; and whether some part of the policy should be waived.
- C. When the committee is considering a particular invention, the inventor and/or a representative designated by the inventor may examine all materials submitted to the committee, may make written and oral presentations to the committee, and may be present during oral presentations of others.
- D. It is recognized that the evaluation of inventions and discoveries and the administration, development and processing of patents involves substantial time and expense and requires talents and experience not ordinarily found in its staff. Therefore, the University System Administration or constituent institution may enter into a contract or contracts with third parties in connection with the administration of identified inventions, disclosures of invention, and developed patents.
- E. Disputes on patent matters, including the interpretation of this Patent Policy, shall be referred for resolution to the Chancellor or designee.

Replacement for: BOR VII-4.00 and 4.01; BOT XIII-K

(Approved by the President January 1, 1992)

A. INTRODUCTION

The Eastern Shore Campus follows Board of Regents Policy IV-3.00; Policy on Patents dated May 31, 1990. In order to assist inventors, and for the sake of efficiency, UMES has established a contractual agreement with the UMCP Office of Technology Liaison (OTL) (attached). Under this agreement, OTL acts as a liaison between UMES researchers, patent attorneys, agents and corporations. OTL safeguards the interests of the University and its personnel in matters relating to intellectual property, and enforces the Board of Regents Policy.

B. PROCEDURES AT UMES

1. An inventor with a new invention should contact the Dean of the Graduate School. The inventor must prepare a brief written description of the invention and possible applications.
2. The Dean of the School shall forward the description to the Vice President for Academic Affairs with any additional relevant information.
3. The Vice President for Academic Affairs shall meet with the Dean of the Graduate School, the inventor, and such additional persons as the Dean and the inventor believe should be present to assist in a preliminary assessment.
4. If the Vice President for Academic Affairs believes that further assessment is warranted, the inventor shall be given written authorization to contact OTL at the College Park Campus.
5. OTL shall, upon receipt of written authorization, work with the inventor as provided in the attached "Memorandum of Understanding."

IV-3.10 - POLICY ON COPYRIGHTS

(Approved by the Board of Regents, May 31, 1990) (This Policy Remains In Effect Only For Copyrights Before July 1, 2002. For All Works Copyrighted On Or After July 1, 2002, This Policy Has Been Replaced by the Policy On Intellectual Property Iv-3.20, Approved by the Board of Regents, February 8, 2002.)

PREAMBLE

Prior practice of the University of Maryland has been to ascribe ownership of copyright on the basis of the extent of the use of facilities and resources. This revision bases ownership on the characteristics of the work effort, e.g. the work may be an independent creative act in the course of employment or it could be a commissioned work produced under contract.

Contextual factors such as use of resources etc. will remain important in determining contract terms and in interpreting the policy.

I. POLICY

It is the policy of the University of Maryland System that copyrights arising from aesthetic, scholarly, or other work developed through independent efforts and not part of a directed institutional or University System assignment shall reside with the originator. Independent effort is defined as the product of inquiry, investigation, or research to advance truth, knowledge, or the arts where the specific choice, content, course, and direction of the effort is determined by the individual without assignment or supervision by the institution or System.

All rights in copyright for all other works arising from the use of institutional or System resources whether directed or commissioned or contractually determined shall belong to the Regents.

In conformity with this policy, the Chancellor and chief executive officers of the System institutions are authorized to enter into agreements with respect to ownership, licensure, disposition of royalty income, resolution of disputes, and other rights related to copyrights under their respective jurisdictions. They are authorized to register copyrights, accept copyrights from third parties, and to sell or grant licenses or assignments in the name of the Regents for any rights to copyrights under their jurisdiction.

II. OWNERSHIP BY CATEGORY OF WORK

A. Scholarly/Aesthetic

In keeping with traditional academic practice and policy, ownership of copyrights to scholarly or aesthetic works that are prepared through independent effort and not part of a directed assignment, shall reside with the originator except as otherwise provided in this Policy. The general obligation of faculty to produce scholarly works does not constitute such a directed assignment.

B. Personal

The copyright to any work that is prepared outside the scope of employment and without the use of institutional or System resources by an employee shall be the property of the employee.

C. Sponsored/Contracted

The Board of Regents asserts its right to copyrightable works created under sponsorship or contract. Copyright ownership of sponsored works and contracted works shall be governed by such agreements or contracts. Any sponsored work agreement which provides for ownership by other than the Board of Regents shall also provide the Board of Regents with a free-of-cost, non-exclusive, world-wide license to use and reproduce the copyrighted work for research and education purposes, except where prohibited by law or government regulation.

D. Commissioned

When the institution or System commissions the production of a work, title normally should be with the Board of Regents. In all cases, copyright ownership shall be specified in the written contract. Any commissioned work agreement which provides for ownership by other than the Board of Regents, shall also provide the Board of Regents with a free-of-cost, non-exclusive, world-wide license to use and reproduce the copyrighted work for research and education purposes, except where prohibited by law or government regulation.

E. Acquired by Assignment or Will

The Board of Regents may acquire copyrights by assignment or will pursuant to the terms of the written agreement or testament.

III. REVENUE SHARING FOR NON-CONTRACTED WORK

The Board of Regents may assign or license its copyrights to others. The University System through its constituent institutions shall share with the originator(s) revenue which it receives through copyrights. Specific provisions of grants or contracts may govern rights and revenue distribution. Consequently, revenues received from such copyrights may be exclusive of payments of royalty shares to donors or contractors. Moreover, System institutions may contract with outside persons or organizations for the obtaining, managing and defending of copyrights, and any royalty share or expenses contractually committed to such persons or organizations may be deducted before revenues accrue or before the originator's share is distributed. The revenues (net, if applicable per the preceding paragraph) which are received from a copyright will be applied first to reimburse the System or constituent institution for any specific, incremental expenses incurred by it in generating the copyright and in marketing, licensing and defending the rights.

After provision for such expenses, such revenues shall be shared as follows:

- (1) the first \$5,000 will be paid to the originator(s);
- (2) thereafter the originator(s) will receive seventy-five percent of such revenues. Applicable laws, regulations or provisions of grants or contracts may, however, require that a lesser share be paid to the originator.

To the extent consistent with State and University System budget policies any net revenue received on account of a copyright, after sharing with the originator(s), will be dedicated to research and to the promotion of original works. If practicable, eighty-five percent of the System's or constituent institution's share of new revenue from each copyright will be designated for research in the originator's department or analogous unit up to \$100,000 in a fiscal year for a particular department or analogous unit.

If use of such funds for research within the originator's department or analogous unit is not practicable, the funds should usually be designated for research in a related department or unit. The remaining part of the net revenues shall be devoted to research and incentive for creative works as directed by the President or Director, or designee (or, for the System Office, the Chancellor or designee).

IV. DEFINITIONS

For purposes of interpretation of this policy, the following definitions shall apply:

A. Aesthetic Work

A work that is a result of original artistic expression.

- B. Commissioned Work
A work produced for the institution or the System by others pursuant to a contract at the institution's expense.
- C. Contracted Work
Work produced by and for others at the others' expense, using institutional or System facilities pursuant to a contract.
- D. Copyright
The intangible property right granted by statute providing the owner the following exclusive rights over a work: to reproduce, to prepare derivative works, to distribute, to perform publicly, and to display publicly.
- E. Direct University Assignment
Any written or oral instruction or task assigned to an originator.
- F. License
A contract in which a copyright owner grants permission to exercise one or more of the rights under copyright.
- G. Originator
Any person who produces a work by his or her own intellectual effort, including student employees.
- H. Royalties
A payment made to an owner of a copyright for the privilege of practicing a right under the copyright.
- I. Scholarly Work
Work such as, but not limited to, books, articles, other such publications, lectures, and computer software resulting from independent effort.
- J. Software
A work comprising statements or instructions to be used directly or indirectly in a computer to bring about a certain result and any associated documentation containing operational instructions. (In cases where software is found to be patentable the Patent Policy will govern.)
- K. Sponsored Work
A work produced by or through an institution or the System pursuant to a contract, grant, or other agreement.
- L. University System Resources
All buildings, equipment, services, funds (regardless of source), and other facilities under the control of the Board of Regents.
- M. Work
Any copyrightable expression including, but not limited to writings, lectures, musical or dramatic compositions, sound recordings, films, videotapes, computer software, architectural designs, and works of art.

Replacement for: BOR VII-3.00 and BOT XIII

IV – 3.20 UNIVERSITY SYSTEM OF MARYLAND POLICY ON INTELLECTUAL PROPERTY

(Approved by the Board of Regents, February 8, 2002)

I. INTRODUCTION

The primary mission of universities is to create, preserve, and disseminate knowledge. When that knowledge takes the form of intellectual property, a University must establish a clear and explicit policy that will protect the interests of both its creators and the University while ensuring that society benefits from the fair and full dissemination of that knowledge

II. EFFECTIVE DATE

This policy will be effective on July 1, 2002 (“Effective Date”). It will apply to all intellectual property disclosed to the University on or after July 1, 2002. Intellectual property disclosed to the University prior to the Effective Date will remain subject to the UMS Policy on Patents effective May 31, 1990 or the UMS Policy on Copyrights effective May 31, 1990, unless otherwise agreed by the University and all creators of the intellectual property (or the heir or assignee of any creator’s share of Revenue).

III. DEFINITIONS

The terms defined in this section are given special meanings in this policy and appear capitalized throughout.

- A. **Personnel.** All University employees, full-time and part-time, including Student Employees acting within their Scope of Employment; non-employee consultants; visitors; and others using University resources.
- B. **Resources Usually and Customarily Provided.** All resources provided unless specified otherwise, in advance and in writing, as a condition of using the resource.
- C. **Revenue.** Consideration paid in cash or equity by a third party in exchange for specific intellectual property rights. Revenue does not include research support in any form (e.g., sponsored research agreements, restricted grants, unrestricted grants, or equity), tuition income, and contract income received by the University including contract income received in lieu of tuition.
- D. **Scope of Employment.** All activities, related to the field or discipline of the faculty member’s appointment, including the general obligation of a faculty member to teach, to do creative work, and to conduct research, or related to the employment responsibilities of non-faculty Personnel, and for which Personnel receive compensation from the University, where compensation is any consideration, monetary or otherwise, including but not limited to, title and the ability to use University resources.
- E. **Sponsored Research Agreements.** Grants, contracts, cooperative agreements, and other agreements under which research or development activities will be carried out, or other agreements administered by the University that relate to intellectual property created under the agreement.
- F. **Students.** Persons enrolled in a University, acting within the course of their academic work, including, but not limited to, undergraduates, graduate and professional students, non-degree students, and not-for-credit students.
- G. **Student Employee.** A student who is also a University employee, acting within the Scope of Employment.
- H. **University.** One of the following: a constituent institution of the University System of Maryland, the University of Maryland Biotechnology Institute, the University of Maryland Center for Environmental Science, or the University System of Maryland Office.

IV. GENERAL PROVISIONS

- A. Purpose. The purpose of this policy is to set forth the terms, conditions, and procedures whereby the University System of Maryland, Personnel and Students establish and maintain their interests in intellectual property created by or used at USM institutions, taking into account intellectual property laws governing patents, copyrights, trademarks, and other forms of intellectual property. This policy governs the ownership and protection of such property at the University.
- B. Scope of Application. All Personnel and Students shall comply with this policy, as amended from time to time. This policy shall be included in the faculty handbook, as directed in Board of Regents Policy II - 1.00, Section I. B.2.
- C. Protecting University Interests. Personnel and Students may not
- (1) sign agreements or take any action on behalf of the University unless they are authorized agents of the University, or
 - (2) make unauthorized use of the name of the University. In cases where Personnel or Students take such actions, the University is not bound to honor those actions or agreements.
- D. Acquisition. The University may acquire ownership or use of intellectual property by assignment, license, gift, bequest, or any other legal means. The University shall administer such intellectual property in accordance with this policy unless otherwise required by the terms of the acquisition.
- E. Administration of Intellectual Property which is not University-owned. At the request of the owner, intellectual property not owned by the University may be administered by the University. In such cases this policy shall govern that administration unless the University agrees otherwise in writing.
- F. Sponsored Research
- 1) Ownership. Sponsored research agreements shall provide that all intellectual property developed by Personnel or Students under such agreements shall belong to the University; however, the University, on a case-by-case basis (as circumstances warrant, and consistent with applicable private use restrictions e.g., under bond covenants), may agree to assign ownership or licensing rights to the sponsor, subject to the University's right to use and reproduce the intellectual property for research and educational purposes. The University's president or designee shall approve any such agreement.
 - 2) Federal Sponsorship. Any research project that is funded, in whole or in part, by a federal agency is subject to specific federal statutes and regulations. Those regulations generally allow the University to elect title to any invention that is conceived of or first actually reduced to practice in the performance of federally-funded research with the purpose of commercializing the invention, subject to the government's rights which include reservation of a nonexclusive license to use the invention world-wide for government purposes.
- G. Implementation Authority. The Chancellor shall have the authority and responsibility for implementation and coordination of this policy. Each president shall have the authority and responsibility to implement and coordinate this policy within the president's University. Subject to the other provisions of this policy and applicable law, the presidents may enter into agreements with respect to ownership, licensure, disposition of intellectual property, disposition of royalty income, resolution of disputes, and other matters related to intellectual property in which that University has an interest under this policy, and may register intellectual property; seek protection under copyright, trademark, and/or patent laws; and enforce, defend, manage, and take any action relevant to the institution's intellectual property rights that is necessary for the proper administration of this policy.

V. COPYRIGHTS

- A. Ownership by Creator. Personnel and Students shall have all rights in copyrights of their work, subject to section V.B. below, with the following exceptions.
- 1) Scope of Employment. The University owns all rights in copyright for work produced by non-faculty Personnel within the Scope of Employment.
 - 2) Sponsored Research Agreements. The University owns all rights in copyright for work produced by Personnel or Students under Sponsored Research Agreements.
 - 3) Signed agreements. The University owns all rights in copyright for all work as stated in written agreements.
 - 4) Computer Programs and Software. Ownership of copyrighted software and computer programs is addressed in Section VII.
 - 5) Technology-mediated Instructional Materials. Ownership and use of technology-mediated instructional materials is addressed in Section VIII.
- B. Right of Use
- 1) University rights. The University shall have the right to use and reproduce for research and educational purposes scholarly and original works, whether owned by the University, Personnel, or Students, for which it has provided resources.
 - 2) Additional Rights. If the University wishes to secure additional rights in copyrighted work, it shall so specify in writing at the time it provides resources beyond Resources Usually and Customarily Provided or other consideration.
- C. Responsibilities of Personnel and Students
- 1) Assignment. For work to which the University has or had rights of ownership or use under this policy, Personnel and Students shall, upon request, execute all legal documents designed to assist the University, or its assignees, in proving or benefiting from such rights, as deemed appropriate by the University.
 - 2) External Collaborations. See Section IV.C and the Policy on Professional Commitment of Faculty, BOR 41.0 II-3.10.
 - 3) Use of Copyrighted Materials. All Personnel and Students are responsible for complying with University guidelines on the fair use of copyrighted material and for complying with the requirements of copyright law, including obtaining required permissions to use copyrighted material.
- D. Responsibilities of the University
- 1) Agreement Regarding Use of Resources Beyond Resources Usually and Customarily Provided. When the University authorizes or directs efforts to create a work or works using University resources beyond Resources Usually and Customarily Provided, it shall enter into a written agreement addressing the extent of use of resources, the schedule for the project (if appropriate), control over the work and its revisions, and ownership of the work.

When the work done by Personnel routinely involves resources beyond Resources Usually and Customarily Provided, compliance with this section may be accomplished by including the required terms in an employment agreement.

- 2) Sharing of Revenue. The University shall remit to creators or their assignees or heirs, their share of Revenue from copyrights as specified in Section XI.A. of this policy.
- 3) Use of Copyrighted Materials. The University shall develop and disseminate guidelines for the use of copyrighted materials. These guidelines should address library and educational fair use as well as fair use exceptions for research and scholarly work.

VI. PATENTS

A. Ownership

- 1) University Ownership
 - a) Within Scope of Employment. The University owns inventions created by Personnel within the Scope of Employment.
 - b) Use of University Resources. The University owns inventions created by Personnel, Graduate Students, or Professional Students with the use of University resources.
 - c) Signed Agreements. The University owns all inventions made by Personnel or Students under Sponsored Research Agreements and as stated in written agreements.
- 2) Creator Ownership
 - a) Outside Scope of Employment. Personnel, Graduate Students, and Professional Students own patent rights to inventions conceived and first reduced to practice outside the Scope of Employment and without the use of University resources and not subject to Sponsored Research Agreements or other written agreements
 - b) Student Ownership. Undergraduate, non-degree, and not-for credit Students own inventions they create unless the invention is subject to another provision of this section.

B. Responsibilities of Personnel and Students

- 1) Disclosure. Personnel and Students shall disclose inventions which are subject to University ownership to the president or designee in a timely manner, fully, and in writing. When uncertain about the University's rights, Personnel and Students shall disclose.
- 2) External Collaborations. In accord with Section IV.C., Personnel and Students may not: (a) sign patent agreements or other documents (e.g., invention reports, licenses, assignments, Material Transfer Agreements, or Confidential Disclosure Agreements) which abrogate the University's rights; (b) make unauthorized use of the name of the University; or (c) transfer material relating to intellectual property outside the University, except pursuant to a properly authorized Material Transfer Agreement. See also the Policy on Professional Commitment of Faculty, BOR II-3.10.
- 3) Assignment. As to an invention in which the University has a right to ownership or use, the inventor, upon request, shall execute promptly all contracts, assignments, waivers or other legal documents necessary to vest in the University, or its assignees, any or all rights to the invention, including assignment of any patents or patent applications relating to the invention.

C. Responsibilities of University

- 1) **Timely Evaluation.** The University shall evaluate inventions disclosed in accordance with Section VI.B.1) and shall do so with reasonable promptness and in good faith. The University shall decide whether to seek legal protection of its ownership rights, such as filing for patent protection; the scope of patent protection; and whether and how to pursue, limit, or abandon commercialization. The University may at any time decide not to pursue or to abandon the pursuit of patenting and/or commercialization of any invention in which it has an interest.
- 2) **Timely Information.** The University shall inform inventors in a timely manner about substantive decisions regarding protection, commercialization and/or disposition of inventions disclosed in accordance with Section VI.B.1). Terms of agreements which constitute proprietary business information may be treated as confidential by the University in accordance with applicable law. The University shall notify inventors promptly when it decides either not to pursue, or to abandon pursuit of, all efforts to commercialize an invention.
- 3) **Commercialization by Inventors.** The University, at its discretion and consistent with the public interest, may license intellectual property to the inventors on an exclusive or non-exclusive basis. Inventors must demonstrate technical and business capability to commercialize the intellectual property. Agreements with inventors shall be subject to review and approval of conflict of interest issues in accordance with applicable University policy.
- 4) **Assignment of Ownership.** The University may assign ownership to the inventors as allowed by law, subject to the rights of sponsors and to the retention by the University of a license which at a minimum shall grant the University the right to use intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty free, non-exclusive basis. The University may retain more than the minimum license rights, and assignment or license may be subject to additional terms and conditions, such as Revenue sharing with the University or reimbursement of the costs of legal protection. The University shall negotiate promptly, upon written request by the inventors, the transfer to the inventors of the University's interest in any invention that it has chosen not to protect or commercialize, subject to any legal obligation to offer its interest to a sponsor, licensee, or another institution with rights to the invention before it can agree to negotiate the transfer of the University's interest in an invention to the inventors.
- 5) **Sharing of Revenue.** The University shall remit to the inventors or their assignees or heirs, their share of Revenue from inventions as specified in Section XI.B. of this policy.

VII. COMPUTER PROGRAMS AND SOFTWARE

A. Ownership

- 1) **University Ownership**
 - a) **Within the Scope of Employment.** The University owns computer programs and software created by Personnel within the Scope of Employment.
 - b) **Use of University Resources.** The University owns computer programs and software created by Personnel, graduate Students, or professional Students with the use of University resources.
 - c) **Signed Agreements.** The University owns all computer programs and software created or made by Personnel or Students under Sponsored Research Agreements and as stated in written agreements.
- 2) **Personnel Ownership**
 - a) **Outside Scope of Employment.** Personnel, graduate Students, and professional Students own software and computer programs conceived and first reduced to practice, and/or authored, outside the Scope of Employment and without the use of University resources and not subject to Sponsored Research Agreements or other written agreements.

- b) Student Ownership. Undergraduate, non-degree, and not-for credit Students own computer programs and software they create unless the computer program or software is subject to another provision of this section.

B. Responsibilities of Personnel and Students

- 1) Disclosure. Personnel and Students shall disclose computer programs and software that are subject to University ownership to the president or designee in a timely manner, fully, and in writing. When uncertain about the University's rights, Personnel and Students shall disclose. Disclosure may include deposit of a digital-time-stamped copy of the software program, with appropriate annotations.
- 2) External Collaborations. See Section IV.C. See also the Policy on Professional Commitment of Faculty, BOR II-3.10.
- 3) Assignment. As to a computer program or software in which the University has a right to ownership or use, the creator, upon request, shall execute promptly all contracts, assignments, waivers or other legal documents necessary to vest in the University, or its assignees, any or all rights to the computer program or software, including assignment of any patents, copyrights, patent applications, or copyright applications, relating to the work.

C. Responsibilities of University

- 1) Timely Evaluation. The University shall evaluate computer programs and software disclosed in accordance with Section VII.B.1) and shall do so with reasonable promptness and in good faith. The University shall decide whether to seek legal protection of its ownership rights, such as filing for patent protection, the scope of patent protection, and whether and how to pursue, limit, or abandon commercialization. The University may at any time decide not to pursue or to abandon the pursuit of patenting and/or commercialization of any computer program or software in which it has an interest.
- 2) Timely Information. The University shall inform creators in a timely manner about substantive decisions regarding protection, commercialization and/or disposition of computer programs or software disclosed in accordance with Section VII.B.1). Terms of agreements which constitute proprietary business information may be treated as confidential by the University in accordance with applicable law. The University shall notify creators promptly when it decides either not to pursue, or to abandon pursuit of, all efforts to commercialize computer programs or software.
- 3) Commercialization by Creators. The University, at its discretion and consistent with the public interest, may license intellectual property to the creators on an exclusive or non-exclusive basis. Creators must demonstrate technical and business capability to commercialize the intellectual property. Agreements with creators shall be subject to review and approval of conflict of interest issues in accordance with applicable University policy.
- 4) Assignment of Ownership. The University may assign ownership to the creators as allowed by law, subject to the rights of sponsors and to the retention by the University of a license which at a minimum shall grant the University the right to use intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty free, non-exclusive basis. The University may retain more than the minimum license rights, and assignment or license may be subject to additional terms and conditions, such as Revenue sharing with the University or reimbursement of the costs of legal protection. The University shall negotiate promptly, upon written request by the creators, the transfer to the creators of the University's interest in any computer program or software that it has chosen not to protect or commercialize, subject to any legal obligation to offer its interest to a sponsor, licensee, or another institution with rights to the intellectual property before it can agree to negotiate the transfer of the University's interest in intellectual property to the creators.

- 5) Sharing of Revenue. The University shall remit to the creators or their assignees or heirs, their share of Revenue from computer programs or software as specified in Section XI.B. of this policy.

VIII. TECHNOLOGY-MEDIATED INSTRUCTIONAL MATERIALS.

If the University determines that Section VII. is inadequate to cover technology-mediated instructional materials, in whole or in part, the University shall insert its own policy statement in this section. This policy must be consistent with the provisions of Section VII above and must be based on the University's mission and must define technology-mediated instruction and technology-mediated instructional materials, specify ownership rights and responsibilities for reporting by Personnel and Students, describe how materials may be protected and commercialized, specify how costs and Revenue will be allocated, and describe conditions attached to use of work prepared for technology-mediated instruction by Personnel and Students. If the University elects not to have a separate policy statement, this section will say explicitly that Section VII applies to technology-mediated instructional materials.

IX. OTHER TYPES OF INTELLECTUAL PROPERTY

- A. Tangible Research Property. The principles in Section VI that apply to inventions and patents also apply to tangible research property.
- B. Mask Works. The principles in Section VI that apply to inventions and patents also apply to mask works.
- C. Plant Varieties. The University owns and may protect or commercialize plant varieties according to the principles of Section VI.
- D. Trademarks, Service Marks, and Trade Dress. Trademarks, service marks, and trade dress may be created in association with an underlying license for another form of intellectual property, such as a patent or a plant variety (“associated with other intellectual property”), or independently, such as a University logo or symbol (“independently created”).
 - 1) Associated with Other Intellectual Property. The University owns a trademark, service mark or trade dress if it is associated with other intellectual property owned by the University.
 - 2) Independently Created. The University owns trademarks, service marks, and trade dress that are independently created by Personnel within the Scope of Employment unless the University agrees otherwise in writing.
 - 3) Commercialization. The University may commercialize or license its trademarks, service marks, and trade dress.
 - 4) Registration. The president or designee shall approve registration of trademarks or service marks, at the state or federal level.

X. INTERINSTITUTIONAL AGREEMENTS

- A. Joint Appointments and Affiliations. This section applies when an individual has an appointment in and receives support for research or creative work from two or more Universities and when a Student or Student Employee is earning a degree in one University but doing research or creative work in another.
- 1) Ownership. When more than one University can claim ownership to intellectual property under this policy, they own it jointly.
 - 2) Management Agreements. Universities that are or may become joint owners of intellectual property shall enter into agreements stating which University will be responsible for management of the intellectual property. Universities are encouraged to negotiate standard agreements whenever possible.
 - a) Terms to be Addressed. The agreements shall state which institution will be responsible for prosecution of patent applications or other forms of intellectual property protection, which institution will license the intellectual property, how expenses and deductions from Revenue will be allocated, and how institutional net revenue will be shared. The distribution of each University's share of Net Revenue, Project Specific Costs, and General Costs shall be addressed in the management agreement.
 - b) Student Requirements. With regard to Students and Student Employees, agreements shall specify whether the degree-granting University or the supporting University will be responsible for managing intellectual property they create when that property is subject to University ownership.
 - 3) Responsibilities of Managing University. The University managing intellectual property under an agreement shall promptly inform the other University or Universities about steps taken with regard to ownership. Such information shall include at minimum copies of the invention disclosure form, documents associated with filing for statutory protection, assignment of rights, and license agreements. If the managing University decides not to proceed, the other owning University or Universities shall have the right to assume responsibility as the managing University.
 - 4) Distribution of Revenue. The managing University shall distribute Revenue to the creators and share net revenue in all cases according to Section XI.
 - 5) Disputes. A president may ask the Chancellor to intercede if the Universities are unable to reach agreement or differ in their interpretation of an agreement. The Chancellor's decision shall be final and binding on all parties.
- B. Joint Creators. This section applies when Personnel or Students from two or more Universities collaborate.
- 1) Early Notification. As soon as collaborators from different Universities recognize that their efforts have resulted in, or are likely to result in, the creation of intellectual property subject to this policy, they shall inform their respective Universities that an agreement is needed.
 - 2) Agreements Govern. Signed agreements between Universities shall determine ownership of intellectual property, responsibility for managing it, and distribution of expenses and Revenue resulting from its development. Universities whose Personnel or Students are engaged in frequent collaboration are encouraged to negotiate standard agreements within the framework of this policy.
 - 3) Disputes. A president may ask the Chancellor to intercede if the Universities are unable to reach agreement or differ in their interpretation of the agreement. The Chancellor's decision shall be final and binding on all parties.

XI. REVENUE SHARING

Unless otherwise agreed to in writing by the creators of a work or inventors of an invention, each named creator or inventor shall receive equal shares of net Revenue.

A. Copyrights. The University shall share with creators Revenue it receives from copyrights of their work, subject to certain exceptions.

1) Exceptions

- a) Scope of Employment. Revenue generated from work produced by non-faculty Personnel within the Scope of Employment is excluded from sharing. However, the University may elect, by written agreement or University policy, to pay up to fifty percent of net Revenue to such non-faculty Personnel.
- b) Contract. When a third party contract dictates apportionment of Revenue different from that specified in this policy, the terms of the contract govern.
- c) Equity. Equity shall be distributed in accord with Section XI.G.
- d) Technology-mediated Instructional Materials. University policy adopted to fulfill Section VIII may exclude some or all Revenue from sharing.

2) Deductions from Revenue. The University shall make the following deductions from Revenue before distributing net Revenue (Section XI.A.3).

- a) Creators' Share. First, ten percent of Revenue shall be distributed among the creators of the work until the cumulative total reaches the limit set pursuant to this paragraph that was in effect during the fiscal year in which the University first received Revenue. The limit in FY2003 is \$10,000 to be shared among the inventors. The Chancellor shall establish a new limit for each succeeding fiscal year by adjusting the previous year's limit by an amount reflecting the change in the Consumer Price Index during the last calendar year completed, rounded to the nearest \$100.
- b) General Costs. Second, the University will deduct 30% of Revenue to cover the general cost of developing, obtaining, managing, and defending creative works, unless otherwise agreed to by the University and creators, in writing.
- c) Project Specific Costs. Third, the remaining 60% of the Revenue received from a work shall be applied to reimburse any specific, incremental expenses incurred by the University in obtaining and maintaining the copyright, and in developing, marketing, licensing, and defending the work. After reimbursement of the University's expenses, Revenue may be used to reimburse costs incurred by creators on behalf of their own works but only if the University had authorized such expenses in advance in writing.
- d) Residual Creators' Share. Fourth, after project specific costs have been paid in full, any remaining Revenue shall go to the creators until the threshold dollar amount has been paid, as specified above in Section XI.A.2)a).

3) Distribution of Net Revenue. Net Revenue is the revenue remaining after deductions under XI.A.2.

- a) Creators' Share. The University shall distribute among the creators fifty percent (50%) of the net Revenue it receives from their creative work unless applicable laws, regulations, provisions of grants or contracts, or signed agreements with creators provide otherwise.
- b) University's Share. The University shall receive 50% of the net Revenue. Each University shall establish guidelines for the use of its share of the net Revenue. Net Revenue received on account of copyrighted work shall be dedicated to research, scholarship, creative work, and related academic activities.

- 4) Timely Distribution. The University shall distribute accrued Revenue due creators under this policy at least annually. Distribution will be made along with a statement of related income and expenses.
- B. Patents and Computer Programs and Software. The University shall share with inventors or creators Revenue it receives from their inventions or creations as provided in this section.
- 1) Exceptions
 - a) Contract. When a third party contract dictates apportionment of Revenue different from that specified in this policy, the terms of the agreement govern.
 - b) Equity. Equity shall be distributed in accord with Section XI.G.
 - 2) Deductions from Revenue. The University shall make the following deductions from Revenue before distributing net Revenue (Section XI.B.3).
 - a) Creators' or Inventors' Share. First, ten percent of Revenue shall be distributed among the creators or inventors until the cumulative total reaches the limit set pursuant to this paragraph that was in effect during the fiscal year in which the University first received Revenue. The limit in FY2003 is \$10,000 to be shared among the inventors or creators. The Chancellor shall establish a new limit for each succeeding fiscal year by adjusting the previous year's limit by an amount reflecting the change in the Consumer Price Index during the last calendar year completed, rounded to the nearest \$100.
 - b) General Costs. Second, the University shall deduct 30% of Revenue to cover the general cost of developing, obtaining, managing, and defending inventions or creative work, unless otherwise agreed to by inventors or creators and the University, in writing.
 - c) Project Specific Costs. Third, the remaining 60% of Revenue received from a creative work, patent, or invention shall be applied to reimburse any specific, incremental expenses incurred by the University in obtaining and maintaining the patent and in developing, marketing, licensing, and defending the patent or licensable invention or creative work. After reimbursement of the University's expenses, Revenue may be used to reimburse costs incurred by inventors or creators on behalf of their own works but only if the University had authorized such expenses in advance in writing.
 - d) Residual Creators' Share. Fourth, after project specific costs have been paid in full, any remaining Revenue shall go to the creators until the threshold dollar amount has been paid, as specified above in Section XI.B.2)a).
 - 3) Distribution of Net Revenue. Net Revenue is the Revenue remaining after deductions under XI.B.2.
 - a) Creators' Share. The University shall distribute among the inventors or creators fifty percent (50%) of the net Revenue it receives from their inventions or creations unless applicable laws, regulations, provisions of grants or contracts, or signed agreements with inventors or creators provide otherwise.
 - b) University's Share. The University shall receive 50% of the net Revenue. Each University shall establish guidelines for the use of its share of the net Revenue. Net Revenue received on account of an invention shall be dedicated to research and to the promotion of patenting and patents.
 - 4) Timely Distribution. The University shall distribute Revenue due creators under this policy at least annually. Distribution will be made along with a statement of related income and expenses.

- C. Tangible Research Property, Mask Works, and Plant Varieties. When tangible research property, mask works, or plant varieties are licensed, Revenue shall be distributed in the same manner that Revenue is distributed under Section XI.B.
- D. Trademarks, Service Marks, and Trade Dress
 - 1) Creators' Share
 - a) Associated with Other Intellectual Property. Revenue received from commercialization of a trademark, service mark, or trade dress that is related to an intellectual property license shall be shared with creators of the trademark, service mark, or trade dress, as specified in Section XI.B.
 - b) Independently-created trademark, service mark, or trade dress. Except as provided herein or unless subject to prior written agreement between the creators and the University, the University will not share the Revenue from commercialization of a trademark, service mark, or trade dress with the individuals who created the trademark, service mark, or trade dress.
 - 2) University Ownership. Revenue received from commercialization of a trademark, service mark, or trade dress licensed independently and not directly related to another form of intellectual property license shall not be shared and shall belong to the University.
- E. Joint Appointment. In situations covered by section X., the University's share of net Revenue shall be divided equally among the Universities or as otherwise provided by written agreement.
- F. Joint Creators. If joint creators are from different Universities, the University's share of net Revenue shall be divided equally unless determined by signed agreements as provided in Section X.B.2.
- G. Equity
 - 1) Issuance of Shares. Equity may be issued separately to the University and the inventors or creators.
 - 2) Distribution of Shares. Equity in a commercial venture received as consideration for intellectual property rights shall be shared equally between the University and the creators, unless a different distribution is negotiated in an agreement signed by the University and the creators of the relevant intellectual property.
 - 3) Timely Distribution. When the University receives all shares directly, as soon as practicable after the University receives equity, and subject to the creators receiving any conflict of interest exemptions that must be granted and complying with any conditions for those exemptions, the University shall transfer equity shares to the creators. The University and creators shall have independence in their exercise of equity holder privileges within the constraints of law, policy, specific exemption under Maryland law from the State Ethics Law, and contractual agreements.
 - 4) Unqualified Persons. Personnel or Students not qualified to hold the equity under applicable law shall designate a qualified person to receive the equity. If no designee is named within thirty days of a written request by the University to do so, the right to a share of the equity shall be forfeited to the University.

XII. ADMINISTRATION

- A. Implementation Options. Each University shall elect one of the following options for implementing this policy:
- 1) Adoption. Adopt the USM policy including the requirements in XII.B., below;
 - 2) Modification. Modify the USM policy, retaining the requirements in XII.B., below, to reflect the unique needs of the University based on its mission;
- B. University Implementation. Each University shall develop procedures for implementing this policy that:
- 1) establish the University's policy on technology-mediated instructional materials, as required in Section VIII.;
 - 2) establish guidelines for use of materials protected by copyright, as required by Section V.C.3);
 - 3) establish guidelines for use of the University's share of net Revenue within the University, as required by Sections XI.A.3)b) and XI.B.3)b);
 - 4) designate an initial point of contact for intellectual property issues;
 - 5) publicize and make available the University policy and implementation procedures;
 - 6) provide the Chancellor with a copy of the University's policy for approval prior to initial adoption as well as prior to any subsequent revision (Until such time as the Chancellor provides written approval of the initial University document, this USM document shall apply to the University. Subsequent revisions shall not go into effect until approved by the Chancellor in writing.);
 - 7) provide the Chancellor with a copy of the University's implementation procedures for the record.
- C. Authority to Subcontract. The University may enter into contracts with third parties in connection with the development, administration, and protection of its intellectual property.
- D. Special Cases.
- 1) Issues not addressed. The Board of Regents recognizes that special cases will arise that are not specifically covered by this policy. In such cases, Presidents may make a decision on how to proceed and report that decision to the Chancellor. Alternatively, the President may submit such cases to the Chancellor or designee for resolution. All decisions on such cases shall be reported to the Intellectual Property Committee, which will take them into account in its annual review of this policy.
 - 2) Policy waivers. Only the Chancellor may waive any provision of the USM Policy or of any University's approved policy on intellectual property. All decisions concerning waiver shall be reported to the Intellectual Property Committee and to the Board of Regents.
- E. USM Intellectual Property Committee
- 1) Membership. The Chancellor shall appoint one representative from each institution from nominees submitted by the presidents. The Chancellor will assure that faculty members constitute a significant proportion of the membership and that representative of technology transfer offices shall routinely meet with the Committee. Members shall serve a three-year term. No voting member may serve more than two consecutive terms. The Vice Chancellor for Academic Affairs shall chair the Committee, without a vote.

- 2) Responsibilities. The Committee shall advise the Chancellor on intellectual property matters. It shall convene at least once each academic year to review this policy and may recommend revisions to the policy. The Committee shall also meet at the call of the Chair. A University president or the Chancellor may refer to the Committee for its recommendations to the Chancellor matters relating to this policy, including relevant matters not addressed by the policy, and suggestions for revisions. The Chancellor may ask the Committee for advice on the resolution of disputes over intellectual property.
- 3) Creator's Right to Participate. Whenever the Committee considers this policy's application in order to advise the Chancellor about a specific work, Personnel or Students who created the work or their representative may make a written presentation and an oral presentation to the Committee.

XIII. REPORTING

Each University president shall report annually to the Chancellor and the Board of Regents on intellectual property activity at the University. The report, in a format to be determined by the Chancellor, shall include data for the preceding year on disclosures, patent applications, patent awards, licenses, and start-up companies, distinguishing when appropriate between Maryland-based companies and those outside of the State. The report shall also include data on revenue and expenditures associated with the University's technology transfer function.

(This policy replaces USM IV-3.00 Policy on Patents and USM IV-3.10 Policy on Copyrights in their entirety.)
Glossary (This section is provided for information only. It is not part of the policy.)

Commercial venture - a start-up company, limited partnership, joint venture or any other entity that has obtained an option or a license to University technology.

Confidential Disclosure Agreement - An agreement or section of an agreement that prevents parties to the agreement from releasing knowledge or information without the other's permission.

Copyright - The intangible property right granted by statute for an original work fixed in a tangible means of expression. A copyright provides the owner with the following exclusive rights over a work: to reproduce, to prepare derivative works, to distribute, to perform publicly, and to display publicly. Copyright comes into existence immediately at the time the work is fixed in a tangible means of expression.

Creative works - "Original works of authorship" that are fixed in a tangible form of expression that may be protected by copyright. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying music;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic, and sculptural works;
- (6) motion pictures and other audiovisual works;
- (7) sound recordings; and
- (8) architectural works.

Creator - Refers to an individual or group of individuals who make, conceive, reduce to practice, or otherwise make a substantive intellectual contribution to the creation of intellectual property. "Creator" follows the definition of "inventor" used in U.S. patent law and the definition of "author" used in the U.S. Copyright Act.

Disclose - Formally record the essence of a potentially patentable concept, the circumstances in which it was conceived, the persons participating in the invention, and the steps taken to reduce it to practice, if applicable, in accord with the requirements of U.S. patent law for establishing precedence.

Equity or equity shares - Shares of common or preferred stock, warrants, options, convertible instruments, units of a limited partnership, or any other instruments conveying ownership interest in a commercial venture, or options or rights to purchase an ownership interest.

First sale - The principle that gives the purchaser of a copyrighted work the right, among other things, to lend it to others.

Intellectual property - The intangible value developed by human creativity that is protected by the legal mechanisms of patents, trademarks, copyrights, service marks, trade secrets, mask works, and plant variety protection certificates. Rights derived from legislation include ownership and disposition, including commercialization. Intellectual property encompasses inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data, and other creative or artistic works that have value. It also includes the physical embodiments of intellectual effort such as models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions or matter, plants, and records of research.

Invention - any discovery which is or may be patentable or which may be commercially licensable.

License - A contract in which an intellectual property owner grants permission to exercise one or more of the rights that an owner holds.

Mask work - A series of related images representing a predetermined, three-dimensional pattern of metallic, insulating, or semi-conducting layers of a semi-conductor chip product.

Material Transfer Agreement - A contract covering transfer of physical possession and use of tangible research property into or out of the University.

Patent (U.S. only) - The intangible property right to exclude others from making, using, offering for sale, or selling the invention in the United States or importing the invention into the United States. In order to obtain patent protection, an invention must be useful, novel and unobvious.

Plant variety protection certificate - Registration under the Plant Variety Act of 1970 that protects sexually propagated cultivars that are distinctive, uniform and true-breeding.

Royalty - Payment made to an owner of intellectual property for the privilege of practicing a right held by the owner of the intellectual property under applicable law.

Tangible research property - Includes the physical embodiments of intellectual effort such as models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research. Tangible research property is distinct from intangible properties such as patents, trademarks, copyrights, service marks, trade secrets, mask works, and plant variety protection certificates. Individual items of tangible research property may be associated with one or more intangible properties.

Trade dress - Distinctive and unique packaging, color combinations, building designs, product styles, and overall presentations identifying the source, product, producer, or distributor of goods and services where the appearance distinguishes the product or business from other similar products or businesses but is not distinctive or specific enough to be considered a trademark.

Trademarks and service marks - Distinctive words or graphic symbols identifying the source, product, producer, or distributor of goods and services.

56.0 III-1.10 POLICY ON MISCONDUCT IN SCHOLARLY WORK

(Approved by the Board of Regents, November 30, 1989)

I. POLICY

The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in science, in scholarship and in institutions of higher education. The University of Maryland System expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. The University System considers misconduct in scholarly work by any of its employees a breach of contract. Accordingly:

- A. It is the policy of the University of Maryland System to maintain high ethical standards in science and other scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and to resolve instances of alleged or apparent misconduct.
- B. It is the policy of the University of Maryland System to terminate the employment and/or to take other disciplinary action against any individual found guilty of misconduct.
- C. It is the policy of the University of Maryland System to award no degree if misconduct in science or other scholarly work contributed to that degree, and when warranted, to revoke such a degree if misconduct is discovered after its award.

II. PURPOSE

This policy is the basis for University of Maryland System procedures and practices designed to instill and to promote the principles of professional integrity, to prevent scholarly misconduct, and to discover and to censure instances of misconduct when they occur. In accordance with this policy, each institution in the System must prepare, implement and publicize policies and procedures appropriate for its unique organization and administration.

The policy applies primarily to faculty, staff, and student research, scholarly writing, and the creation of works of art. It is not intended to address issues, such as the conduct of students in examinations and in fulfilling course requirements, which are covered by other policies.

GUIDELINES FOR POLICIES AND PROCEDURES RELATING TO ALLEGATIONS OF MISCONDUCT IN SCHOLARLY WORK

I. PURPOSE

It is the purpose of these guidelines to provide institutions in the University of Maryland System a framework for policies, procedures, and practices designed to instill and promote the principles of professional integrity, to prevent scholarly misconduct, and to discover and censure instances of misconduct when they occur. Using these guidelines, each institution in the System must prepare, implement and publicize policies and procedures appropriate for its unique organization and administration.

These guidelines apply primarily to faculty, staff, and student research, scholarly writing, and the creation of works of art. They are not intended to address issues, such as the conduct of students in examination and in fulfilling course requirements, which are covered by other policies. Neither are they intended to fully address compliance with laws and regulations. These guidelines address compliance only to the extent that it relates to academic integrity.

II. POLICY

The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in scholarship and in institutions of higher education. The University of Maryland System expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. The University System considers misconduct in scholarly work by any of its employees a breach of contract. Accordingly, institutional policies should include the following statements:

- A. It is the policy of the University of Maryland System to maintain high ethical standards in scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and resolve instances of alleged or apparent misconduct.
- B. It is the policy of the University of Maryland System to terminate the employment and/or to take other disciplinary action against any individual found guilty of misconduct.
- C. It is the policy of the University of Maryland System to award no degree if misconduct in scholarly work contributed to that degree, and to revoke such a degree if misconduct is discovered after its award.

III. PROMOTION OF PROFESSIONAL INTEGRITY

The policies and procedures for each institution must provide for periodic evaluations of procedures and practices that teach and promote integrity in scholarly work, as well as those practices that may inadvertently provide incentives for misconduct. Evaluations should include, but need not be limited to:

- A. Policies that fix responsibilities for the conduct of research and other scholarly work and that assure adequate supervision or oversight of students and of academic or research teams.
- B. Institutional policies regarding authorship and the acceptance of full responsibility for the work published.
- C. Institutional practices regarding authorship as a criterion for promotion.
- D. Practices that foster openness and enhance awareness and recognition of ethical issues and of responsibilities in the conduct of scholarly work.
- E. Practices that assure adequate orientation of students to ethical issues in academic pursuits and to acceptable techniques in data gathering, record keeping and reporting.
- F. Institutional practices and requirements in regard to recording, retention, and storage of data.

IV. MISCONDUCT IN SCHOLARLY WORK

- A. It should be emphasized that reporting misconduct in scholarly work is a responsibility shared by everyone at the institution. However, frivolous, mischievous or malicious misrepresentation in alleging misconduct will not be tolerated.
- B. Misconduct in scholarly work may take many forms; these guidelines apply, but are not limited to, the following examples of misconduct:
 - 1. Falsification of data. Ranging from fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with the intent to falsify results.
 - 2. Improper experimental manipulation. For example, manipulating experiments to obtain biased data.
 - 3. Plagiarism. For example, taking credit for an exact copy or the rewritten or rearranged work of another.
 - 4. Improper assignment of credit. For example, insufficiently or knowingly not citing the work of others, including associates and students, or inadequately identifying the repetition of data or material that appears in more than one publication.
 - 5. Abuse of confidentiality. For example, improper use of information gained by privileged access, such as information obtained through service on peer review panels and editorial boards.
 - 6. Deliberate violation of regulations. For example, failure to comply with regulations concerning the use of human subjects, the care of animals, or health and safety of individuals and the environment.
 - 7. Misappropriation of funds or resources. For example, the misuse of funds for personal gain.

V. HANDLING ALLEGATION OF MISCONDUCT

- A. Allegations of misconduct in scholarly work may come from various sources within and without the institution. It is important that allegations of misconduct be handled expeditiously and that no serious allegations go unheeded. Consequently, each campus must develop specific procedures that define how allegations will be evaluated, what levels of administration will be involved, and what actions will be taken as the result of evaluating an allegation of misconduct.
- B. No decisions regarding the seriousness of an allegation of misconduct should be made by anyone whose personal or professional interests may be involved. Thus, although an allegation may first be reported to a collaborator, a co-worker, a co-author, a faculty advisor, or a team leader, such a close associate must report the allegation to a designated senior official for further action.
- C. The purpose of the evaluation of an allegation is to determine whether there is or is not substantial basis to believe that scholarly misconduct has occurred, and whether formal discharge proceedings or other action with respect to the individual's employment is warranted.
- D. The evaluation of an allegation should be kept confidential to the extent possible. Until a conclusion is reached, (i.e., the fact-finding process results in a judgment that there is or is not substance to the allegation) information about the allegation and about the evaluation should be made available only to those who need to know. Generally, those who need to know include the accused, individuals who can provide pertinent information or expert opinions, those conducting the evaluation, and appropriate institutional officials. Thus, institutional procedures should identify levels of administration that need to know. The procedures should identify administrative levels at which evaluations will be conducted, as well as levels at which actions will be taken at the conclusion of evaluations.

E. All serious allegations of misconduct must be evaluated first by an inquiry, and then, if the inquiry so indicates, by an investigation. The accused must be notified in writing when an inquiry into an allegation of misconduct is being initiated and again when an investigation is being initiated.

1. Inquiry

- a. An inquiry into an allegation of misconduct should be made by a small committee appointed by the director or president of the institution, or by the director's or the president's designee.
- b. The purpose of an inquiry is to determine whether there is sufficient basis for the allegation to warrant a full investigation. Thus an inquiry need not seek all the relevant information or documentation.
- c. An inquiry may be conducted informally, although records of its findings should be kept to justify its recommendations, and, if no investigation is recommended, to indicate whether the allegation was mischievous.
- d. Institutional procedures should indicate which official should receive and act upon the report of the committee of inquiry. If no investigation is initiated, that official must take appropriate action as indicated under Section VI.B, below. If an investigation is to be initiated, the official shall take or recommend whatever steps are necessary to protect the health and safety of research subjects, students, and colleagues.
- e. Any respondent in an inquiry is required to cooperate in furnishing materials and responding to questions.

2. Investigation

- a. An investigation should be initiated as soon as possible after an inquiry indicates the need. It should be conducted by a special committee appointed by the institutional official indicated in Section V.E, 1.d. above. Its membership should be specifically chosen to evaluate the particular allegations under consideration. At least one member should be an individual not primarily associated with the institution.
- b. The committee may hold hearings and should have the authority, responsibility and resources to collect and consider all of the evidence relevant to the allegation. It should be charged with obtaining expert opinions, if necessary to reach firm conclusions, and to do so by seeking the advice of external experts if that is required to avoid conflicts of interest, or for other appropriate reasons. An investigation must be thorough. It must obtain sufficient evidence to permit the committee to reach a firm decision about the validity of the allegation, or to be sure that further investigation could not alter an inconclusive result.
- c. An investigating committee should also be charged with recommending specific actions appropriate for the seriousness of its findings. These recommendations should address actions to restore damaged reputations if indicated and should identify specific retractions, disclaimers and announcements necessary to set the record straight. The committee may recommend sanctions if wrongdoing is confirmed.
- d. If the alleged misconduct involves the performance of research or other scholarly work supported by an external sponsor, the institution must inform the sponsor when an investigation is initiated. The notification should provide sufficient information to satisfy the institution's obligations to the sponsor, but in the interest of protecting reputations that might be unjustly damaged; a detailed report should await the final outcome of the investigation.
- e. An investigation, once begun, must result in a report to the official cited in Section V.E, 1.d. above, whether or not the individual remains at the institution.

VI. INSTITUTIONAL ACTIONS

- A. At the conclusion of evaluating an allegation of misconduct in scholarly work, the official indicated in Section V.E., 1.d. above, acting on behalf of the institution must take all actions appropriate for the findings.
- B. If misconduct is not confirmed, the person found innocent must be notified promptly. The institution must consider whether a public announcement will be harmful or beneficial in restoring any reputation(s) that may have been damaged. Usually, that decision should rest with the innocently accused. The institution must take disciplinary action when an allegation is found to be mischievous. The institution may find it necessary to reprimand lax supervision, faulty techniques, or inattention to propriety even when willful misconduct is not established.
- C. If misconduct is established, the institution must take action appropriate for the seriousness of the misconduct. If formal termination proceedings are instituted, such proceedings must be in accordance with System and institutional termination policies and procedures. In addition to appropriate sanctions, the institution must do everything it can to set the record straight. This may take the form of public announcements, published retractions and disassociations with published papers, and full reports to external sponsors.

Replacement for: BOR VII-9.00 and 9.01

III-1.10(A) - UMES POLICY ON STANDARDS FOR THE CONDUCT OF SCIENTIFIC RESEARCH

(Approved by the President November 21, 1997)

I. POLICY

Integrity in research and scholarly activities is the responsibility of the entire academic community. Scholars work in an environment in which there is an important sense of trust. Published material is assumed to have been obtained during the author's investigations. Falsification or fabrication of such data is intolerable. The University of Maryland Eastern Shore (UMES) is responsible for promoting academic practices that discourage scientific misconduct. It also is responsible for developing policies and procedures to address scientific misconduct and for providing the necessary education, training and resources to all faculty and staff for dealing with allegations or other evidence of misconduct in scholarly work.

All members of the University, including faculty, staff, administrators and students share responsibility for developing and maintaining standards to assure the highest ethical conduct of research and detection of abuse of these standards. The Director of the Office of Sponsored Programs shall assist the Vice President for Academic Affairs on issues of scientific research including misconduct except where the Director has a conflict of interest. Fraud or misconduct in carrying out academic activities undermines the integrity of the education system and the scientific enterprise, and erodes the public trust in the University community to conduct research and communicate results using the highest standards and ethical practices. This responsibility to prevent and detect misconduct, however, must be assumed without creating an atmosphere that discourages the openness and creativity that are vital to scholarship and the research enterprise.

Misconduct in scholarly work by any UMES employee is a breach of professional conduct. Furthermore, misconduct in scholarly work by others associated with

UMES (e.g., graduate students, volunteer faculty) will not be tolerated. UMES considers such a breach adequate cause for termination of employment of faculty or staff.

The policies and procedures outlined below are intended to be consistent with the policies and guidelines on scholarly misconduct which were adopted by the Board of Regents of the University of Maryland System in 1989 and shall be modified in the future as may be required to conform to those policies and guidelines. As discussed further in Part IV, these policies and procedures are also intended to bring UMES into compliance with federal regulations applicable to allegations of misconduct related to research funded by the Public Health Service (PHS). In the event of any conflict between any provision of this policy and the federal regulations applicable to a specific case, the federal regulations shall be followed.

The policies and procedures outlined here apply to faculty, staff and graduate students, paid or unpaid, engaged in research, scholarly writing, and the creation of works of art. A copy of this policy shall be provided to all of those individuals. This policy is not intended to address administrative issues of an ethical nature which are covered by other policies; for example, discrimination, affirmative action, and conflicts of interest are covered by other University policies.

The scope of this scientific misconduct policy and procedures is not limited to matters related to externally sponsored research but covers all research and scholarly activity, regardless of source of support.

II. DEFINITION OF SCIENTIFIC MISCONDUCT

Scientific misconduct involves any form of behavior which entails an act of deception whereby one's work or the work of others is misrepresented, and includes fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting or reporting research. Other terms such as research fraud, scholarly misconduct or research misconduct, are subsumed within the term scientific misconduct as defined below. Scientific misconduct is distinguished from honest error and from honest differences in interpretations or judgments of data that are inherent in the scientific process. Further, misconduct involves significant breaches of integrity which may take numerous forms such as, but not limited to:

- A. Falsification of data: Ranging from fabrication to deceptive selective reporting of findings and omission of conflicting data, willful suppression and/or distortion of data.
- B. Plagiarism: The appropriation of the language, ideas, or thoughts of another and representation of them as one's own original work.
- C. Improprieties of authorship: Improper assignment of credit, such as excluding others; misrepresentation of the same material as original in more than one publication; inclusion of individuals as authors who have not made a definite contribution to the work published; or submission of multi-authored publications without the concurrence of all authors.
- D. Misappropriation of the ideas of others: An important aspect of scholarly activity is the exchange of ideas among colleagues. New ideas gleaned from such exchanges can lead to important discoveries. Scholars also acquire novel ideas during the process of reviewing grant applications and manuscripts. However, improper use of such information could constitute fraud. Wholesale appropriation of such material constitutes scientific misconduct.
- E. Violation of generally accepted research practices: Serious deviation from accepted practices in proposing or carrying out research, improper manipulation of experiments to obtain biased results, deceptive statistical or analytical manipulations, or improper reporting of results.
- F. Material failure to comply with federal requirements affecting research: Including but not limited to serious or substantial, repeated, willful violations involving the use of funds, care of animals, human subjects, investigational drugs, recombinant products, new devices, or radioactive, biologic or chemical materials.
- G. Inappropriate behavior in relation to misconduct: Including inappropriate accusation of misconduct; failure to report known or suspected misconduct; withholding or destruction of information relevant to a claim of misconduct and retaliation against persons involved in the allegation or investigation.
- H. Deliberate misrepresentation of qualifications, experience, or research accomplishments to advance the research program, to obtain external funding, or for other professional advancement.
- I. Misappropriation of funds or resources. For example, misuse of funds for personal gain.

III. PROCEDURES FOR HANDLING ALLEGATIONS OF FRAUD/MISCONDUCT

The University of Maryland Eastern Shore will undertake examination (as described below) of any allegation of scientific misconduct. In the inquiry and investigation that may follow, the institution will focus on the substance of the issues and be guided by the following:

- A. Imperatives
 - 1. The process pursued to resolve allegations of misconduct will not damage science itself, or the academic process.
 - 2. UMES will provide vigorous leadership in the pursuit and resolution of all charges.
 - 3. All participants in the inquiry and investigation will be treated with justice and fairness and with sensitivity to their reputations.

4. Procedures will preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
5. The integrity of the process will be maintained by painstaking avoidance of real or apparent conflict of interest.
6. The procedures will be as expeditious as practical.
7. Pertinent facts at each stage of the response will be documented.
8. UMES shall pursue allegations within the scope of this policy without regard to whether related civil or criminal proceedings have been initiated or are underway. In the event of such proceedings, UMES may, at its option, suspend the inquiry/investigation temporarily but is not under an obligation to do, as the standards of the University may differ from those of the courts.
9. UMES shall recognize and discharge its responsibility after resolving allegations of misconduct to communicate the results of the investigating process internally, to all involved individuals; and externally, to the public, the sponsors of research, the scientific literature, and the scientific community as appropriate.

B. Initiation of an Allegation of Misconduct

A person who believes that scientific misconduct has occurred should discuss the matter with the designated faculty member for each school or with the Dean to determine whether or not the conduct falls under the purview of this document or under other applicable UMES procedures. If it is determined that the alleged conduct is within the scope of this document, the allegation shall be reported to the Vice President for Academic Affairs.

If the Vice President for Academic Affairs has a possible conflict of interest or is unavailable to begin an inquire immediately, the allegations should be referred to the President of UMES who shall designate an administrator to oversee examination of the allegation and carry out responsibilities assigned to the Vice President under this policy with respect to the specific allegation in question.

The Vice President for Academic Affairs shall informally review any allegation of scientific misconduct, confer with the Dean of the appropriate school and with legal counsel, and determine whether the allegation warrants initiation of the inquiry process according to the policies and the procedures for scientific misconduct, or whether other policies and procedures, such as those relevant to employment grievances, should be invoked. The Vice President will inform the individual(s) bringing the allegation as to the policies and procedures to be used. If the reporting individual chooses not to make a formal allegation but the Vice President believes an inquiry is warranted, the inquiry process will be initiated.

Even if the individual against whom an allegation is made (hereafter referred to as he respondent) leaves or has left the University of Maryland Eastern Shore before the case is resolved; UMES will pursue an allegation of misconduct to its conclusion.

C. Inquiry

1. The first step of the review process is an inquiry. This inquiry has as its primary purpose fact finding in an expeditious manner to determine if an allegation is deserving of further formal investigation, and if formal investigation is not warranted, to make recommendations concerning the disposition of the case. Records of the inquiry are confidential and are to be passed onto a Committee of Investigation if formal review is initiated.

2. A Committee of Inquiry composed of no less than three full-time employees, holding a professional level position including the Director of the Office of Sponsored Programs (i.e., faculty, associate staff or academic administrator) with no real or apparent conflict of interest, with no administrative appointment in the unit or school of either the complainant or the respondent, and with appropriate expertise for evaluating the information relevant to the case, shall be appointed by the Vice President for Academic Affairs as expeditiously as possible. At least one member of this Committee will be a tenured faculty member, provided there is a tenured faculty member satisfying the preceding conditions. The Committee shall elect amongst its members a chairperson. Every effort will be made following an initial expeditious administrative review of the allegation to appoint a Committee of Inquiry within fifteen days.
3. The Vice President for Academic Affairs is responsible for notifying all parties in writing of the charges and of the procedures that will be used to examine the charges. Further, they will be informed of the proposed membership of the Committee of Inquiry for the purpose of identifying, in the advance, any real or potential conflict of interest.
4. Where the complaint seeks anonymity, the Committee of Inquiry shall use its best efforts to operate in such a way as to maintain that anonymity to the degree compatible with accomplishing the fact-finding purpose of the inquiry. Such anonymity can not, however, be assured. Further, anonymity of the complainant is important to the substantiation of the allegations. The Committee chairperson shall convene a hearing and shall have the responsibility for ensuring that all of these procedures are followed and shall have the authority to conduct all committee hearings and proceedings.
5. Information, expert opinions, records and other pertinent data may be requested by the Committee of Inquiry. All involved individuals are obliged to cooperate fully with the Committee by supplying such requested documents and information. Uncooperative behavior is unacceptable and may result in immediate implementation of a formal investigation or other UMES sanctions.
6. Timely access to copies of all documents reviewed by the Committee of Inquiry will be assured to all parties. All materials will be considered confidential and shared only with those with a need to know. The Vice President for Academic Affairs and the members of the Committee of Inquiry are responsible for the security of relevant documents within their control. Copies of all documents and related communications are to be securely maintained in the Office of the Vice President for Academic Affairs.
7. The respondent and the persons making the allegations may have the assistance of legal counsel; however, as the inquiry is informal and intended to be expeditious, principals shall speak for themselves, with attorneys present only in an advisory capacity.
8. The Committee of Inquiry and the respondent shall have the opportunity to present evidence and to call and question witnesses.
9. The Committee of Inquiry shall arrive at a judgment as expeditiously as possible. The inquiry phase generally should be completed and a written report filed within sixty calendar days from initiation of the inquiry. If this deadline cannot be met, the Vice President for Academic Affairs and the President of the University of Maryland Eastern Shore shall be advised and the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period. The Vice President shall inform the sponsoring agency of the specific project of delays, if required by such agency or sponsor.
10. The outcome of the Committee of Inquiry will be conveyed in writing to the Vice President for Academic Affairs who will be responsible for communication of the findings to the respondent. This report shall include evidence reviewed, interview summaries, and conclusions of the inquiry. The respondent shall be given the opportunity to comment in writing upon the findings and recommendations of the Committee.

11. If the outcome of the inquiry indicates a need for formal investigation, the Committee of Inquiry communicates its findings to the Vice President for Academic Affairs who then, in consultation with the appropriate Dean and UMES legal counsel, initiates the investigatory process.

Under certain circumstances, the institution may be expected to notify the sponsoring agency or funding source at a point prior to the initiation of an investigation, and the policies of that agency, including applicable federal regulations will be followed. Where notification is not required by regulation or the timing of notice is at the discretion of UMES, factors used in determining the timing of such notification will include the seriousness of the possible misconduct, reasonable indication of possible criminal violations, the presence of an immediate health hazard, consideration of the interests or specific requirements of the funding agency and of the interests of the scientific community, the public, and the individual who is the subject of the inquiry or investigation and his/her associates.

12. If the outcome of the inquiry does not indicate the need for a formal investigation, but does find a need for further alternative action(s), such actions shall be taken by the Vice President for Academic Affairs acting in consultation with the appropriate Dean.
13. If the Committee of Inquiry finds the allegations were not made in good faith, it should refer the matter to the Vice President for Academic Affairs since it is a violation of UMES policy when an allegation of misconduct is not made in good faith.
14. If the Committee of Inquiry plans to terminate the inquiry for any reason prior to completion of the inquiry process, a report of the termination, including a description of the reasons for such termination shall be made to the Vice President for Academic Affairs.
15. Detailed documentation of an inquiry, even where it has been determined that an investigation is not warranted, will be maintained by the Vice President for Academic Affairs securely in a confidential file for a period of three years, and provided to a sponsoring agency and to authorized Public Health Service personnel upon request.

D. Investigation

1. The Vice President for Academic Affairs shall, within thirty days of the reporting by a Committee of Inquiry of the need for formal investigation, appoint a Committee of Investigation of no less than three full-time employees, holding a professional level position including the Director of the Office of Sponsored Programs (i.e., faculty, associate staff or academic administrator) with no real or apparent conflict of interest, with no administrative appointment in the unit or school of either the complainant or the respondent, with the appropriate expertise for evaluating the information relevant to the investigation. At least one member shall be, where possible, a tenured faculty member at the University of Maryland Eastern Shore. In addition, at least one member shall not be associated with UMES.
2. The Committee of Investigation shall elect one of its members as chairperson. The purpose of the Committee of Investigation is to explore further the allegation and determine whether misconduct has been committed and the extent of the malfeasance and to make recommendations regarding whether formal termination procedures or other disciplinary sanctions are warranted. The chairperson shall convene a hearing as soon as practicable and shall have the responsibility or ensuring that all of these procedures are followed, and shall conduct all committee hearings and proceedings.

All parties to the case, including the members of the Committee of Investigation and the respondent, may request documents, present evidence, and call witnesses. Additional hearings may be held and the Committee may request the involvement of outside experts. The investigation will be sufficiently thorough to permit the Committee to reach a firm decision about the validity of the allegation(s) and the scope of the wrongdoing or to be sure that further investigation could not alter an inconclusive result. Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

In the course of an investigation, additional information may emerge that may justify broadening the scope of the investigation beyond the initial allegations. Should this occur, the respondent is to be informed in writing of significant new directions in the investigation. In addition to making a judgment on the veracity of the allegations, the Committee of Investigation shall recommend to the Vice President for Academic Affairs appropriate sanctions if warranted, and any corrective actions.

3. As the University of Maryland Eastern Shore is responsible for protecting the health and safety of research subjects, patients, faculty, students and staff, interim administrative action prior to conclusion of either the inquiry or the investigation may be indicated. Such action ranging from slight restrictions to complete suspension of the respondent and notification of external sponsors, if indicated, is initiated by the Vice President for Academic Affairs but may be taken only after consultation with the President and legal counsel to UMES.
4. All parties in the investigation are obliged to cooperate in a timely fashion by producing any additional data or information requested for the investigation by the Committee of Investigation or by the respondent and other concerned parties as judged appropriate by the Committee.
5. The respondent shall have an opportunity to address the charges and evidence in detail. The respondent may be accompanied by and confer with legal counsel at hearings but is expected to speak for him/herself.
6. All affected individual(s) will be afforded maximum confidentiality, to the extent possible, throughout the investigation. All hearings are deemed confidential and closed except by the consent of both of the principals. Written notification of hearing dates and copies of all relevant documents will be provided by the Office of the Vice President for Academic Affairs in advance of scheduled meetings. Proceedings will be tape-recorded by the Committee of Investigation and copies of the tapes will be made available to involved parties upon request. The Committee Chairperson will have full authority over the conduct of the hearing(s) and may consult with the Office of the Attorney General if necessary to resolve legal issues.
7. After all evidence has been received and hearings completed, the Committee of Investigation shall meet in closed sessions to deliberate, and prepare its findings and recommendations. Written findings shall be dated and signed by all Committee members and submitted to the Vice President for Academic Affairs.
8. All significant developments during the investigation as well as the findings and recommendations of the Committee of Investigation will be reported by the Vice President for Academic Affairs to the research sponsor.
9. Every effort should be made to complete the investigation within 120 days; this includes conducting the investigation, preparing the report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the Vice President of Academic Affairs. If they can be identified, the persons who raised the allegations will be provided with those portions of the report that address their role and opinions in the investigation.
10. It is acknowledged that some cases cannot be fully investigated in 120 days. In such cases, the Committee of Investigation should compile a progress report, identify reasons for the delay, estimate time required to complete the investigation, and request an extension from the Vice President for Academic Affairs. The Vice President shall convey to the funding agency such information as may be required by it, and at intervals as required by the agency.
11. When the respondent is notified of the findings of the Committee of Investigation and the decision of the Vice President for Academic Affairs regarding application of sanctions, the respondent should also be informed of the appeals process. If the sanctions involve a recommendation for termination of employment or other legal rights of faculty or other personnel, applicable disciplinary or termination procedures shall be followed.
12. Detailed documentation of an investigation will be maintained by the University of Maryland Eastern Shore for at least three years, and provided to the sponsoring agency upon request.

III-1.10.A-7

1. Absence of Scientific Misconduct

All research sponsors and others initially informed of the investigation should be informed in writing that allegations of misconduct were not supported. If the allegations are deemed not to have been made in good faith, appropriate actions should be taken against the complainant in accordance with this policy. If the allegations, however incorrect, are deemed to have been made in good faith, no disciplinary measures are indicated. Efforts should be made to prevent retaliatory actions and to protect, to the maximum extent possible, the positions and reputations of the persons who made the allegations as well as those against whom allegations of misconduct were not confirmed. In publicizing the finding of no misconduct, the University of Maryland Eastern Shore should be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been lost. Usually, such decision will rest with the person who was innocently accused.

2. Presence of Scientific Misconduct

When an investigation confirms misconduct, the Vice President for Academic Affairs shall consider the recommendations of the Committee of Investigation. He/She shall be responsible for determining and implementing sanctions as appropriate or for referring to the President of the University of Maryland Eastern Shore any actions not within the Vice President's authority. The Vice President is responsible for notifying all federal agencies, sponsors or other entities initially informed of the investigation of the outcome. UMES will take action appropriate for the seriousness of the misconduct, including but not limited to:

a. Institutional Disciplinary Action

- (1) Removal from particular project
- (2) Special monitoring of future work
- (3) Letter of reprimand
- (4) Probation for a specified period with conditions specified
- (5) Suspension of rights and responsibilities for a specified period
- (6) Financial restitution
- (7) Termination of employment

b. Notification

- (1) Sponsoring agencies, funding sources of the particular project
- (2) Co-authors, co-investigators, collaborators, department, campus University publications, as deemed appropriate by the Vice President to Academic Affairs.
- (3) Editors of journals in which fraudulent research was published.
- (4) State professional licensing boards
- (5) Professional societies

c. The Vice President for Academic Affairs also shall take action to protect, to the maximum extent possible, the positions and reputations of those persons who made the confirmed allegations.

3. Appeal

The respondent may appeal the judgment of the Committee of Investigation and/or the sanction. A written statement of the grounds for the appeal must be submitted to the President of the University of Maryland Eastern Shore within thirty days of written notification of the results of the investigation. Grounds for appeal are: new, previously unconsidered evidence; sanctions not in keeping with the findings; a conflict of interest not previously known among those involved in the investigation; or failure of the Committees or the Vice President for Academic Affairs to substantially comply with these procedures in a manner that materially affects the Committee's or the Vice President's recommendation. Upon receipt of a written appeal, the President will evaluate the evidence and make a determination. He or she may, at his or her discretion, reopen the investigation. The President's decision will be binding on all parties and will be conveyed to all involved in a timely fashion.

IV. SPECIAL PROVISIONS FOR EXAMINING ALLEGATIONS SUBJECT TO PUBLIC HEALTH SERVICE MISCONDUCT REGULATIONS

The University System of Maryland Misconduct Policy and the University of Maryland Eastern Shore policy are intended to meet the requirements of Title 42, Subchapter D, Code of Federal Regulation, Subpart A, Sections 50.101 through 50.105. The Public Health Service Misconduct Regulations apply to UMES because it applies for research, research-training or research-related grants or cooperative agreements under the Public Health Service Act.

These regulations require UMES to investigate and report instances of alleged or apparent misconduct involving research or research training, applications for support of research or research training, or related research activities that are supported with funds made available under the PHS Act. It is anticipated that the University System of Maryland Policy and the University of Maryland Eastern Shore Policy will be changed, from time to time, to comply with any changes required by amendments to these regulations.

The scope of the University System of Maryland Policy and the University of Maryland Eastern Shore Policy procedure is not limited to matters related to research supported by the PHS Act. All research and scholarly activity, regardless of source of support, is subject to the same standard of integrity. Misconduct in scholarly work will be censured by UMES in all cases. Misconduct associated with research funded under the PHS Act can result in additional federal sanctions against investigators, as well as sanctions against UMES, and must be reported to federal authorities as specified below.

The University of Maryland Eastern Shore recognizes the Office of Research Integrity (ORI) as a component of the Office of the Director of the National Institutes of Health (NIH), which oversees the implementation of all PHS policies and procedures related to scientific misconduct; monitors the individual investigations into alleged or suspected scientific misconduct conducted by institutions that receive PHS funds for biomedical research project or programs; and conducts investigations as necessary.

A. Compliance with Regulations

It is the policy of the University of Maryland Eastern Shore to comply with all requirements of the PHS Misconduct Regulation applicable to misconduct. The University System of Maryland and UMES will file institutional assurances as required by Section 50.103 of the PHS Misconduct Regulations. In order to remain in compliance with these assurances, UMES will:

1. Provide to ORI and other PHS officials our most current policy and other policies developed to encourage scientific integrity.
2. Inform University faculty and administrative staff and, as appropriate, its students, of this Policy and the System policy and the importance of compliance.
3. Take immediate and appropriate action as soon as alleged misconduct is reported on the part of an employee. Actions shall include interim measures to protect federal funds and ensure that the purposes of federal financial assistance are being carried out.
4. In accordance with the PHS Misconduct Regulation, inform and cooperate with ORI with regard to each investigation of possible misconduct.

B. Reports to ORI

The Vice President for Academic Affairs will make all reports to ORI which are required by Section 50.104, or other parts of the PHS Misconduct Regulation, in connection with allegation of misconduct subject to those regulations. More specifically, the Vice President, with the assistance of the Director of the Office of Sponsored Programs will:

1. Report the University of Maryland Eastern Shore's decision to initiate any investigation. This report will be made in writing to the Director, ORI, on or before the date the investigation begins. It will include, at a minimum, the names of the person(s) against whom the allegations have been made, the general nature of the allegations, and the PHS application or grant number(s) involved. In general, it will be UMES' policy to disclose in this notice no more than the minimum information required under the PHS Misconduct Regulations.

2. Notify ORI immediately during the investigation of any developments which disclose facts that may affect current or potential Department of Health and Human Services funding for the respondent or that the PHS needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.
3. Report to ORI plans to terminate an inquiry or investigation for any reason without completing all relevant requirements under Section 50.103(d). This report will include a description of the reasons for such termination and shall be submitted in accordance with federal regulations.
4. File the results of the investigation with ORI within 120 days of the institution's investigation unless an extension is granted by ORI. The final report will describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions under consideration, pending or taken by the University of Maryland Eastern Shore.
5. Forward an extension request to the ORI from the Committee of Investigation if the Committee cannot complete its work within 120 days. Such a request shall include an explanation for the delay, an interim report on the progress to date, an outline of what remains to be done and an estimated date of completion.
6. Report immediately, at any stage of the inquiry or investigation, any determination by the University of Maryland Eastern Shore that any of the following conditions exists:
 - a. Immediate health hazard
 - b. Need to protect federal funds or equipment
 - c. Immediate need to protect the interest of the persons making the allegations or the individuals who are the subjects of the allegations as well as their co-investigators and associates, if any
 - d. Probability that the alleged incident is going to be reported publicly
 - e. Reasonable indication of possible criminal violation. (A report for this reason must be made within 24 hours of obtaining the information leading to this conclusion.)

C. Recordkeeping

Detailed documentation of the inquiry and investigation shall be maintained. A copy of all documentation prepared and maintained during the inquiry and investigation shall be made available to the Director, ORI.

IV-1.00 - POLICY FOR ESTABLISHMENT AND REVIEW OF CENTERS AND INSTITUTES IN THE UNIVERSITY OF MARYLAND SYSTEM

(Approved by the Board of Regents, January 11, 1990)

1. Centers and Institutes and similar groups and organizations form useful devices for organizing faculty and staff from different disciplines to focus on teaching, research, and/or service in an area of common interest. Centers and Institutes should be justified based on their contributions to specified missions of research and service and by their relationship to instructional programs at the institution.
2. The term “Center” or “Institute” generally refers to an organized, non-departmental unit; it may or may not have external or state funding and a separately identified budget; it usually has a formal administrative structure headed by a director. Centers and Institutes have varied missions, and with few exceptions do not award degrees. Differences among these kinds of units usually are related to their degree of permanence and the level of commitment to them by the institution or the System.
3. Each institution shall ensure that its Centers and Institutes comply with applicable institutional and System-wide policies. Those Centers, which receive federal funds, must, in addition, ensure compliance with federal policies, in particular those regarding the conduct of research.
4. The establishment of a Center or Institute that is multi-institutional shall require the approval of the Chancellor.
5. The establishment of a Center or Institute that is administratively separate from an institution shall require the approval of the Board of Regents.
6. Each institution shall develop policies and procedures for the establishment and monitoring of Centers and Institutes. These policies and procedures shall be filed with the Office of the Chancellor.

Replacement for: BOR VII-6.00 and VII-6.01

IV-1.00(A) - UMES POLICY AND PROCEDURES FOR THE ESTABLISHMENT AND REVIEW OF CENTERS AND INSTITUTES

(Approved by the President January 1, 1992)

A. POLICY

Although faculty may from time to time establish relationships for the purposes of conducting research, or of fostering improvement of teaching or curricula, or of enhancing service to the State in a particular area, they must nevertheless follow certain procedures, as described below, for inclusion in official administrative lists and for periodic review.

Institutes, Bureaus, Centers, Laboratories, Research Teams, and other similar groups and organizations form useful devices for organizing groups of faculty and staff from different disciplines to focus teaching, research and/or service in an area of common interest and concern. Centers, Bureaus, and Institutes should be justified based on their contributions and relationships to academic programs, but with a very few exceptions, these entities shall not offer courses.

To provide an orderly method for the establishment of centers, Institutes, and interdisciplinary units known by other names, it is appropriate to devise guidelines or procedures that provide for appropriate faculty and administrative review. These units are expected to be supported largely by external funding and to exert significant claims on State or University resources. Yet legitimate interests of faculty proponents and of administrators in whose jurisdictions the units may be located must be protected. The following procedural guidelines are intended to protect those interests but are not so complex as to render the establishment of the units such a lengthy and time-consuming task that few will venture to propose them.

B. GROUP

The first and simplest type of unit compares to an established specialization area within a department, such as organic chemistry, counseling psychology, nuclear physics. Characteristically, it is an ad hoc collection of faculty members gathered together as a "Group" to promote an area of common interest. "Groups" and projects in this category might be short-lived. Such a group shall be titled "Research Group for _____" or "Laboratory for _____" etc. No formal procedure for its establishment is involved other than written approval of the Vice President of the unit in which the faculty are housed.

C. CENTER

The second level of organization compares to an academic program without departmental status. Typical of this type of organization is a "Center". It has more permanency than the "group" referred to above. It may involve external and/or State funding and may appear as an organized unit in the working budget. Usually, it will have a formal administrative structure, headed by a Director. The Director and a secretary may be, at least partially, supported by general funds. Procedures for establishment of a "Center for _____" are as follows:

1. A formal proposal for the establishment of a new Center shall be prepared by its proponents, who may be informal groups of interested faculty and administrators, a committee appointed for the purpose of determining need, desirability and feasibility of a Center, or any similar formal or informal group.
2. The proposal shall include a statement of the purpose of the Center; the rationale for its establishment; details of its membership, governance, and administration; initial prospective funding; and space needs and other requirements.
3. The proposal shall be submitted by the organizing proponents to the Vice President or designee to whom the Center Director will report. In those circumstances in which a Center will reside within a Department, the proposal will first be submitted to the Department Chair. The Department Chair will submit the proposal to the Programs, Courses, and Curriculum Committee(s) for advice and recommendation.

4. After review by the Programs, Courses, and Curriculum Committee
 - a. The Chair of the Department in which the Center will reside will be responsible for identifying the source of resources (if any) necessary to create and maintain the Center. These may be extramural funds, department funds, School funds, and/or small, short-term commitments from Graduate School DRIF monies. A proposal requiring, in the view of the Graduate, Dean, large or long-term commitments from Graduate School DRIF will fall under provisions 4.b. below. If the proposal, including commitment of funds, space, etc. will be forwarded to the Vice President for Academic Affairs for approval, the Vice President has the option of consulting APAC, but is likely to do so only if a major redirection of resources appears to be involved.
 - b. In unusual circumstances, a special funding opportunity may require a commitment of more resources than the Department involved can afford. In these cases, the Department Chair shall be responsible for identifying the resources the Department can commit and enumerating those, which would need to be met by the campus. At the campus level, the full review process would be required in these cases, including review by APAC, with final approval by the Vice President for Academic Affairs. APAC shall develop guidelines for its review.
5. It is understood that in the review process, alterations may be recommended and made in the proposal by any of the reviewing administrators.

D. INSTITUTE OR BUREAU

The third level of organization compares with an academic department. Typical of this type of organization is an "Institute" or "Bureau". It is expected to continue indefinitely and, thus, have greater permanency than a Center.

It may have both external and general funding, but it should be included in the working budget and have a formal administrative and governance structure. Procedures for establishment of new academic departments, and are as follows:

1. Same as 1) above.
2. Same as 2) above.
3. Same as 3) above.
4. Same as 4) above, except that the Vice President recommends approval to the President.
5. Upon approval by the Vice President, the proposal is forwarded to the President. After review and approval by the President, the proposal is forwarded to the Chancellor for information. It is understood that in the review process, alterations may be recommended and made in the proposal by any of the reviewing administrators.

E. THE PERIODIC REVIEW PROCESS

1. Institute and Bureaus

Institutes and Bureaus shall be subject to the same review procedures as academic departments.

2. Centers

It is expected that Centers will be established with the provision that their functions, productivity, fiscal condition, and continuance will be periodically reviewed. The procedure for review is as follows:

- a. Every five years, each Center shall submit a review of its activities to the Department Chair to which it reports. This review shall include the following types of information: date Center established, purpose, major activities over previous years, funding and major categories of expenses, number of personnel associated with the Center and source of support for each, relationship to institution, and benefits to institution.

Upon receiving the review, the Department Chair shall choose one of the following administrative actions: maintain the Center in its current state; institute a broader scale review; change the definition, operators and/or director of the Center; terminate the Center. Each Department Chair submits to the Vice President for Academic Affairs a report of these reviews and the administrative actions.

- b. A Center, which is established with other than one-time funding from outside its Department, i.e., one established according to 4.b. above, will follow the same procedure with one additional step. The review will be forwarded to the Vice President for Academic Affairs who, in consultation with the President, shall choose whether to continue or to terminate the campus' portion of the Center's funding.
- c. Those Centers, which reside entirely within one Department and report to the Department Chair, shall be reviewed as part of the Departmental review.

105.0 IV-2.10- UNIVERSITY OF MARYLAND SYSTEM POLICY ON HUMAN SUBJECTS OF RESEARCH

(Approved by the Board of Regents, April 25, 1991)

The policy of the University of Maryland System is to respect and protect the rights and welfare of individuals. In the conduct of research, actions of the University of Maryland System and its constituent institutions will be guided, to the extent that they are applicable, by principles as set forth in such nationally accepted documents as the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Ethical Principles and Guidelines for the Protection of Human Subjects of Research (April 18, 1979). Actions of the University of Maryland System and its constituent institutions will also conform to applicable federal, state, and local laws and regulations.

In accordance with this policy, all University of Maryland System research activities which involve human subjects, regardless of the level of risk foreseen, require review and approval, prior to the initiation of the activity. An Institutional Review Board (IRB) shall have jurisdiction over all reviews and approvals in accord with procedures set forth in recognized documents, e.g. Multiple Project Assurance document, and/or applicable regulations and policies including other policies adopted by the System or an institution. Those research activities in which human subjects may be exposed to more than minimal risk must be reviewed at a convened meeting of an IRB; other research activities may be reviewed in the manner determined by the IRB under its procedures. An individual is considered to be at more than minimal risk if exposed to the possibility of harm -- physical, psychological, social, legal, or other -- as a consequence of participation as a human subject in any research activity which departs from the performance of routine physical or psychological examinations and tests, or which departs from established and accepted procedures necessary to meet the individual's needs, or which increases the probability or magnitude of risks ordinarily encountered in daily life.

This policy applies to all research activities and to all development, training, and improvement or other related activities containing a research and development component. Furthermore, it applies to any such activity performed on the premises of the University of Maryland System or its constituent institutions and to any such activity performed elsewhere by faculty, students, or employees under University of Maryland System auspices.

To carry out this policy the University of Maryland System institutions will maintain a sufficient number of IRBs with appropriate membership to provide for adequate reviews. The IRBs will have the authority to approve, to require modification as a condition of approval, and to disapprove proposed activities that are covered by this policy. Furthermore, the IRBs will have the authority to determine whether or not any activity is covered by the policy and whether it requires review by an IRB.

Replacement for: BOR VII-5.00

(a) Opportunities for Research at UMES

UMES encourages faculty participation in research activities, which will enhance the image of the University, contribute new knowledge to the field of science and also contribute to faculty development.

There is a very limited amount of internal resources available for the conduct of research. However, external funding is available through government agencies, private industry and foundations and organizations. In most cases, requests for proposals are published in the Federal Register and Federal Grants and Contracts Weekly. Faculty members are urged to obtain these publications from the University Library or the Research and Grants Office.

Projects related to food and agriculture may be funded through the Maryland Agricultural Experiment State or Evans-Allen Funds appropriated through the United States Department of Agriculture. Guidelines for requesting these funds are found in the Policies and Procedures Manual for Conducting Research Supported by Evans-Allen Funds under P.L. 95-113 Section 1445. This manual may be obtained from the Director of 1890 Research.

(b) Director of Sponsored Research

The Director of Research and Grants is responsible for assisting scientists in securing research funds, identifying research fund sources and ensuring that all research projects proposals are within the stated University mission and are in compliance with established rules and regulations. Although assistance is indicated above, securing of funds is still the primary responsibility of the scientist.

(c) Developing a Research Proposal

A faculty member interested in developing a research proposal should proceed as follows:

- Consult with the department head and the program leader to determine if the project falls within the scope and objectives of the research program area, the Department and the School of Agricultural Sciences.
- Identify the existing or needed human and physical resources if the implementation of the project.
- Determine that the proposed project can be successfully completed within the financial constraints and other resources available.
- Submit a one to two page pre-proposal through appropriate channels to the Research Director. The pre-proposal should briefly outline the purpose, objectives, contributions to Agricultural Sciences, duration and first year-estimated cost. A suggested format for preparation of a research proposal may be obtained from the Director of Research and Grants.

(d) Review of Proposals

Each proposal must be accompanied by a Routing Form, which is obtained from the Office of Research and Grants, and where appropriate, a Hazardous Procedures Form. The Routing Form must bear appropriate endorsement signatures before submission to the Office of Research and Grants. Proposals proceed from the principal investigator to the Department Chair, then the Office of Research and Grants/1890 Research Director. The Office of Research and Grants must receive all copies of the proposal that are required by the agency and two additional copies bearing original signatures of the principal investigator (unless agency applications specify otherwise).

The Office of Research and Grants will send review copies to the Vice Presidents for Academic Affairs, and Administrative Affairs, the President, and, when appropriate, the Chancellor. Copies are then returned to the Office of Research and Grants for submittal to the sponsoring agency.

Principal investigators should bear in mind that their sponsoring agency may have a specific deadline date and that submission of a proposal to the Office of Research and Grants well ahead of this deadline is necessary in order to complete the internal review cycle. Proposal should be received by the Office of Research and Grants no later than:

- 7 working days for proposals requesting up to \$500,000 total
- 15 working days for proposals requesting over \$500,000 which require Chancellor or Board approval – prior to the requested mailing date.

The above does not include time needed to secure approval at the Department, which should be added to the total processing time.

SECTION VIII: Other Services & Regulations

138.0 VI-1.20- UNIVERSITY OF MARYLAND SYSTEM POLICY ON SEXUAL HARASSMENT

(Approved by the Board of Regents, June 5, 1992)

The University of Maryland System is committed to creating and maintaining an environment in which every individual can work and learn without being harassed. All members of the academic community should support the principle that sexual harassment represents a failure in ethical behavior and that sexual exploitation of professional relationships will not be condoned. Sexual harassment is inconsistent with commitment to the goals of quality, access and choice that characterize the activities of the System and its constituent institutions. Sexual harassment is a form of discrimination prohibited by federal and state law.

Each institution of the University of Maryland System shall have procedures for implementation of the policy prohibiting sexual harassment, consistent with federal and state laws and policies.

Those procedures shall ensure that the community is educated about the problem and sanctions which can be imposed and is well informed concerning resources available to complainants, and informal and formal means of complaint resolution.

Procedures shall be designed to give due consideration to confidentiality, prevent retaliation, and achieve prompt and equitable resolution of complaints while protecting the rights of the person bringing the complaint and of the person accused of harassment.

VII-6.00(A) UMES POLICY AND PROCEDURES ON SEXUAL HARASSMENT

(Approved by the President on January 1, 1992)

A. POLICY

UMES is committed to maintaining a working and learning environment in which students, faculty, and staff can develop intellectually, professionally, personally and socially. Such an environment must be free of intimidation, fear, coercion, and reprisal. The Campus prohibits sexual harassment. Sexual harassment may cause others unjustifiable offense, anxiety, and injury. Sexual harassment threatens the legitimate expectation of all members of the campus community that academic or employment progress is determined by the publicly stated requirements of job and classroom performance, and that the campus environment will not unreasonably impede work or study.

Sexual harassment by University faculty, staff, and students is prohibited. This constitutes Campus policy. Sexual harassment may also constitute violations of criminal and civil laws of the State of Maryland and the United States. For the purpose of this Campus policy, sexual harassment is defined as: (1) unwelcome sexual advances, or (2) unwelcome requests for sexual favors; and (3) other behavior of a sexual nature where:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University –sponsored education program or activity; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

In assessing whether a particular act constitutes sexual harassment forbidden under this policy, the standard shall be the perspective of a reasonable person within the Eastern Shore Campus Community. The rules of common sense and reason shall prevail.

Allegations of sexual harassment shall be judged with attention to the facts particular to the case and the context in which the alleged incident(s) occurred.

Conduct prohibited under this policy may manifest itself in many different ways. Sexual harassment may, for example, be as undisguised as a direct solicitation of sexual favors, or solicitation accompanied by over threats. Harassment may also arise from behavior which has the effect of creating an intimidating, hostile, or offensive educational or working environment. In this regard, the following types of acts, if pervasive and continuous, are more likely-than-not to result in allegations of sexual harassment: unwelcome physical contact, sexual remarks about a person's clothing, body or sexual relations, conversation of a sexual nature or similar jokes and stories, and the display of sexually explicit materials in the workplace or used in the classroom which are without defensible educational purposes.

Sexual harassment may occur within a variety of relationships. It may occur among peers. It may occur where no relationship exists between the parties other than being co-employees, or co-students. Especially injurious, on the other hand, is harassment in relationships characterized by inequality of power, where one party has institutional authority over the other. Inherent in these relationships is the power and fear of reprisal. Typically, such relationships are found between employer and employee; senior faculty and junior faculty; graduate teaching assistant and undergraduate; and faculty and student, when the student is enrolled in a faculty member's class or when the student is in a continuing position to require evaluation of work or letters of recommendation from the faculty. Such relationships can be immediate, here and now, or based upon future evaluations references.

Sexual harassment may occur between persons of the same or different genders.

Education and awareness are the best tools for the elimination of sexual harassment. The Campus is committed to taking appropriate action against those who violate the provisions of the policy. The campus is committed to protecting targets of harassment from retaliation.

B. PROCEDURE

Individuals who believe themselves subjected to an incident of sexual harassment should be aware that there are many ways to bring it to the attention of the University, and, where proper, obtain redress or protection. There is an informal route. There are also more formal procedures of long-standing which are sufficiently broad to deal with sexual harassment. Preventing sexual harassment is a responsibility of the entire campus community.

The Campus has made this a priority, but ultimately, no satisfactory investigation or resolution of a complaint can occur without the initiative and continuous cooperation of the person who without feels injured. Similarly, allegations of sexual harassment are extremely serious, with potential for great harm to all persons if ill-conceived or without foundation. Procedures which implement campus policy recognize the potential. The Campus is committed to protecting the rights of the alleged offender as well as the offended.

1. Informal Consideration

An incident of sexual harassment may be reported to:

- a. any Campus or University official or faculty member, including an individual's supervisor, the department chair or dean
- b. the Director of Human Resources

When an individual receives a report of sexual harassment, he or she will notify the President's Office prior to taking any action to investigate or to resolve the matter informally. The President's Office in consultation with the Office of the Attorney General will normally manage and coordinate all matters relating to complaints. Complainants will be advised of relevant campus policies and procedures, and the informal and formal means of resolving the matter will be explained.

While a written complaint is not required to initiate an informal investigation, the President's Office must receive a signed complaint from the offended person before any sanctions of other action can be undertaken against an individual for sexual harassment. If the matter is to be investigated, consideration shall be given to the situation and the wishes of the complainant. The investigation of a complaint will include discussing the matter with the person accused of sexual harassment. The findings of the investigation shall be confidentially reported to the President and to the relevant Vice President, Dean, Chairperson, or supervisor for any necessary action. Sanctions for sexual harassment may range from reprimand to termination, depending upon the circumstances of the case.

2. Formal Complaints

Formal grievance procedures for resolving sexual harassment complaints are available based on the classification of the aggrieved person.

- a. Faculty members may file with the Dean of their academic unit under the Faculty Grievance Procedure contained within the Faculty Handbook of the Eastern Shore Campus, University of Maryland.
- b. Associate Staff employees may file under the Associate Staff Grievance Procedure contained within Personnel Policies and Rules for Associate Staff Employees of the University of Maryland, Office of Human Resources.
- c. Classified employees may file with the Employee Specialist under the Classified Grievance Procedure contained within the Handbook of Classified Employees, Office of Human Resources.
- d. Students may file under the Code of Student Conduct.
- e. Complaints may be filed externally through the Equal Employment Opportunity Commission within 180 calendar days of the occurrence, the Maryland Commission on Human Rights within six months of the occurrence and/or the US Department of Education (Office of Civil Rights) within 180 days from the last date of the incident.

(Approved by the Board of Regents, December 1, 1995, Replacement for Board of Regents Interim Policy on Sexual Assault, Approved August, 27, 1993; Change Approved by the Board of Regents, December 4, 1999)

I. Purpose and Applicability

The University of Maryland System and its constituent institutions adopt this policy on sexual assault, consistent with the requirements of (i) Section 484 (f) of the Higher Education Act of 1965, as amended by Section 486 (c) (2) of the Higher Education Amendments of 1992, and (ii) Section 11-601 of the Education Article of the Annotated Code of Maryland. This policy applies to all students and employees, both faculty and non-faculty, of the University of Maryland System or its constituent institutions.

II. Definitions

The following policy recognizes two levels of sexual assault.

Sexual Assault I.

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

Sexual Assault II.

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

III. Responsibilities of the Chief Executive Officer

Each Chief Executive Officer of a constituent institution shall have the following responsibilities pursuant to this policy:

- (i) identification of the person responsible for coordinating the constituent institution's educational program to promote awareness of sexual assault;
- (ii) identification of the person who will serve as the initial contact after an alleged sexual assault has occurred; and
- (iii) adoption of procedures to be followed should a sexual assault occur, including the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offence should be reported.

IV. Educational Programs to Promote Awareness of Sexual Assault

Each institution in the University of Maryland System shall make available to its students, faculty and employees programs to promote awareness of what constitutes sexual assault, how to prevent it, and what the institution's procedures are for handling reports of alleged sexual assault. In addition to general educational programs for the campus community, each institution shall provide specialized training on the topic of sexual assault and the provisions of sexual assault procedures to those individuals who might be involved in providing services to or interacting with alleged victims so as to ensure timely, accurate and sensitive assistance to all concerned. The UMS policy, together with the institution's procedures concerning sexual assault, shall be distributed to all students, faculty members and employees and shall be posted in appropriate locations at the institution and published in appropriate institution and System publications.

V. Off-Campus Reporting of Sexual Assaults

When a report of sexual assault is made to the institution's initial contact, that person will encourage the alleged victim to contact law enforcement or medical personnel as soon as possible following the incident to receive guidance in the preservation of evidence needed for proof of criminal assaults and the apprehension and prosecution of assailants. Campus authorities will assist in notification of off-campus authorities at the request of the alleged victim.

Additionally, campus personnel will retain the right to contact law enforcement personnel directly where an issue of campus security is involved. Campus personnel will also assist the alleged victim in obtaining medical attention, if the victim chooses, including providing transportation to the hospital or other emergency medical facility. Each institution shall designate one or more nearby hospitals which are equipped with the Maryland State Police sexual assault evidence collection kit.

VI. Campus Disciplinary Procedures

1. Student Disciplinary Procedures.

- a. In addition to any criminal or civil remedies available under the law, any act of sexual assault is a violation of this University of Maryland Policy on Sexual Assault and is subject to disciplinary proceedings under the institution's judicial system.

The range of judicial system penalties for students shall include, but not be limited to, one or more of the following: alteration of class schedule, disciplinary reprimand, loss of privilege, restitution, disciplinary probation, disciplinary suspension, disciplinary dismissal, and disciplinary expulsion.

- b. The on-campus procedures shall provide

- (1) the accuser and the accused are afforded the same opportunities to have others present during a campus disciplinary proceeding;
- (2) both the accuser and the accused are informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault;
- (3) the offense must be reported according to federal reporting mandates and Maryland State law.

2. Faculty and Employee Disciplinary Procedures.

In addition to any criminal or civil proceedings available under law, any act of sexual assault is a violation of this University of Maryland System Policy on Sexual Assault and is subject to appropriate faculty and employee disciplinary procedures. The range of employment penalties for faculty and employees shall include, but not be limited to, one or more of the following: counseling, reprimand, suspension, or termination of employment.

VII. Services for Victims

Faculty, employees and students who are victims of sexual assault shall be offered access to counseling through mental health services available at the institution, other victim service entities in the surrounding community, or the nearest state designated rape crisis program. Each institution shall designate existing counseling, mental health and student services, both on campus and in the community, which are available to victims of sexual assault.

After a sexual assault has been reported at the institution, and upon the request of the alleged victim, the victim shall be offered an alternative academic, living or employment situation if such alternative is available, feasible, and appropriate to the facts of the sexual assault reported.

VIII. Implementation and Reporting Procedures

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures and any subsequent changes in such designations and procedures to the Chancellor.

Institutional procedures that are part of this policy are on file in the Office of the Chancellor.

VI-1.30(A) - UMES SEXUAL ASSAULT POLICY AND PROCEDURES

(Approved by the President July 1, 1995)

I. Introduction

These procedures are adopted pursuant to the UMS Interim Policy on Sexual Assault VI-1.30, approved by the Board of Regents August 27, 1993.

UMES is committed to educating students about the nature and consequences of sexual assault. Although the primary focus is preventative, UMES has programs and procedures in place to assist sexual assault victims, provide information about and referrals to the criminal justice system, and appropriate University administrative procedures.

For purposes of these procedures, the definitions of sexual assault found in the UMS Interim Policy shall apply. These definitions are:

Sexual Assault I

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused is aware or should have been aware.

Sexual Assault II

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

II. Sanctions

Cases of alleged sexual assault are adjudicated under the procedures established in the UMES Judicial Code for students, and appropriate disciplinary procedures for staff. The standard sanction for any case in which there is a finding that sexual assault has taken place, including acquaintance rape, is expulsion, and/or termination of employment.

III. Procedures to Follow in Case of Sexual Assault

Initial Contact Person

The Director of the Counseling Center is the Initial Contact Person for reporting cases of sexual assault. The telephone number is 651-6449. The Counseling Center is located in the Student Service Center.

Police

Police 911	Campus Police	- emergency	651-3300
		- non-emergency	651-6590

Students are encouraged to report all sexual assaults, including acquaintance rape to the Campus Police.

It is important that you do everything possible to reserve any evidence of the assault. In this regard, you should:

- immediately seek medical attention
- refrain from bathing, showering, or douching
- avoid disturbing any clothing, bed linens, anything around the vicinity of the assault (since evidence can be collected from this area)
- avoid brushing teeth, eating, drinking or smoking if the assault involved oral/genital contact
- try not to urinate
- take a change of clothing with you, as it may be necessary to retain clothing worn during the assault. If survivors change clothes, they should be placed in a paper bag (plastic destroys evident).*

Victims should be aware that they have a right to file criminal charges. The campus police will assist a victim in filing criminal charges.

Medical Assistance

Health Center 651-6140

Medical attention for victims of sexual assault is provided by the Health Center. The Health Center will work in cooperation with Campus Police to collect evidence, to provide transportation to Peninsula Regional Medical Center, which is equipped with the Maryland State Police sexual assault evidence collection kit, and to inform students of the right to file criminal charges with the appropriate law enforcement official. The physical and emotional well being of sexual assault victims is the first concern. It is important they receive prompt medical attention. Medical care is important to assess physical trauma, to diagnose sexually transmitted disease, and to provide emergency contraception. Victims may be in a state of shock, which means they may not realize the extent of their injuries. Evidence collection is also important should a decision be made to pursue criminal and/or administrative sanctions.

The Peninsula Regional Medical Center is equipped with the Maryland State Police sexual assault evidence collection kit. Transportation is provided to the hospital at the request of the student.

A medical examination is always recommendation even if victims decide not to officially report the crime. Ideally, evidence should be collected immediately in case a decision is made at a later date to take legal action.

IV. Filing a Report

When a report of sexual assault is made to the Campus Police, the primary concern is the safety and well-being of the victim. All UMES police officers have completed a course, which trains them in dealing with sexual assault.

It is the position of UMES that persons who report a sexual assault are to be treated in the following manner:

- Victims and witnesses will be treated with dignity, courtesy, and respect; and each case will be treated seriously and professionally.
- The police office will meet with the victim in private in a place of the victim's choice. Victims may choose to have friend or family member with them.
- The police officer will notify anyone the victim would like to be notified.
- The police will not release the victim's name to the press.
- Victims will have their case fully investigated, and be kept reasonably informed of the case status and the arrest of any suspects.

Victims should be aware that Campus Police and University officials have the responsibility to actively investigate any incident of sexual assault that is reported.

V. Prevention

Police Emergency Response Telephones recognized by a blue light, are located throughout the campus. These phones connect the caller directly to the Campus Police dispatcher who is immediately aware of the location of the phone.

Trained Student Security Staff are on duty throughout the campus to provide assistance to other students as needed.

Counseling

Victims of sexual assault are encouraged to seek counseling through the Counseling Center. The Counseling Center provides assistance from psychologists and counselors trained to provide assistance to students with emotional-social concerns. Services include individual counseling to all registered students and staff, consultation and outreach, and referrals for medical and psychological services. The contact number for the Counseling Center is 651-6449.

Education

The Director of Human Resources is responsible for coordinating sexual assault education programs. Incoming students receive information concerning sexual assault during orientation.

VI. Report to the Chancellor

The Director of Public Safety shall keep a record of all reported sexual assaults, including the nature and disposition of the complaint. This information shall be provided to the President by July 15. The President will review the information and prepare a report for the Chancellor by August 1 of each year.

156.0 VI-8.00- POLICY ON THE USE OF ALCOHOLIC BEVERAGES AT UNIVERSITY SYSTEM
INSTITUTIONS AND FACILITIES

(Approved by the Board of Regents on January 11, 1990)

Each President shall be responsible for adopting rules governing the use of alcoholic beverages at each institution and unit of the University System consistent with State regulations.

VI-8.00 – (A) UMES POLICY CONCERNING THE USE OF ALCOHOLIC BEVERAGES

(Approved by the President January 1, 1992)

I. POLICY

The University of Maryland Eastern Shore is committed to having a campus that is free of the illegal or abusive use of alcohol. In keeping with this commitment, it is the policy of UMES that the illegal or abusive use of alcohol by students or employees is prohibited on University property or as part of University activities.

II. PROHIBITED CONDUCT

A. The Code of Student Conduct prohibits the violation of published University regulations or policies regarding the possession, use or distribution of alcoholic beverages, as approved and compiled by the Vice President for Student Affairs. These policies are described below and are available for public inspection in the Judicial Programs Office.

1. Resident Life Alcohol Policy

The Resident Life Alcohol Policy controls the use, possession or distribution of alcohol by students in campus residence halls. This policy prohibits the possession or use of alcohol by any student under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21. It prohibits kegs, the sale of alcohol, and parties involving alcohol. Students of legal drinking age may consume alcohol in their rooms, suites or apartments only.

2. Office of Campus Activities

The Office of Campus Activities Alcohol Policy controls the use, possession or distribution of alcohol by students on University premises or at University sponsored functions. This policy prohibits the possession or use of alcohol by any student under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21. Alcoholic beverages otherwise may not be possessed, consumed or distributed at events occurring on University premises or at University sponsored events unless advance written approval has been obtained from the Office of Campus Activities.

B. Purchase of Alcoholic Beverages

Alcoholic beverages may not be purchased with Federal, State or other funds under the University's administrative control. The only exceptions to this are:

1. Alcoholic beverages purchased strictly for resale i.e. paid for from an individual or group's private funds, not from a University or State assigned account number. Strict accounting procedures must be maintained to ensure that University funds advanced to pay for such beverages are repaid from sale of the beverages.
2. Alcoholic beverages purchased from funds, which have been paid into a University, or State assigned account for the express purpose of purchasing alcoholic beverages, for example, a non-credit short course in wine and cheese tasting. Such expectations must be approved in writing, and in advance, by the Office of the Vice President for Administrative Affairs.

III. DISCIPLINARY ACTIONS

Sanctions for violations of University alcohol policies include expulsion, suspension, disciplinary probation, disciplinary reprimand, restitution, dismissal from University housing, work or research projects, and restrictions on further use of University facilities. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident are pending.

167.0 VI-11.00 - UNIVERSITY OF MARYLAND SYSTEM POLICY ON AIDS

(Approved by the Board of Regents, June 21, 1990)

- A. The University of Maryland System Board of Regents recognizes that in many cases it will not be necessary or appropriate to deny any individual access to academic, social or employment opportunities because they have AIDS or are infected with HIV. The Board of Regents also recognizes that in some cases it will be necessary and prudent to limit or deny such opportunities to protect the health of the HIV-infected individual or to avoid inappropriate risk of transmission of the HIV virus in the course of study or employment.
- B. In all matters relating to persons who have AIDS or who are infected with HIV, the University of Maryland System will observe requirements of applicable federal and state laws.
- C. Faculty members, employees or students with any form of HIV infection will be permitted to continue their activities at an institution or unit without change to the extent
 - (1) permitted by their health status, including their risk of contraction of infectious diseases from others; and
 - (2) consistent with the University's interest in preventing infection of others.
- D. Although current knowledge indicates that there is no health risk from living quarter contact with persons with AIDS or HIV infection, requests to change living arrangements (a) to minimize contact with persons with AIDS or (b) to minimize contact of the HIV-infected with other persons having infectious diseases will be considered.
- E. Confidentiality will be observed by each institution or unit as to information about individuals who know or suspect that they have AIDS or HIV infection unless an exception is granted by the affected person, a report of infection is required by law, or a report of possible infection of others is required by law or infection control policy. However, such information will be shared among institution officials and the University's legal counsel on a need-to-know basis.
- F. A program of education about AIDS and HIV prevention and transmission will be provided to students and employees by the institution or unit.
- G. Each president or unit head may adopt infection control policies for his institution or unit dealing with the activities of HIV-infected faculty members, employees or students. Such policies are encouraged for institutions having faculty, students and employees involved in health care. For cases not falling under an infection control policy, each president or unit head shall appoint a committee to examine the matter, evaluate the risks presented to the faculty member, employee or student and to others, and recommend any reasonable measures to reduce or avoid risk of transmission of the HIV virus or unreasonable exposure of the HIV-infected individual to other contagious illnesses.
- H. Each institution shall develop a policy, to include a procedure to deal with exposure to blood-borne pathogens, for the education and protection of employees at risk to infection from blood-borne diseases. All employees and students who handle human blood or other tissues will be provided personal protective equipment necessary to perform their jobs with minimum risk of infection.
- I. Each institution and unit of the University of Maryland System shall designate an individual or office which will have responsibility for maintaining a current roster of agencies and organizations to which persons seeking further information about AIDS, including persons concerned that they may have AIDS or are infected with HIV, may be referred for counseling and other related services.

Replacement for: BOR III-22.00

VI-11.00(A) - UMES POLICY AND PROCEDURES CONCERNING HIV INFECTION AND AIDS

(Approved by the President January 1, 1992)

I. POLICY

University of Maryland Eastern Shore recognizes that current knowledge indicates that a person with any form of Human Immunodeficiency Virus (HIV) infection does not pose a direct or indirect health risk to other students or employees in an academic setting or related activities, which involve only casual, non-intimate contact. The University views this illness as a serious social and personal tragedy, and seeks to address all ramifications of this policy with sensitivity toward all who may be involved or affected. Every effort will be expended to avoid the influence of false or ill-founded prejudices on official actions, or the tolerance of any personal harassment toward and individual who is affected by the disease.

The following guidelines are based on the best currently available medical information and are compatible with statements by the United States Public Health Service and the Centers for Disease Control and the American College Health Association (ACHA). All matters relating to HIV infection including, but not limited to AIDS education, testing, and counseling shall be the responsibility of the Director of the University Health Center.

II. GENERAL GUIDELINES

A. Application

These guidelines shall apply to all UMES students and employees.

B. Admissions to the University

The existence of any form of HIV infection/AIDS infection shall not be considered in the initial admission decision for any otherwise qualified person applying to attend the University.

C. Attendance

Students with HIV infection, whether they are symptomatic or not, shall be allowed regular classroom attendance without restriction as long as they are physically able to attend class.

D. Access to Facilities

Students and employees with HIV infection shall not be restricted from the use of any facilities including the student union, theaters, restaurants, snack bars, gymnasiums, swimming pools, saunas, recreational facilities, or other common areas.

E. Residential Housing

Decisions about housing for students with HIV infection shall be made on a case by case basis, based on the best currently available medical information and in consultation with the Director of the University Health Center. Particular concern shall be paid to the psychosocial, emotional and social welfare of the infected student and his or her roommates or suitemates.

The provision of clinical services for those infected shall include consideration of medical history, medical and psychological follow-up, the possibility of HIV people more easily contracting contagious diseases, and the special requirements needed for immunizations for persons with poorly functioning immune systems.

F. HIV Antibody Testing

The University of Maryland Eastern Shore has no mandatory HIV testing requirements. No attempt to identify a person's HIV status will be made either as a precondition for employment in an academic program.

Confidential or anonymous HIV testing, including pre/post test counseling, will be provided (or appropriate referrals made) to students, faculty and staff at the University Health Center. Additionally, educational materials, programs and access to other campus and community resources will be made available through the University Health Center.

G. Confidentiality of Information

1. Standards

The University shall follow the American College Health Association's guidelines (except as noted elsewhere in the policy) as follows:

"In general, it is recommended that no specific or detailed information concerning complaints or diagnosis be provided to faculty, administrators, or even parents, without the expressed written consent of the patient in each case."

2. Release of Information

Except as otherwise required by law or court order, no person, group, agency, insurer, or institution shall be provided any medical information of any kind without the prior written consent of the patient.

3. "Need to Know"

The number of people within the University who are aware of the existence and/or identify of students or employees who have the HIV infection should be kept to minimum in order to protect the confidentiality of and privacy of infected persons, and avoid the generation of fear and anxiety among other students and staff. There is no medical necessity to advise other students living in the same residence halls, classroom, or other shared facility of the presence of students or employees with HIV infection.

III. PROCEDURES – HEALTH CARE CENTER

Each department is responsible for assuring that all employees, including newly assigned personnel, faculty and students, receive HIV information and safety precautions guidelines/procedures appropriate to the employee's responsibilities.

Each research laboratory will maintain current policies and procedures pertaining to universal blood and body fluid precautions. A policy for the proper disposal of needles, syringes, and other contaminated equipment, should be supplemental with additional requirements specific to each laboratory setting.

A. Universal Blood and Body Fluids Precautions

The following universal precautions are to be used at the University Health Care Center with all patients where the potential for blood/bodily fluids exposure exists as described below.

Body fluids to which Universal Precautions apply include: body fluids containing visible blood; cerebrospinal fluid; semen and vaginal secretions; pleural fluid; internal tissues; pericardial fluid; synovial fluid; amniotic fluid, peritoneal fluid.

1. Gloves should be worn for touching blood and bodily fluids, mucous membranes, or non-intact skin of all patients, for handling items or surfaces soiled with such fluids, and for performing laboratory procedures, housekeeping tasks involving potential contact with such fluids, venipuncture and other invasive procedures. Gloves should be changed after contact with each patient and hands should be washed. Masks and protective eyewear or face shields should be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure of mucous membranes of the mouth, nose and eyes. Gowns or aprons should be worn during procedures that are likely to generate splashes of blood or other body fluids.

2. Hands and other skin surfaces should be washed immediately and thoroughly following contact with blood and/or other body fluids/substances. Hands should be washed immediately after gloves are removed. If a person has a significant exposure to another person's blood or body fluids, which are potentially infectious (as cited above), follow UHC guidelines pertaining to blood or bodily fluids.
3. All health-care workers should take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures; when cleaning used instruments; used during procedures; during disposal of used needles; and when handling sharp instruments after procedures. To prevent needlestick injuries, needles should not be recapped, purposely bent or broken by hand or removed from disposal syringes. Tubex syringe holders should be avoided as studies indicate significant increased needlesticks when using such devices. Needles, scalpel blades, and other sharp items should be placed in puncture-resistant containers for disposal.
4. Puncture resistant containers should be located in all areas where patient care is provided. The method of disposal for these containers as well as all other biological hazardous wastes is into labeled hazardous waste bags and placement into appropriate fiber cartons for shipping/incineration off campus. These wastes are never to be disposed of in the general trash disposal system. Areas such as laboratories having additional disposal requirements.
5. To minimize the need for emergency mouth-to-mouth resuscitation, mouthpieces, resuscitation bags, or other ventilation devices should be available for use in areas in which the need for resuscitation is predictable.
6. Health-care workers who have exudative lesions or weeping dermatitis should refrain from all direct contact with patient care without gloves and from handling patient care equipment without gloves until the condition resolves.
7. Pregnant health-care workers are not known to be at greater risk of contracting HIV or HBV infection than other health care workers. Pregnant health-care workers should be familiar with and strictly adhere to precautions to minimize the risk of HIV or other blood-borne infections as should every health-care worker.

B. Protocol for Treatment After an Exposure to Potentially Infected Blood/Bodily Fluid

1. Indications for Testing

- a. Anyone who has parental (needle stick or cut) or mucous membrane (splash to the eye or mouth) exposure to blood or other body fluids.
- b. Anyone who has any skin contact involving large amounts of blood or prolonged contact with blood, especially when the exposed skin is chapped or abraded.

2. Testing Procedures

- a. Within as short a time as possible after blood exposure (especially due to the urgency of prompt initiation of drug therapy) a person should select a physician. The physician – either a UHC physician, a private physician or Health Department Physician – will arrange for appropriate medical treatment, provide or arrange for HIV pretest counseling and test results, provide medical follow-up and educational and counseling needs and referrals as indicated.
- b. It is recommended that an exposed person have a voluntary baseline test for hepatitis and HIV as soon as possible after an exposure. It normally takes two (2) to twelve (12) weeks following exposure for the body to produce antibodies to the HIV sufficient to show up in testing. Follow-up HIV testing is recommended at three (3), six (6) and twelve (12) months following a significant exposure.

- c. For Worker's Compensation purposes it is recommended that employees obtain a baseline HIV test immediately so that it is recorded in the event that it becomes necessary to show proof that HIV or other infection occurred as a result of job-related exposure. If the test results are negative, the employee should be retested at appropriate three-month intervals after exposure.
- d. At this time, specimens collected for HIV testing will be sent to the Maryland State Laboratory for analysis.

3. Recommended Procedures to Follow After Exposures

- a. Wash the exposed area thoroughly with your usual cleansing agent except eyes or mouth, which should be rinsed thoroughly with normal saline solution or water.
- b. Notify the shift supervisor/physician of the incident for further medical direction. (Tetanus toxoid, Hyper immune globulin or other medication as recommended refer to MDHD 12/90) Hepatitis B vaccine may be initiated at this time.
- c. Inform the person who was the source of contamination that his /her being tested for Hepatitis and HIV will be valuable to the person exposed. In no way should the source person be made to feel harassed or coerced into being tested.
- d. If the source person and/or the person exposed agree(s) to testing, the person should:
 - Received pretest counseling covering information on the HIV and Hepatitis information sheets.
 - Sign the HIV consent form.
 - Set up an appointment for results and additional testing/counseling needs.
 - Obtain blood test(s) using proper procedure to maintain requested confidentiality or anonymity. A source person who refuses to be tested should indicate so on the consent form and sign the consent form where indicated.

Complete the following forms:

Health Center Incident Report by the end of the shift.
Supervisor's First Report of Injury within 72 hours.
HIV Testing Info/Consent Form after counseling.
Employees First Report of Injury

NOTE: The Health Center follows the current Department of Health and Mental Hygiene Management Recommendations after a Significant Blood/Body Fluid Exposure.

VI-11.00(A)-4

180.0 VII-1.10- UNIVERSITY OF MARYLAND SYSTEM POLICY ON A DRUG-FREE WORKPLACE

(Approved by the Board of Regents, January 2, 1989)

The University of Maryland System, as an employer, strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances*. Unlawful manufacture, distribution, dispensation, possession or use of controlled substances by University employees in the workplace is prohibited under University policy.

In addition to any legal penalties under federal and state law, employees found to be in violation of this policy may be subject to corrective action under applicable University personnel policies.

The University supports programs aimed at the prevention of substance abuse by University employees. Employees are encouraged to seek assistance for substance-dependency problems. Employee-assistance counseling and leaves of absence to attend rehabilitation programs are appropriate means for dealing with these problems.

***As defined pursuant to Controlled Substances Act, 21 U.S.C. Sections 801, et seq.**

Replacement for: BOT XIII-Q

VII-1.10(A) - UMES DRUG ABUSE POLICY

(Approved by the President January 1, 1992)

POLICY

The unlawful manufacture, distribution, possession, and use of unlawful drugs in the workplace at UMES are strictly prohibited.

- a. Any employee having a drug problem may, voluntarily on a confidential basis, report same to the campus Human Relations Officer in the Office of Personnel. The Human Relations Officer will refer the employee to the Employee Assistance Program (EAP). Any employee who voluntarily seeks assistance through the Human Relations Office may do so without fear of retribution.
- b. Any employee caught or suspected of possession or use of unlawful drugs in the workplace will be referred to the Employee Assistance Program (EAP) by way of the Human Relations Officer. Failure to successfully complete the EAP shall be grounds for dismissal.
- c. Any employee caught and suspected of the lawful manufacture and/or distribution of unlawful drugs in the workplace shall be turned over to criminal authorities. He/she shall remain an employee until, and unless, proven guilty in a court of law. A guilty verdict shall result in termination of employment.
- d. Any employee is required to notify the University, through his/her immediate supervisor, of any drug related criminal conviction, which resulted from unlawful conduct in the workplace, not later than five days following conviction. Failure to do so is grounds for conviction.
- e. The University shall notify the Federal Funding Agency whenever an employee is convicted of a drug related, work crime within ten days of the conviction.

ELKINS BUILDING NON-SMOKING POLICY

A non-smoking policy is in effect in the Elkins Building. Smoking and/or carrying any lighted tobacco product is prohibited at all times and in all locations within the building. Employees are strongly encouraged to refrain from smoking in State vehicles and may not smoke when other non-smoking passengers are present in the vehicle.

IMPLEMENTATION

- A. The Chancellor and the Vice Chancellors or their designees are responsible for assuring that this policy is communicated to all employees who report to them.
- B. Signs are to be strategically placed indicating "SMOKING PROHIBITED."
- C. The sale of tobacco products is banned within the Elkins Building.
- D. Opportunities will be examined and some programs may be available to smokers seeking assistance in changing to a non-smoking lifestyle through planned, time-tested educational and cessation programs.
- E. The Chancellor and the Vice Chancellors or their designees may grant administrative leave to employees to attend approved educational/information sessions and a cessation program should such programs or sessions be presented.

COMPLIANCE

- A. The policy extends to all System Administration employees and includes all visitors, consultants, temporary and contract personnel, and students.
- B. Violation of the policy will result in disciplinary action as outlined in Executive Order 01.01.1992.20 which may include suspension and/or termination of employment.

ATTACHMENT – EXECUTIVE ORDER 01.01.1992.10

REV. – 09/29/92

THE STATE OF MARYLAND

Executive Department

EXECUTIVE ORDER – 01.01.1992.20

Executive Agency Policy on Smoking

(Rescinds 01.01.1987.13)

WHEREAS, Scientific evidence documents that smoke from cigarettes, cigars, and pipes is harmful both to the health of individuals who do not smoke as well as those who do;

WHEREAS, Environmental tobacco smoke (second hand smoke) is a proven cause of cancer in nonsmokers;

WHEREAS, It is the responsibility of the State to promote a healthy and safe environment for all employees and individuals who conduct business in, live in, or visit State offices or facilities;

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1987.13 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE OCTOBER 1, 1992:

- A. Smoking Policy. To provide a healthful environment in buildings and vehicles occupied by State of Maryland agencies and employees, all employees, clients, and visitors are expected to comply with the following:
- (1) Smoking Prohibited. Except as provided in paragraph A.(3)(a), smoking or carrying any lighted tobacco product is prohibited in all State buildings and facilities, in all space leased or rented by the State, and in government operated shuttle buses.
 - (2) State Vehicles. State employees are strongly encouraged to refrain from smoking in State vehicles and may not smoke when other nonsmoking passengers are present in the vehicle.
 - (3) Facilities Housing Clients, Patients, Inmates, and Wards of the State.
 - (a) A State official or employee in charge of a State facility may prohibit or limit smoking by residents of the facility if:
 - (i) The prohibition or restriction promotes fire safety, the protection of the health of employees, or otherwise contributes to the proper management of the facility; and
 - (ii) The prohibition or restriction is consistent with the safety and welfare of the residents, employees, or visitors.
 - (b) The State official or employee in charge of a State facility shall make reasonable accommodation for an employee who objects to working in an area where smoking by residents is permitted.
 - (4) Leased Housing. This order does not apply to any structure located on State property that is leased or rented as a residence to a State employee or other individual who is not the responsibility of the State.
 - (5) Legislative and Judicial Branches of State Government. This order does not apply to the ground and first floor of the State House and spaces assigned to the legislative and judicial branches of government. However, the legislative and judicial branches are called on to establish smoke free environments in those work spaces.
- B. Implementation and Enforcement of Smoking Policy.
- (1) Smoking Policy Implementation Committee. The Secretary or Director of each department or agency, including all Boards, Commissions, Departments, and State Colleges and Universities, shall establish a Smoking Policy Implementation Committee.

- (2) Implementation of the Smoking Policy. The Smoking Policy Implementation Committees shall develop procedures for making employees and clients aware of the policy and for providing information on smoking cessation programs to smokers who wish to quit.
- (3) The Department of Personnel shall coordinate and offer smoking cessation classes throughout the State under the Club Maryland Program.
- (4) Enforcement of Smoking Policy.
 - (a) All employees share in the responsibility for adhering to and enforcing this policy, and have the responsibility for bringing it to the attention of visitors. Each agency or department shall designate an individual in the personnel unit to address any conflicts that may arise.
 - (b) An employee found to be in noncompliance shall:
 - (i) For a first offense, be directed to the personnel unit for counseling on the provisions of this Executive Order and referral to the Wellness Program;
 - (ii) For a second offense, be required to attend a smoking education program sponsored by Club Maryland;
 - (iii) For a third offense, receive a written reprimand; and
 - (iv) For a fourth or subsequent offense, be disciplined in accordance with State progressive discipline procedures.
 - (c) Employee or client concerns about their treatment under this policy or problems arising from the implementation of this policy shall be resolved by the personnel unit designee with the advice and assistance of the Smoking Policy Implementation Committee. In the development of specific guidelines or the resolution of specific problems relating to the State's smoking policy, the Committee shall give priority to the needs of nonsmokers.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 3rd day of September, 1992.

William Donald Schaefer
Governor

ATTEST:

Winfield M. Kelly
Secretary of State

X-4.00 - UMES POLICY CONCERNING SMOKING

(Approved by the President January 1, 1992)

I. POLICY

In compliance with Executive Order 01.01.1987.13, issued by the Governor of Maryland, it is the policy of UMES to provide a healthful working environment on the UMES campus. UMES has attempted to consider the needs and concerns of both smokers and non-smokers in the development of this policy which applies to all employees, students and visitors to the campus.

Smoking is prohibited in the following areas:

- A. areas where smoking is prohibited by federal, state or local law;
 - B. State owned and University operated vehicles occupied by more than one person when one is a non-smoker;
 - C. designated areas of loungers, cafeterias and dining rooms;
- II. classrooms, laboratories and auditoriums;
- III. offices shared by two or more people when one is a non-smoker;
- IV. any area where a no smoking sign is posted.

This policy does not apply to the following areas unless no smoking signs are posted:

- A. grounds outside the campus buildings;
 - B. private offices where occupied by one person.
- V. IMPLEMENTATION
- A. The Vice President for Administrative Affairs shall direct the Physical Plant Department to post no smoking signs where smoking is prohibited and place appropriate receptacles where smoking is permitted.
 - B. Each employee shall receive a copy of the policy through campus mail and each new employee shall receive the policy as part of the orientation process.
 - C. The smoking policy shall become part of the student and employee handbooks.
 - D. All members of the campus community share in the responsibility of implementing this policy, and are expected to bring it to the attention of visitors to the campus.

VI. ENFORCEMENT

A. Supervisors

Supervisory personnel shall handle conflicts arising from the implementation of the Smoking Policy using the same procedures used to address other conflicts.

Individuals who feel that there has been a violation of this policy shall notify the senior administrator in that facility.

B. Smoking Policy Review Committee

The President shall appoint a Smoking Policy Review Committee composed of not less than five or more than seven members. The committee shall consist of both smokers and non-smokers as well as supervisory and non-supervisory personnel and shall serve for two academic years.

The charge of the committee shall be to hear grievances concerning the implementation of the Smoking Policy which cannot be resolved at the supervisory level. The committee shall recommend a resolution to the President for any conflict brought before it. Reasonable priority shall be given to the needs and legitimate concerns of the non-smokers.

C. President

The decision of the President shall be final in all cases.

VI-9.00 - POLICY ON ESTABLISHMENT OF INSTITUTIONAL TRAFFIC REGULATIONS

(Approved by the Board of Regents on January 11, 1990)

Each President shall establish traffic rules for the institution subject to any Board policies and applicable federal, State, and local laws.

An institution may employ students in the enforcement of traffic rules on the institution's property.

Based on Senate Bill 459, Section 12-109(E) (16)
Replacement for: BOR VI-38.00, VI-38.01; and BOT X-R

VI-9.00(A) - UMES TRAFFIC REGULATIONS

(Approved by the President January 1, 1992)

I. POLICY

The University of Maryland Eastern Shore enforces Maryland State law, as set forth in the Maryland State Department of Transportation Article of the Annotated Code of Maryland, on the campus. Campus Police are authorized to issue Maryland State Uniform Summonses for moving violations.

Information concerning parking and motor vehicle regulations may be found in "The Eastern Shore Campus Motor Vehicle Regulations" pamphlet that is distributed to all students. These regulations have been established in order to expedite the safe and orderly conduct of University business and to provide parking facilities in support of this function. Additional information may be obtained from the University Police Department, which has responsibility for parking and traffic regulations.

II. TRAFFIC REGULATIONS

The following are the UMES traffic regulations:

- A. Please, obey all uniformed police, posted speed limits, traffic and directional signs. Campus Police are authorized to issue State Summonses for moving violations, Safety equipment, Repair Orders, and Parking Violation Summonses.
- B. Traffic laws provided in Maryland Statutes shall apply in University property. Drivers are responsible for all moving violations.
- C. The maximum speed limit on campus roads is 20 miles per hour. Pedestrians shall have the right of way at all times.
- D. No person shall operate a vehicle at a speed greater than is reasonable and prudent by law.
- E. Exceeding the speed limit or otherwise operating a vehicle in a reckless manner is prohibited by law.
- F. Motor vehicle accidents that occur on University property should be reported to the University Police Department. University Police will investigate and file reports on all major accidents.
- G. It is impossible to mark with signs all areas of UMES property where parking is prohibited. The responsibility of finding a legal parking space rests with vehicle operator. "Lack of Space" is not considered a valid excuse for violation of regulations. Vehicle registration does not guarantee a convenient parking space.
- H. Any motor vehicle parked in violation of UMES Traffic Regulations or abandoned on campus is subject to removal and impounding at the expense of the operator.
- I. If an unregistered vehicle is used, upon arrival on campus, the operator is to report to the UMES Police Department to request a one-day permit.
- J. The fact that a vehicle is parked in violation of any parking regulation and does not receive a summons does not mean that the regulations are not in effect.
- K. A 15-minute time limit is allowed for loading and unloading.

IV. REGISTRATION OF VEHICLES

- A. All motor vehicle including motorcycles and scooters operated on campus by anyone associated with UMES must be registered with the University Police Department regardless of ownership.
- B. Vehicles must be registered for the current academic year during the applicable registration period.
- C. Stickers are only valid for vehicles registered and are not transferable.
- D. Temporary parking permits for an unregistered vehicle may be obtained through the University Police Department.
- E. Special parking permits for groups or individuals on campus should be requested in writing at least three working days in advance.
- F. UMES honors all current parking stickers from all Maryland public institutions for Higher Education.

VIII-7.10 - POLICY ON REPORTING SUSPECTED OR KNOWN FISCAL IRREGULARITIES

(Approved by the Board of Regents, June 21, 1990)

1. The Chief Executive Office of each institution and component of the University System shall establish a comprehensive internal control structure that ensures financial accountability.
2. As part of a comprehensive internal control structure, the Chief Executive Officer shall establish internal procedures concerning suspected or known fiscal irregularities such as embezzlement, theft, falsification of documents, and financial conflicts of interest. The procedures shall identify the institutional official responsible for determining the appropriate course of action when there is a report of suspected financial misconduct. The official so identified shall immediately notify the Chief Executive Officer, the Chancellor, the System Administration Internal Audit Office, the manager of financial operations where the fiscal irregularity allegedly occurred, and the Office of the Attorney General. Irregularities involving the loss of assets with a monetary or fair market value of \$100 or less need not be reported to the Chancellor and Internal Audit Office unless they occur in departments that routinely handle case or cash equivalents, occur in departments that routinely handle other valuable assets such as inventories, accounts receivable, and marketable securities, or involve personnel responsible for major fiscal functions such as payroll, procurement, accounts payable, or bookkeeping.
3. The responsible official shall immediately investigate the report of alleged misconduct. When a preliminary investigation has been completed, the responsible official will report the findings to the Chief Executive Officer who, in consultation with the Office of Attorney General, shall determine a course of action, e.g., discipline, restitution, or discharge. The determination of the Chief Executive Officer shall be reported to the System Administration Internal Audit Office and the Chancellor. The Office of the Attorney General will independently make a determination concerning criminal prosecution.
4. A person who suspects financial misconduct may initially report his suspicion to the Internal Audit Office of System Administration for investigation. Preliminary findings will be reported by the Internal Audit Office to the Chancellor and to the Chief Executive Officer for further action.
5. In no case may University System officials promise known or suspected offenders that the University System will forego criminal prosecution and in no case may the officials enter into written agreements that preclude criminal prosecution.
6. Federal requirements shall be followed if the financial misconduct involves federal grant funds.
7. Every effort shall be made to ensure the confidentiality of any person reporting the suspected financial misconduct, and every effort shall be made to ensure that no retaliation of any kind will be tolerated against any individual who, in good faith, furnishes information about known or suspected fiscal irregularities.

VIII-7.10(A) - UMES PROCEDURES CONCERNING REPORTING SUSPECTED THEFT OF UNIVERSITY PROPERTY OR FUNDS

(Approved by the President January 1, 1992)

I. RESPONSIBLE OFFICER

The Vice President for Administrative Affairs is the institutional official responsible for determining the appropriate course of action when there is a report of suspected financial misconduct.

II. PROCEDURES

A. Reporting

Any known or suspected embezzlement, theft, falsification of documents or financial conflicts of interest should be reported immediately either to the Department Chair and the Vice President for Administrative Affairs, or the System Administration Internal Audit Office.

B. Losses of Greater Than \$100

In cases of irregularities involving a loss of assets of greater than \$100 fair market value, or loss of assets of less than \$100 in departments that routinely handle case or cash equivalents or have major fiscal functions, the Comptroller shall:

1. Immediately notify the Vice President for Administrative Affairs, the System Administration Internal Audit Office, and the President's Office.
2. The Vice President for Administrative Affairs, the Comptroller, the auditors and a representative from the President's Office shall meet within twenty-four hours of notification to determine a recommended course of action.
3. The Vice President for Administrative Affairs shall, immediately upon completion of the meeting, notify the President of the facts and the recommended course of action.
4. The President, in consultation with the Office of the Attorney General shall determine a course of action which shall be reported to the System Administration Internal Audit Office and the Chancellor.
5. The Attorney General shall make an independent determination concerning criminal prosecution.

C. Losses of Less than \$100

Losses of less than \$100 fair market value shall be reported to the Comptroller, who shall determine the appropriate course of action. The System Administration Internal Audit Office and the Chancellor need not be notified.

III. CONFIDENTIALITY

Every effort shall be made to protect the confidentiality of any person reporting suspected financial misconduct.

Retaliation of any kind against a person making a report in good faith shall not be tolerated.

X-1.00(A) - UMES POLICY CONCERNING USE OF UNIVERSITY STATIONERY

(Approved by the President January 1, 1992)

It is the policy of UMES that University of Maryland stationery may be used only for official University business. Personal use of University of Maryland stationery may result in disciplinary action.

X-2.00(A) - UMES POLICY CONCERNING ON-CAMPUS MAIL

(Approved by the President January 1, 1992)

I. POLICY

Campus mail service is provided by the State through funds appropriated to the University and, as such, serves the University community for official use only. The use of the campus mail service for personal purposes is expressly forbidden.

SECTION IX: Fiscal/Financial Policies

VIII-7.00 - POLICY ON FINANCIAL MANAGEMENT

(Approved by the Board of Regents, June 21, 1990)

1. The Board of Regents recognizes the desirability and importance of gathering and publishing consistent and comprehensive System-wide financial information for a variety of internal and external purposes.
2. The Chancellor shall submit annually to the Board of Regents an audited consolidated financial report for the University of Maryland System.
3. The Chancellor shall submit to the Board of Regents periodic financial management reports that shall include revenue and expenditure data for the year to date as compared with budgeted data, an assessment of the expected revenues and expenditures for the year, and an analysis of deviations.
4. The Chancellor shall establish and promulgate financial procedures. The procedures shall provide for accounting standards for the University of Maryland System, timely submission of financial data from the constituent institutions and components, and such financial information as is necessary to meet internal and external requirements. The System's external certified public accounting firm shall be consulted as necessary to ensure that the procedures are consistent with industry accounting standards.

Replacement for: BOR V – 14.00

VIII-7.00(A) - UMES PETTY CASH FUND POLICY

(Approved by the President January 1, 1992)

I. POLICY

- A. A department or activity petty cash fund may be established only upon approval from the Vice President for Administrative Affairs. It is the policy of UMES that the individual departments shall not maintain ongoing petty cash funds. Any department or activity seeking to establish a petty case fund must submit a written request to the Vice President for Administrative Affairs through the appropriate channels justifying the need for a fund. The Vice President for Administrative Affairs shall notify the requesting department of approval or disapproval. If the request is approved, the fund is then established by means of an advance to the department. In general, items that normally require a purchase order should continue to be submitted to purchasing by submitting a requisition.
- B. Petty cash funds must be kept separate and apart from all other funds, and not commingled with personal funds, miscellaneous cash receipts, or revenue of any type. Petty cash is not to be used for purchasing personal services, making advances to employees, cashing checks, purchasing coffee supplies, or making other non-operating disbursements.
- C. The department or activity head and the custodian are jointly responsible for insuring that the funds are properly safeguarded. When not in use the fund should be stored in a locked container. If a loss occurs, the funds may be recovered from the department's funds.

Each petty cash expenditure must be supported by a vendor's paid receipt or invoice to be kept with the fund until reimbursement is obtained. The total of receipts and cash on hand should always equal the amount of the advance from the comptroller. Expenditures chargeable to more than one University account may be paid out of a single petty cash fund.

Before all petty cash has been expended, the custodian should submit a petty case reimbursement letter to the comptroller's office. A petty cash fund that is adequate to the department's needs should require reimbursement once a month.

The amount of a petty cash fund may be increased, provided the increase is justified, by submitting a request to the Vice President of

Administrative Affairs. A petty cash fund may be decreased whenever the total amount of funds exceeds departmental needs. The excess is to be returned to the comptroller.

The custodian shall be required to confirm the amount of the petty cash fund to the auditors and may from time to time have the fund counted by the auditors on a surprise basis.

All purchases made for the University are exempt from State sales tax. When making a purchase for the University the employee must present the individual's University ID card and give the following tax exempt number 3000256-3.

VIII-7.00(D) - UMES POLICY CONCERNING FINANCIAL COMMITMENTS

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES that no employee has the authority to make any purchase commitment, enter into any contract for materials or supplies or otherwise to take any action which may be construed as financially binding to the University except through the usual channels under the authority of the President, Vice President for Administrative Affairs or the UMES Director of Procurement.

VIII-7.00(E) - UMES POLICY AND PROCEDURES CONCERNING REVOLVING FUNDS

(Approved by the President January 1, 1992)

I. POLICY

Revolving funds represent special activities not included in the formal University budget process. All revolving funds must be reviewed annually for renewal consideration. The transfer of State funds into revolving fund accounts is prohibited, except for interdepartmental billings for services rendered.

All purchases using revolving fund monies are subject to existing University purchasing policies and procedures, and State law and regulation. The hiring of full-time or part-time permanent personnel for a revolving fund activity is not normally allowed. The Campus Finance Committee must be petitioned for specific written approval prior to hiring permanent personnel who are to be funded from a revolving fund.

II. NEW FUND REQUESTS

All requests for new revolving fund accounts require the approval of the Vice President for Administrative Affairs. The procedure for approval is as follows:

1. A Justification Form and proposed budget must be submitted for review and approval to the Department Chair. The forms may be obtained from the Comptroller's Office.
2. After approval by the Department Chair, the signatures of the Dean and appropriate Vice President must be obtained on the Justification Form and the proposed budget.
3. The approved forms along with appropriate supplemental materials should be forwarded to the Comptroller.
4. Upon approval by the Comptroller the forms are forwarded to the Vice President for Administrative Affairs for final approval.
5. Approved account requests are sent to the Comptroller for establishment of an appropriate account number.
6. In cases where a revolving fund activity plans to charge or increase a fee or rate, approval must be obtained from the Office of the Vice President for Administrative Affairs.

III. ANNUAL RENEWAL PROCEDURE

1. An annual request fund must be prepared for each revolving fund account for the upcoming fiscal year by May 31 of each year following the same steps as outlines above.
2. Any change in the original fund should be described fully in order to assure correct fund classification and continuation of the fund.
3. In the event an annual renewal request is not submitted, the revolving fund shall be terminated on the first day of the upcoming fiscal year. Any revolving fund balances shall be transferred per the State Disposition of Balances in the letter of justification.

301.0 VIII-11.00 - POLICY ON UNIVERSITY SYSTEM TRAVEL

(Approved by the Board of Regents, February 28, 1992)

The University of Maryland System's travel policies are intended to facilitate travel and travel arrangements; to provide full reimbursement for all necessary expenses; and to protect travelers against the risk of loss, while simultaneously maintaining the necessary controls for accountability.

1. TRAVEL APPROVAL

All travel is to be documented. Pre-approval is required for out-of-state travel. Required approvals may vary according to the travel destination and sources of funds as determined by each institution. For purposes of clarity, University System business conducted in the "Washington D.C. Metropolitan Area" is classified as in-state travel.

2. RESERVATIONS AND TICKETING

Travelers and travel arrangers should ensure that all arrangements are reasonable and appropriate and be alert to possibilities to obtain air, hotel and rental car services at the discount rates available to the University System or institution. Travelers are expected to make advance bookings, using the least expensive logical fare via the most direct route (or other reasonable routing that results in a lower fare) and are encouraged to purchase air and rail tickets and reserve in-trip services through the contract travel service vendors identified by each institution. Travelers should consult institution procedures governing non-contract travel purchases in advance of committing personal funds to determine if they will be reimbursable.

In the event of changed plans, cancellation and other penalties will be paid by the institution provided that the cancellation or change was made for the convenience of the institution or was necessitated by circumstances of an emergency nature affecting the traveler, in accordance with policies or procedures established by the institution.

3. HOTEL, MEAL, AND OTHER EXPENSE REIMBURSEMENT

The cost of hotel accommodations will be reimbursed on the basis of receipts. Any overage above the single room rate, which is a result of non-official travelers utilizing the accommodations, will be the personal financial responsibility of the traveler. Institutions are responsible for procedures to establish that the room rate reimbursed is appropriate.

For domestic travel, meal expenses will normally be reimbursed on per diem rates for Standard and High-cost areas as those rates are established in Attachment VIII-11.10 to this policy.

The Chancellor will identify the locations designated as high cost and this information will be included in Attachment VIII-11.10. Foreign travel is reimbursed at actual cost with receipts or at the applicable U.S. Department of State meal and incidental (M&IE) rate without receipts. The Board of Regents will review the rates biennially.

Travelers are not required to provide individual meal receipts or to show a per meal breakdown for daily travel using the Standard and High-cost rates for domestic travel or the U.S. Department of State M&IE rate. A partial day's travel is eligible for the appropriate meal(s) consumed when travel time encompasses a period of two hours before and two hours after that (those) meal(s). Institutions have the authority to determine which circumstances may warrant a higher level of reimbursement and the procedure for approval. Such transactions must be accompanied by receipts.

Reimbursement of miscellaneous expenses such as telephone calls, laundry/valet, parking fees, and the like are reimbursable. Institution policies and procedures will define reimbursable miscellaneous expenses and specify receipt requirements.

Institution funds may not be used for the purchase of alcoholic beverages or additional flight insurance.

Institutions should encourage the use of their credit card programs for the payment of in-trip expenses such as hotels and car rentals. Institutions have the authority to determine if special circumstances may warrant the issuance of travel advances, if such funds are available.

4. USE OF INSTITUTION AND PERSONAL VEHICLES

State (i.e., institution- and System-owned) vehicles may be driven only by University System officers and authorized institution and System personnel and only when acting within the scope of their public duties. Students for whom the State Treasurer has issued an insurance certificate are considered authorized personnel for this purpose. A volunteer may be considered authorized personnel only when he or she is engaged in providing a service to the institution, is not paid by the institution, and is providing the service as part of a formal volunteer program.

Any person driving a State-owned vehicle must have a valid driver's license, comply with all traffic laws, and obtain approval as required by University of Maryland System, or institution policies and procedures.

Properly insured personal vehicles may be used for travel on institution business. The use of a personal vehicle will be reimbursed at the rate established in Attachment VIII-11.10 to this policy when travel is in compliance with institution procedures.

Where a car rental is deemed necessary, the institution expects the lease of the least expensive car which will accommodate the trip's requirements. Travelers should take advantage of University System, Federal and State Government, and institution vendor discount rates which are available.

Travelers should consult institution policies or procedures governing reimbursement of Collision Damage Waiver (CDW) car rental insurance coverage.

5. TRAVEL WITH SPOUSES

When spouses travel with institution employees but are not themselves serving as agents of the institution, travelers should be careful to maintain a record of individual expenses. The institution will not reimburse any expenses incurred on behalf of the spouse. Likewise, airfare or any other travel expense that is directly billed to the institution should not include expenses for the spouse.

6. INVITATIONAL, EXTENDED TRAVEL, AND OTHER SPECIAL CIRCUMSTANCES

Institutions may establish appropriate criteria and authorization, and reimbursement procedures for invitational travel, extended field and research trips, sponsored travel, and authorized non-employee travel consistent with general University System and institution policies.

7. HOTEL, MEAL, MILEAGE RATE AND OTHER SPECIFIC REIMBURSEMENT

The approved rates for hotels, meal expenses, mileage rate for the use of personal vehicles, the designation of high-cost locations for travel, and other rates will be specified in Attachment VIII-11.10 to this policy. The Chancellor will review the information in Attachment VIII-11.10 as a minimum during the first quarter of the fiscal year and provide the institutions with a current schedule of reimbursement rates. At the same time, a schedule of current rates with changes annotated will be provided to the Chairperson of the Committee on Finance of the Board of Regents for information.

8. INSTITUTION AUTHORITY AND RESPONSIBILITY

Each institution will publish clear and concise information on institution policy, requirements, and procedures consistent with the System-wide travel policy. Where there is cooperation between institutions in processing travel documents, consistent policies will be established. Each institution should identify a Travel Coordinator to work directly with travelers, the contract travel services, and other Travel Coordinators at other institutions to secure the best possible travel service across the University System. Routine procedures and posture toward the consideration of exceptions for special circumstances as outlined in this document are the responsibility of the institution.

Replacement for: BOR VI - 27:00

VIII-11.10 – SCHEDULE OF REIMBURSEMENT RATES (FY 2006 Revised)

(Approved by the Chancellor, September 19, 2005)

1. RATES FOR HOTELS

Cost of hotel accommodations are reimbursed on the basis of receipts for single-room rate, in accordance with institution policy to establish that the room rate is appropriate.

2. RATES FOR MEAL EXPENSES

The standard per diem rate for domestic travel is \$39 per day. If circumstances necessitate a “high cost” meal, reimbursement may be approved up to actual reasonable cost with detailed receipt, pursuant to institution policy. In the absence of receipts or a “high-cost” rate reimbursement schedule, travelers will be reimbursed for domestic travel at the standard per diem rate. Foreign travel is reimbursed at the applicable U.S. Department of State Meal and Incidental Rate without receipts, or actual cost with receipts.

3. MILEAGE RATE FOR USE OF PERSONAL VEHICLE

University System employees will be reimbursed at the rate of 40 cents per mile from July 1 to September 20, 2005 and 48 cents per mile from September 21 to December 31, 2005, and 44.5 cents per mile from January 1 to June 30, 2006 or as governed by institution guidelines where the institution operates a motor pool.

UNIVERSITY SYSTEM OF MARYLAND PER DIEM RATES FOR MEALS

JULY 1, 2005

STANDARD

Breakfast	\$ 8.00
Lunch	\$10.00
Dinner	\$21.00
Total	\$39.00

MILEAGE RATE FOR USE OF PERSONAL VEHICLE

January 1, 200 to June 30, 2006

\$.44.5 cents per mile

IX – 2.00 - POLICY ON AFFILIATED FOUNDATIONS

(Approved by the Board of Regents on March 1, 1989; Amended on November 29, 1990 and Amended on October 1, 1999)

The Board of Regents of the University System of Maryland recognizes the importance of voluntary private support and encourages grants and contributions for the benefit of the University System, its constituent institutions and components (hereinafter collectively referred to as "the System") or for any or all of the educational and support activities that are operated by the System. Accordingly, the Board of Regents wishes to encourage a broad base of support from many sources, particularly increased levels of voluntary support. To achieve this goal, the System will cooperate in every way possible with the work of affiliated foundations. The Board of Regents may recognize as an affiliated foundation an organization that is created and operated in support of the interests of the University System of Maryland or one of its constituent institutions or components, and has as its purpose one or more of the following:

1. To facilitate fund-raising programs and contributions from private sources to foster and promote the general welfare of the System or one of its components;
2. To manage and invest private gifts and/or property for the benefit of the System or one of its components; or
3. To promote, sponsor, and implement educational, scientific, research, charitable or cultural activities for the benefit of the System or one of its components and to engage in activities to enhance further the educational, research or service mission of the System.

A subsidiary legal entity formed or owned by an affiliated foundation may use the name or facilities of the System (including any of its institutions or components) only if it is separately recognized by the Board of Regents pursuant to this policy. Each organization recognized as an affiliated foundation shall comply with the policies listed below.* Pursuant to its statutory responsibilities, the Board of Regents may revoke its recognition of a foundation that fails to comply with these policies, in which case the foundation shall no longer be entitled to use the name or facilities of the System.

Establishing a Foundation

1. A foundation may be affiliated with one of the following entities: the University System of Maryland, one of the 13 institutions of the System, or such other component of the System as the Board of Regents may determine. The following official shall be the System official responsible for relations with foundations affiliated with his or her institution; including monitoring compliance with System policies and agreements between the foundation and the System:
 - (a) The University System of Maryland -- the Chancellor
 - (b) The 13 institutions and any component of the institutions – the appropriate President unless otherwise approved by the Board of Regents.

The officials listed above shall hereinafter be referred to as the "Responsible Official" with respect to any foundations affiliated with his or her institution or component.

2. In accordance with Senate Bill 296, Laws of Maryland, 1999, the President of a constituent institution may establish campus-based foundations without the approval of the Board of Regents. All foundations shall operate in accordance with policies adopted from time to time by the Board of Regents in consultation with the Presidents of the institutions and approved for form and legal sufficiency by the Office of the Attorney General.
3. A President shall give the Chancellor timely notification of any new affiliation with a foundation. Such notice shall include the name of the foundation, its mission statement, its initial Board members, and copies of its Articles of Incorporation and corporate bylaws. Any issue about the propriety or right to a foundation's name shall be resolved by the Board of Regents. The Board of Regents shall be notified of any change in the purposes or scope of activities of an affiliated foundation occurring after its recognition by the Board.

4. Each foundation shall enter into an annual written agreement with the System or with the component or institution with which the foundation is affiliated. The written agreement shall establish the relationship between the parties, describe the purpose of the foundation, and acknowledge the applicability of these policies, which shall be incorporated by reference therein. Written agreements must be signed by the Responsible Official and by the foundation officer authorized to sign such agreements and shall be approved by the Chancellor or the Chancellor's designee to ensure consistency with all applicable Regents' policies.
5. The written agreement between the institution and the foundation shall condition the organization's use of the institution's name or any other name, emblem, or mark to which the University has any legal right, upon the foundation's continuing compliance with the agreement and all System policies on affiliated foundations.
6. Ensuring foundation compliance with Regents' policies and reasonably prudent business practices shall be included in the President's and, if different than the President, the Responsible Official's annual evaluation.

Structure and Independence

7. Each foundation shall operate as a Maryland not for profit non-stock corporation that is legally separate from the System and is recognized as a 501 (c) (3) public charity by the Internal Revenue Service. The management and control of a foundation shall rest with a board of directors. Officers and staff members of a foundation and system staff assigned to carry out functions of a foundation shall be bonded and liability insurance for directors and officers shall be obtained by the foundation, in amounts to be determined by the board of directors.
8. Presidents may only be ex-officio and non-voting members of the foundation's board of directors. System employees may serve as voting members of the board of directors of any affiliated foundation, provided that System employees do not constitute more than 20% of the foundation's board of directors.
9. With the approval of the Responsible Official, an officer or employee of the System may also serve as an officer or employee of an affiliated foundation. An employee or officer of a foundation who is also an employee or officer of the System may not represent both parties in any negotiation between the foundation and the System.

- a. The executive director and support staff of an affiliated foundation should be paid employees of the foundation and not of the institution. Support staff is defined to be those individuals who provide direct services to the foundation, such as clerks, secretaries, and accountants and does not include fundraisers. Should this not be practical (e.g. an institution employee provides only part-time services to the foundation), the foundation shall make a direct reimbursement to the institution for its share of the employee's salaries and fringe benefits. The foundation shall reimburse the institution for at least 33% of these costs beginning July 1, 1999, 66% beginning July 1, 2000 and 100% beginning July 1, 2001.

If a foundation requires a 100% level of effort from an individual, that individual shall be a paid employee of the foundation and not of the institution. If an institution employee currently provides that level of effort and would lose benefits if transferred to the foundation, then the foundation shall hire and pay for that support when the current employee no longer provides that support.

- b. Alternatively, institution staff may be assigned to carry out functions of an affiliated foundation, including serving as administrative officers and support staff of the foundation without reimbursement to the institution.

In any such case, the University resources so used shall be quantified, included in the written agreements, and measured against funds transferred from the foundation to the institution. Also, the written agreement shall require that the foundation's funds may be expended only by transfer to appropriate institution accounts from which they may be paid out only in accordance with donor's wishes and applicable system and institutional policies and procedures. Any exception to that requirement must be approved in advance by a member of the foundation's board of directors who shall not be a University employee and shall be reported annually to the Chancellor.

10. A foundation may use non-staff resources (e.g. space, equipment, facilities) of its affiliated institution without direct, dollar for dollar reimbursement to the institution. The resources shall be quantified, included in an annual agreement, and measured against funds transferred from the foundation to the institution, or paid by the foundation on behalf of the institution.

Activities

11. Foundations may not engage in activities that conflict with federal or state laws, rules and regulations, System policies, or the role and mission of the System. Foundations shall comply with applicable Internal Revenue Code provisions and regulations and all other applicable policies and guidelines.
12. All activities of affiliated foundations shall be in conformance with Section 501 (c) (3) of the United States Code. In particular, "No substantial part of the activities (of an affiliated foundation shall be) carrying on propaganda, or otherwise attempting to influence legislation." Furthermore, no affiliated foundation shall directly or indirectly "participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office." In particular, an affiliated foundation may not make any contribution, whether in money or in kind, to any candidate for public office. The purchase of tickets to an event intended to raise money for use by a candidate in a political campaign is a violation of this policy.
13. Except with the express, prior approval of the Responsible Official, no foundation shall conduct educational or research activities (including administration of a research grant or contract) that would be considered within the normal scope of the mission of the System or any of its components. If approved, the Responsible Official must justify in a letter to the Chancellor the reasons for a federal or state contract or grant to be managed by the foundations.
14. Pursuant to State law, a foundation may not offer an educational program (i.e., an organized course of study that leads to the award of a certificate, diploma or degree) unless it has obtained a certificate of approval from the Maryland Higher Education Commission to operate as an institution of postsecondary education. A foundation shall not apply for a certificate of approval without first obtaining written approval from the Responsible Official.

Business Operations

15. All correspondence, solicitations, activities, and advertisements on behalf of a foundation shall use the name of the foundation and shall be clearly identified as an activity of that foundation to ensure that the public is aware that the activities undertaken by the foundation are separate and distinct from those of the System. The letterhead of a foundation shall carry the complete legal name of the foundation (e.g., The University of Maryland Foundation, Inc.). Trademarks, service marks, logos, seals, or the name of the System or any of its constituent institutions or components may be used by a foundation only with the prior written approval of the Responsible Official.
16. In all negotiations and transactions with third parties, for fund raising, enterprise activities and all other activities, foundation officers and employees shall take care to ensure that all parties involved are aware that the foundation is an independently established and separately operated legal entity from the System. Obligations of affiliated foundations shall not be obligations of the System or the State of Maryland.
17. Foundation funds shall be kept separate from System funds. System trust funds shall not be transferred to foundations for any purpose except, when appropriate, by action of the Board of Regents after approval by the Attorney General's Office. Funds or gifts payable to the Regents, the University System of Maryland, one of its constituent institutions, or to any other system component shall not be deposited with a foundation.
18. Acceptance of gifts by the System or a foundation is subject to applicable University System of Maryland policies on gifts. Fund-raising campaigns and solicitations of major gifts for the benefit of the System by foundation personnel shall be approved in advance by appropriate System officials and should be compatible with the plans and needs of the System. Before accepting contributions or grants for restricted or designated purposes that may require administration or direct expenditure by a constituent institution or other component of the System, a foundation must obtain the prior approval of the Responsible Official. The foundation shall assure that each gift shall be used in accordance with the legally enforceable terms and conditions attached to such gift.
19. Financial activities of a foundation shall be administered in accordance with prudent business practices. Each foundation's board of directors shall adopt an expense authorization and reporting process. The process shall define the dollar threshold and nature of expenses requiring approval of a member of the board of directors, who shall not be a USM employee, and it shall define the type and frequency of expense reporting to the board of directors.

20. Should an affiliated foundation's investments under perform appropriate market indices for three consecutive years, the Regents may request from the foundation an independent review of its investment strategies along with plans for corrective action.
21. All USM affiliated foundations shall be assessed an annual overhead charge that shall be determined by the Board of Regents in consultation with the Presidents. The charge shall be transferred to the University of Maryland Foundation, Inc. (UMF) to cover certain costs incurred by UMF on behalf of the Board of Regents and the Chancellor.

Audits and Reports

22. Each foundation shall be audited annually by an independent certified public accountant who is not a director or officer of the foundation and who is approved by the Responsible Official. Each foundation should conduct its fiscal operations to conform to the University System's fiscal year. Each foundation shall prepare its annual financial statements in accordance with generally accepted accounting principles. The independent audit shall be a full scope review, performed in accordance with generally accepted auditing standards. As part of the audit, the auditor shall verify a summary annual report of transfers of funds made to the System. Additionally, each foundation shall have a management letter prepared annually by its independent certified public accountant and submitted to the foundation's board of directors.
23. To ensure compliance with Paragraphs 11 and 12 of this policy, each year each affiliated foundation shall provide a separate audit of all unrestricted funds available to the Chancellor and/or the President(s).
24. Foundations shall make use of an internal auditor to strengthen their ongoing commitment to continuously improve internal operations and processes. Foundation internal auditors shall possess sufficient experience and training to be able to carry out their duties in a professional manner. They must adhere to the Standards for Internal Audit published by the Institute for Internal Auditors, Inc.
25. From time to time, the directors and chief officers of each foundation should review their responsibilities and the business and operational risks facing the foundation. The Director of Internal Audit of the USM shall coordinate meetings with the presidents, foundation boards, directors and principal managers of each foundation to discuss these risks and the potential impact on the foundation. These meetings may also take place at the request of the Chancellor, president, or the foundations' board of directors, but shall occur at least every three years. Such reviews shall include such topics as engagement letters from outside auditors, review of tax laws as they impact foundations, best business practices, internal control structures, and the experiences of similar foundations throughout the country.
26. A foundation shall permit the Responsible Official or his or her designee to inspect, at reasonable times, the following documents: the foundation's books and records; its most recent federal and state tax returns; and a list of employees, consultants, and legal counsel for the fiscal year.
27. Within 120 days after the close of the System's fiscal year, each foundation shall provide the Responsible Official with copies of the following:
 - annual financial audit report;
 - annual audit report of transfers made to the system;
 - annual audit report of unrestricted funds available to the Chancellor and/or the President(s);
 - a list of foundation officers and directors;
 - a list of System employees who received compensation or other payments from the foundation during the fiscal year and the amount of that compensation or payment;
 - a list of all state and federal contracts and grants managed by the foundation; and
 - an annual report of the foundation's major activities.
28. Should the foundation not submit the required reports within the required time period, the Chancellor and the responsible official shall issue a joint warning to the foundation. Should the foundation not demonstrate satisfactory progress toward immediate compliance, the Board of Regents may revoke its affiliated status or take other appropriate action.

29. The Chancellor may request from the Responsible Official information on affiliated foundations according to the schedule and format specified by the Chancellor.
30. At the request of the Chancellor or the Chairperson of the Board of Regents, the foundation shall permit the internal auditors of the Board of Regents access to all books and records of the foundation.
31. The Chancellor shall annually send any revised Regents' policies, foundation audits and other reports required by the Board of Regents in this policy to the Legislative Reference Office within 180 days of the end of the USM fiscal year.
32. The Board of Regents shall issue an annual report to the Legislative Joint Audit Committee regarding the operations of the affiliated foundations. The report shall be available no later than 180 days after the end of the System's fiscal year.

*Note: Clinical practice plans and alumni associations are not covered by this policy, but shall be governed by a separate policy. The following provisions of this policy do not apply to the University Research Corporation International: 1) second sentence of #8; 2) #9a and b; and 3) #13.

**UMES Policy on the Sale of Instructional
Materials in the Department
(Not Including Textbooks and Items Sold in UMES Bookstore)**

This policy is designed to guide faculty members on issues relating to the sale of instructional materials. Where the materials in question are self-authored, the UMES Policy on the Use of Self-Authored Course Materials should be consulted.

POLICY:

The sale of instructional materials by the instructor is to be avoided whenever possible and should under no circumstances occur during class time. Department Chair and faculty should not act as vendors of textbooks and instructional materials. This is to avoid the potential appearance of conflict of interest on the part of the faculty members, and to prevent students from feeling obligated to purchase materials from the instructor even if they are available at a lower cost elsewhere.

Alternatives to the sales of materials may include having written material duplicated and sold through the campus bookstore preferably, or one of the commercial facilities adjacent to campus. Faculty members are strongly encouraged to place copies of written instructional materials or public domain software available on reserve in the campus library. This will permit students access to these materials on and for duplication on their own, should they find that appropriate. Copyright laws should be scrupulously followed in making of any copies.

Approved: _____
Thelma B. Thompson, President Date

Not Approved: _____
Thelma B. Thompson, President Date

UMES Policy on the Use of Self-Authored Course Materials

POLICY:

It is a basic principle of good education that an instructor should prescribe the best instructional materials available. When such materials include books, manuals, or other aids authored by the instructor of the course or by a colleague, great care must be taken to avoid even the appearance of the instructor's profiting by the choice of materials.

PROCEDURE:

1. The chair of the department offering the course must approve all orders of instructional materials that entail financial gain for the faculty member teaching the course.
2. There is less potential for allegations of conflict when the text is published commercially and is in general use academically (in which case its value and use are supported by outside professional judgment), than when it is published privately and is not in common use elsewhere.

When the text is not in general use, special measures are in order. For example choice of self-authored materials may be confirmed, or made by a committee of at least 3 faculty teaching in the discipline, appointed by the chair. Alternative text may be recommended by the committee and approved by the chair. Royalties from materials developed using UMES resources are to be shared with UMES in agreement with approved USM and UMES policies on revenue sharing (USM IV – 2.20 -1 to IV – 3.10 – 8; UMES Faculty Handbook, VII – 1 to VII – 2).

RESPONSIBILITY:

The instructor and the department chair are responsible for avoiding abuse of the practice requiring students to buy course materials authorized by the instructor. In the case of dispute, the instructor may appeal to the Dean.

SALE OF SELF-AUTHORED INSTRUCTIONAL MATERIALS

The sale of self-authored materials by the instructor is to be avoided. Such sales should be handled through other sources, preferably, the University bookstore, outlets, or other commercial outlets. Such sales to students are to occur only after satisfying the "UMES Policy on the Use of Self-authored Course Materials."

Approved: _____
Thelma B. Thompson, President Date

Not Approved: _____
Thelma B. Thompson, President Date

25.0 II-1.30 - POLICY ON THE REGENTS PROFESSORSHIP

(Approved by the Board of Regents, February 28, 1992)

The Regents Professorship is established by the Board of Regents of the University of Maryland System in order to recognize one or more faculty members whose record of scholarly achievement and potential for truly exceptional service to the System and its institutions warrants appointment to this most prestigious rank in the University System.

Appointment to a Regents Professorship is made by the Chancellor upon recommendation by one or more of the Presidents of University of Maryland System institutions. A modest monetary award, to be used for travel, research or publication costs, or personnel and equipment costs, accompanies the appointment.

Criteria for appointment include:

1. National or international recognition for achievements in the arts, the sciences or the professions.
2. Eligibility for appointment to the rank of professor at one or more institutions of the University System.

Regents Professors may:

1. Participate in the advisement and/or instruction of undergraduate students.
2. Present annually a public lecture or performance at one of the institutions of the University of Maryland System.
3. Participate in other scholarly activities that will enhance some aspects of the University of Maryland System and some of its components. This may include such activities as curriculum development (formal or informal courses), faculty development, citizen outreach, or organizational enhancement.

Replacement for BOR III-3.00 and BOT-XIV

III-7.01 – POLICY ON THE REVIEW AND APPROVAL OF NEW ACADEMIC PROGRAMS THAT DO NOT REQUIRE NEW RESOURCES

(Approved April 7, 2000)

1. The Committee on Education Policy of the Board of Regents shall review each proposal for a new academic program and make a recommendation concerning approval to the full Board of Regents.
2. In accordance with Section 11-206.1(b) (2), new programs shall be consistent with the established mission of the institution and able to be implemented within the existing program resources of the institution.
3. The Committee's review and recommendation for approval or disapproval shall be given within 60 days of submission.
4. If the Committee recommends disapproval of a program proposal, the proposing institution shall be entitled to present its proposal to the full Board of Regents before the Board takes final action.
5. The full Board will take final action no later than 60 days after submission.
6. If, within 30 days of the Commission's receipt of notice of an institution's intent to establish a new program, an objection to a proposed new program is filed either by the Maryland Higher Education Commission or by any Maryland institution of higher education, on the basis of
 - (a) inconsistency of the proposed program with the institution's mission,
 - (b) unreasonable program duplication which would cause demonstrable harm to another institution, and/or
 - (c) violation of the State's equal educational opportunity obligations under State and federal law, in accordance with Section 11-106.1(c) and (d), and if the Commission upon review of supporting evidence finds the objection to be justified, the Board of Regents shall work with the President of the proposing institution and the Commission to attempt to resolve the objection.

(Replaces Resolution Regarding Action by the Board of Regents to Delegate to the Chancellor of the University System of Maryland the Authority to Review and Approve New Academic Programs, approved by the Board of Regents, April 26, 1990.)

III-7.02 POLICY ON THE REVIEW AND ABOLITION OF EXISTING ACADEMIC PROGRAMS

(Approved by the Board of Regents on October 27, 2000)

1. This policy applies to all proposals for the abolition of existing academic programs, whether they originate as a result of periodic program review, in response to the identification of such programs as “low productivity,” or as part of an overall institutional restructuring.
2. In accordance with Section 11-206.1(A)(1) of the Annotated Code of Maryland, a President who proposes to abolish an existing academic program shall provide the Board of Regents with evidence that the action is consistent with the adopted mission of the institution and can be implemented within the existing program resources of the institution. The Committee on Education Policy of the Board of Regents shall review each proposal for the abolition of an existing academic program and provide a report to the full Board of Regents.
3. The President shall provide the Board of Regents with information on the following:
 - a. proposed date after which no new students will be admitted into the program;
 - b. accommodation of currently enrolled students in the realization of their degree objectives;
 - c. treatment of all tenured and non-tenured faculty and other staff in the affected program;
 - d. reallocation of funds from the budget of the affected program; and
 - e. existence at other state public institutions of programs to which to redirect students who might have enrolled in the program proposed for abolition.

III-3.10 - POLICY ON CERTIFICATE OF MERIT AWARDS IN AGRICULTURE

(Approved by the Board of Regents, April 26, 1990)

The Chancellor, on the recommendation of either of the Presidents of the University System's land grant institutions and of the Vice Chancellor for Agriculture and Natural Resources shall approve the Certificate of Merit Awards in Agriculture.

Replacement for: BOR VI-35.00

263.0 VIII-2.61- POLICY ON OFF-CAMPUS PROGRAMS

(Approved by the Board of Regents, December 1, 1995)

PREAMBLE

The University of Maryland System is committed to providing access for all citizens to high-quality undergraduate and graduate programs. This entails extending its academic programs, as need and demand require and as resources permit, to serve students in all regions of the State. In many instances, program offerings will be extended beyond the bounds of what is traditionally thought of as the campus.

The following principles will guide the decision of an institution to offer both an off-campus program and/or individual courses for credit.

- A. Off-campus programs will be consistent with the approved mission of the institution.
- B. An institution may only offer off campus a program leading to a degree or certificate that is authorized for that campus.
- C. Standards of program quality and student performance will be comparable to those of the on-campus program.
- D. The institution will determine the method of program delivery that is best suited to the educational backgrounds, experience, and learning styles of the students.

Institutional Responsibilities

Institutions that offer off-campus programs have the following responsibilities:

- A. To provide necessary services at the off-campus site at times convenient to students.
- B. For degree/certificate seeking students, to schedule courses to permit completion of the degree or certificate in a reasonable amount of time.
- C. To keep students fully informed of program requirements and/or changes, program costs, and financial aid information.
- D. To provide learning resources for off-campus students that are comparable to those provided to on-campus students.
- E. To ensure that guidelines for the selection and assignment for faculty teaching at the off-campus site are comparable to those used on campus.

I. Definitions

Program: A sequence of courses that leads to the awarding of an approved degree or certificate.

On-Campus Program: Any program offered in any format by a UMS institution at its own main campus.

Off-Campus Program: Any program delivered in any format to a site other than that of the main campus of the institution offering the program.

Closed Site: A program offered for a particular organization or constituency that is not open to the general public, e.g. military base, hospital, or business organization.

Open Site: A program site that is open to the general public, i.e. access to program offered at an open site is not restricted to members of any particular group or organization.

Tuition: The price students pay for their education, including those mandatory fees that do not fund auxiliary enterprises or other self-funded activities.

II. Policy: Tuition and Fees for Off-Campus Programs

- A. Applicability. This policy applies to all degree-granting institutions of the University of Maryland System. It applies to all courses and programs offered at open sites only. It does not apply to non-credit courses or to credit courses or programs offered under a contract for which there may be a different negotiated tuition.
- B. Tuition Levels.
 - 1. Tuition for both in-state and out-of state UNDERGRADUATE students who are enrolled either full- or part-time in an off-campus program will be the same as that for the on-campus program (see BOR Policy VIII-2.01, A).
 - 2. Tuition for both in-state and out-of-state GRADUATE students who are enrolled either full- or part-time in an off-campus program will be the same as that for the on-campus program as defined by BOR Policy VIII-2.01, B.
 - 3. The total cost (tuition and mandatory fees) to the student enrolled in an off-campus program will not exceed that for the student enrolled in the on-campus program, unless a waiver is granted. Where an institution can demonstrate that to deliver a quality off-campus program necessitates an additional delivery or specific program fee, such a fee may be requested. Off-campus programs for which a differential fee is requested will be approved by the Chancellor and reported to the Regents in the annual report on tuition.

III. Policy Implementation

- A. Each president will submit tuition and fee recommendations for off-campus programs and related data in accordance with the schedule and format set by the Chancellor. Supporting documentation will be provided for policy exceptions requested under section II.B.3. above.
- B. The Chancellor will recommend to the Board of Regents a tuition and fee schedule for off-campus programs offered by each institution as part of the annual operating budget request. Should the Chancellor's recommendation differ from that of the presidents, the Chancellor will make both recommendations available to the Committee on Finance of the Board of Regents.

(To be reviewed Fall, 1996 for possible revision and/or extension.)

67.0 III-2.10- POLICY ON SUMMER AND SPECIAL SESSIONS

(Approved by the Board of Regents, January 11, 1990)

Institutions may schedule summer and special sessions, consistent with institutional policies governing instruction during the academic year.

Replacement for: BOT XI-J

(Approved by the Board of Regents, January 11, 1990)

Each institution may establish guidelines for the development and implementation of combined bachelor's/master's programs. These plans may be of two types:

- (1) plans which permit the development by an individual student of a program specific to that student's career interests and goals, and
- (2) structured plans within or among departmental or program units or institutions which provide integrated programs attractive to larger groups of students. The program should be available only to students whose academic performance is exceptional and who are admissible to the graduate program. Institutional policy shall set the maximum number of credits applicable to both degrees, normally no more than nine. No more than one master's degree may be earned through a combined bachelor's/master's degree program.

Replacement for: BOR I-12.00

III-2.20(A) - UMES POLICY AND GUIDELINES FOR COMBINED BACHELOR'S/ MASTER'S PROGRAMS

(Approved by the President January 1, 1992)

I. POLICY

At the request of upper level students, the student's academic advisor may, where appropriate and beneficial to the student, recommend that a combined bachelor's/master's degree program be developed for the student or a student may enroll in a designated program. The program is available only to students whose academic performance is exceptional. The program is to be developed according to the individual career interests and goals of the student and should be an integrated learning experience rather than merely the completion of a certain number of graduate and undergraduate credits. No more than nine credits of courses taken at the advanced level (600 level courses and above) may be applied to both degree programs. No more than one master's degree may be earned through a combined bachelor's/master's degree program.

II. ACADEMIC REQUIREMENTS

In order to be considered for the program, a student must:

1. be a senior level student enrolled at UMES;
2. be eligible for admission into the Graduate School program;
3. have at least a 3.0 grade point average, with A's in all courses directly relating to, or prerequisites of, the proposed graduate course of study; and
4. receive at least two recommendations from faculty members from the department where the student is a major.

III. PROCEDURE

1. A student meeting the above requirements wishing to be considered for the program must make a request in writing to their undergraduate advisor. The request should state the proposed course of study, and what the student wishes to accomplish.
2. The undergraduate advisor shall forward the request, with a recommendation to either approve or deny the request, to the chair of the department or program offering the undergraduate major, and the dean of the undergraduate school. The advisor should include a copy of the student's transcript and any additional information, which may be relevant. Both the department chair and the dean must approve the request prior to seeking approval at the graduate level.
3. If the request is approved at the undergraduate level, the undergraduate dean shall forward the request and all relevant information to the graduate dean for approval by the department offering the graduate program.
4. The student should be informed by the undergraduate advisor whether the request is approved or denied. If the request is approved, the undergraduate advisor and an advisor selected by the appropriate graduate department chair shall work with the student to develop an appropriate course of study.

III-5.00 - POLICY ON ACADEMIC CALENDAR

(Approved by the Board of Regents, January 11, 1990;
Amended by the Board of Regents, June 10, 1994; Amended
December 1, 1995; Amended April 6, 2001)

1. All institutions of the University System of Maryland will follow a common academic calendar to assist student planning, facilitate joint and cooperative programs and appointments, simplify student and faculty movement among institutions, and facilitate use of distance education technologies throughout the System.
2. The common academic calendar will provide sufficient time for instruction and examinations as recommended by the Middle States Association and as stipulated by the Maryland Higher Education Commission. Within the common framework, each president shall be authorized to adjust class time to meet instructional needs.
3. The features of the common calendar will include:
 - a) a fall semester which begins before Labor Day, except in those calendar years when a start after Labor Day can also accommodate the requirements for class meeting time, interrupted by a recess for Thanksgiving. The final examination period will conclude on or before December 23.
 - b) a minimum of fourteen instructional days over a three-week period in January available for institutions to use for an academic winter session or, for those institutions which do not plan to offer coursework, an extended winter holiday.
 - c) a spring semester interrupted by a one-week common spring break. The final examination period will conclude prior to Memorial Day.
4. The particular dates for each year's common calendar will be recommended by the Presidents' Council and approved by the Chancellor for publication and dissemination. The academic calendar will be adopted at least two/three years in advance.
5. The Law School at the University of Baltimore, the professional programs in the schools of the University of Maryland, Baltimore, and distributed learning and cohort programs are exempted from this policy. Each president shall be authorized to designate the programs to be exempted and adjust class time to meet instructional needs. However, all programs not otherwise constrained by the requirements of professional accrediting bodies or designated as an exempt distributed learning or cohort program should be on the USM common academic calendar.
6. By June 1 of each year, each institution will provide for the files of the Office of the Chancellor a copy of its detailed academic calendar for the upcoming academic year, including information such as registration periods, drop/add periods, and commencement dates as well as dates for summer sessions. Professional schools, and distributed learning and cohort programs exempted from the common academic calendar under provision 5 will provide copies of their academic calendars to the Chancellor's office on the same schedule.

Replacement for: BOR I-5.00 and VI-19; BOT XIII-Y

89.0 III-6.10- POLICY FOR THE NUMBERING OF ACADEMIC COURSES

(Approved by the Board of Regents, January 11, 1990)

Academic courses offered at institutions in the University of Maryland System shall be numbered according to the following scheme:

000-099	Non-degree-credit Courses
100-299	Lower Division Courses, primarily for freshmen and sophomores
300-399	Upper Division Courses, primarily for juniors and seniors;
400-499	courses may be available for credit toward some graduate degrees
500-899	Post-baccalaureate Courses
900-999	Post-doctoral Courses

Replacement for: BOT XI-F

90.0 III-6.20- POLICY ON GRADING SYMBOL IDENTIFICATION

(Approved by the Board of Regents, January 11, 1990)

Each institution shall develop for approval by its President grading symbols and other notations to be used on academic transcripts.

Replacement for: BOR I-8.00 and BOT XI-P

III-6.20(A) UMES GRADING SYMBOLS AND NOTATIONS USED ON ACADEMIC TRANSCRIPTS

(Approved by the President January 1, 1992)

The following symbols are used at UMES on students' permanent records:

"A"	Excellent 4 quality points per semester hour
"B"	Good 3 quality points per semester hour
"C"	Fair 2 quality points per semester hour
"D"	Passing 1 quality point per semester hour
"F"	Failure 0 quality points per semester hour
"S"	Satisfactory performance. This is not included in computation of cumulative average.
"W"	Used to indicate withdrawal from a course in which a student has enrolled at the end of the schedule adjustment period. This is not included in computation of cumulative average.
"Aud"	A student may register to audit a course that has been designated as available under the audit option where space is available. This does not imply attendance or any other effort in the course. Once a student has audited a credit by examination may not be established.
"Pass/Fail"	In certain specified courses, the grading system involves only pass or fail.
"Incomplete"	The mark of "I" is an exceptional mark that is an instructor option. It is only given to a student whose work has been qualitatively satisfactory, when, because of illness or other circumstances beyond the student's control, he or she has been unable to complete some small portion of the work of the course. In no case will the mark "I" be recorded for a student who has not completed the major portion of the work of the course.
"Repeat"	The highest grade received in the repeated course is used to calculate the GPA. Any course may be repeated but if a student repeats a course in which a mark of B, C, D, P, or S has already been earned, the subsequent attempt shall not increase the total hours earned toward a degree. Under unusual circumstances, the student's dean may grant an exception to this policy.
"A-Clemency"	Clemency credit is noted when academic clemency has been granted.

96.0 III-7.00- POLICY ON DEGREE AND CURRICULAR REQUIREMENTS

(Approved by the Board of Regents, April 26, 1990)

I. Degree and Other Formal Award Requirements

The primary responsibility for the development of curriculum and of degree requirements resides in the faculty and administration of an institution with final internal approval by the President.

A. Each institution shall establish its requirements for the conferring of baccalaureate, master's, and doctoral degrees and for certificates at any level. These requirements shall at least meet MHEC minimum standards.

B. Curricular specializations that do not qualify as areas of concentration, and do not lead to the award of certificates, may be developed within the institution and are approved by the President or designee.

II. Board of Regents and MHEC Approval of Academic Programs

In accord with the annotated code of Maryland, new degree-granting programs, certificate programs, substantial modifications of existing programs or programs offered at a new site, require the approval of the Board of Regents and the approval of the Maryland Higher Education Commission (MHEC).

Major modifications of the general education requirements, as well as suspension, curtailment, or discontinuance of programs shall be submitted to the Chancellor for approval. Prospectuses and program proposals forwarded for consideration by the Board of Regents and the Maryland Higher Education Commission must be in conformance with the procedures and format as published in the most current University of Maryland System Academic Program Development Procedures and the Policies and Procedures for Academic Program Proposals of the Maryland Higher Education Commission.

Replacement for: BOR I-7.00 and
BOT II-D.1, XI-A, XI-B, XI-C, XI-D, and XI-G

III-7.00

149.0 VI-5.00- POLICY ON INSPECTION OF PUBLIC RECORDS

(Approved by the Board of Regents on January 11, 1990)

Public records regarding the affairs of the University System and the official acts of the Board of Regents, its officers, and employees shall be made available for inspection in accordance with the Maryland Access to Public Records Act (Annotated Code of Maryland, Section 10-611 et seq.) and related System or institutional procedures.

The Chancellor is authorized to establish regulations for the officers of System Administration governing the inspection of public records. Each president and unit head is authorized to establish rules for the institution or unit so long as they are consistent with State law.

Replacement for: BOR VI-41.00

VI-5.00(A) - UMES GUIDELINES AND PROCEDURES GOVERNING THE INSPECTION OF PUBLIC RECORDS

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of the University of Maryland Eastern Shore to permit the inspection of public records, at reasonable times and at a reasonable cost, by any person in interest consistent with the Maryland Access to Public Records Act, State Government Article, Sec. 10-601 et seq., Annotated Code of Maryland.

II. DEFINITIONS

- A. "Act" means the Maryland Access to Public Records Act, State Government Article, Annotated Code of Maryland, Sec. 10-611 et seq. [1984].
- B. "Applicant" means any person requesting disclosure of a public record.
- C. "Custodian" means any authorized UMES employee who has physical custody and control of a public record.
- D. "Official Custodian" means the person who is responsible for keeping the public record, whether or not that person has physical custody and control of the public record.
- E. "Persons" means any natural person, corporation, partnership, firm, or association, or governmental unit.
- F. "Person in Interest" means:
 - 1. a person, as defined above, who is the subject of a public record or the designee of the person; or,
 - 2. if the person has a legal disability, the parent or the legal representative of the person.
- G. "Public Record" means the original or any copy of documentary material that:
 - 1. is made or received by UMES in connection with the transaction of public business; and
 - 2. is in any form including a card, a computerized record, correspondence, a drawing, film or microfilm, a form, a map, a photograph or Photostat, a recording, or a tape.
 - 3. includes a document that lists the salary of an official or employee of UMES.
- H. "Personal Record" means any public record that names or with reasonable certainty otherwise identifies an individual by an identifying factor such as address, social security number or other identifying number, description, finger or voice print, or picture.
- I. "Working Day" means any day except Saturday, Sunday, scheduled UMES holidays, and emergency closings between the hours of 8:00 AM and 5:00 PM.

III. PERSONS ENTITLED TO REQUEST ACCESS

Subject to the limitations set forth below and except as otherwise provided by law, UMES shall permit any person to inspect or copy any public record in its custody and control.

IV. NECESSITY FOR WRITTEN REQUEST

- A. All requests for inspection of public records shall be in writing unless the custodian of the record being requested specifically waives the requirement.
- B. Requests shall contain the applicants name and address and shall be signed by the applicant.
- C. The applicant shall reasonably identify by brief description the record sought.
- D. The custodian is entitled to seek clarification in writing whenever records are not identified with reasonable specificity, and is not obligated to respond until the request is sufficiently specific to permit identification of the requested record.

V. FILING THE REQUEST

A written request for inspection of a public record shall be addressed to the custodian having physical custody and control of the record.

VI. RESPONSE TO A REQUEST

- A. Upon receipt of a request to inspect or copy public records, the custodian shall have 30 calendar days to respond. The custodian should consult the guidelines set forth below to determine the appropriate response. In instances where records are being requested as a result of a lawsuit or an impending lawsuit, or if the request is unreasonably burdensome, the custodian should notify the President's Office.
- B. If a requested public record is not in the custody and control of the person to whom the written application is made, that person shall notify the applicant of that fact within 10 working days of receipt of the request, and provide the name of the custodian and the location or possible location of the record if known.
- C. If a requested public record has been destroyed or lost, the custodian shall notify the applicant of that fact within 10 working days of receipt of the request. The reason for the custodian's inability to produce the record shall be given.
- D. If the guidelines regarding classes or categories of accessible records do not allow disclosure of the requested record or any portion of it, the custodian shall notify the applicant in writing within 10 working days of the denial. The denial shall include:
 - 1. the reasons for the denial;
 - 2. the legal authority for the denial; and,
 - 3. notification of the right to seek judicial review in accordance with Sec 10-623 of the Act.

Inspection of any reasonably severable portion of a record shall be permitted after the deletion of those portions that may be withheld from disclosure.

- E. With the consent of the applicant, any time period for response may be extended for not more that 30 calendar days.
- F. UMES is not required to provide information in a format other than that which is, in fact, the existing record.
- G. Unless prohibited by law, the custodian may, in his or her discretion, notify any person in interest that a request for inspection of a public record has been made.

VII. GUIDELINES FOR DETERMINING ACCESS

A. Denial of Access

The custodian shall deny access to the following records as required by Sec. 10-615 through 10-617 of the Act:

1. letters of reference for employees and students;
2. library circulation records;
3. library, archival, or museum material given by a donor who limits disclosure as a condition of the gift;
4. sociological information if the custodian has adopted rules or regulations defining the term;
5. confidential commercial, financial, geological or geophysical information or trade secret provided by or obtained from another;
6. public employees' home addresses or telephone numbers unless permission is given or inspection is deemed necessary to protect the public interest;
7. information about the security of an information system;
8. student education records;

NOTE: Disclosure is restricted by the Federal Family Educational Right to Privacy Act; the UMES POLICY ON CONFIDENTIALITY AND DISCLOSURE OF STUDENT RECORDS should be consulted.

9. retirement records;

NOTE: Inspection is permitted by the person in interest; the appointing authority of the individual; after the death of the individual by a beneficiary, or personal representative; and by any law enforcement agency in order to obtain the home address of a retired employee when contact with the retired employee is deemed necessary for official agency business.

10. personnel records.

NOTE: Inspection is permitted by the person in interest; or an elected or appointed official who supervises the work of the individual.

B. Permissible Denials

Unless otherwise provided by law, a custodian may deny inspection of part of the following public records if it is believed that inspection would be contrary to the public interest:

1. interagency and Intra-agency documents that would not be available by law to a private party in litigation;
2. examinations including test questions, scoring keys;

NOTE: A person in interest may inspect an examination after it has been given and graded, but may not copy the document.

3. research projects except the name, title, expenditures and date when the final project summary will be available;
4. appraisals of UMES or System owned real property;

5. records of investigations by the Attorney General, a State's Attorney, a city or county attorney, a police department or a sheriff.

C. Temporary Denials

If the custodian of a public record believes that inspection would cause substantial injury to the public interest, inspection may be denied temporarily even if the document is one that is authorized for inspection under the Act.

NOTE: The custodian should contact the President's Office for guidance.

VIII. REVIEW OF A DENIAL

A. Judicial Review

If the custodian denies an applicant's request, the applicant may file a complaint with the circuit court for the county where the applicant resides or has a principal place of business, or where the public record is located.

B. Place of Inspection

The record shall be inspected at the location where it is normally kept unless the custodian determines that another place of inspection is more suitable.

C. Costs

1. When a copy can be made on a photocopy machine, the charge is 25 cents per page. For more than 25 pages, a charge of \$10.00 per hour staff time shall be added to the per page cost.
2. When a copy cannot be made on a photocopy machine, the charge shall be the actual cost of reproduction.
3. An applicant should be informed of the estimated cost of reproduction and agree to the cost in advance.
4. If a copy of a record cannot be made using UMES facilities, the custodian should make arrangements for reproduction at an outside facility, with costs paid by the applicant either in advance to the custodian or directly to the outside facility.
5. The custodian may charge reasonable fees for time required to search, prepare, and copy requested records beyond the initial two hours.
6. Any fee for copying, searching, or preparation may be waived by the custodian if it is determined to be in the public interest.
7. If the applicant requests that the records be mailed or shipped, the custodian may charge the applicant the cost of postage or delivery.

NOTE: THE PROCEDURES SET FORTH ABOVE DO NOT APPLY TO REQUESTS FOR INFORMATION CONTAINED IN SUBPOENAS OR SOUGHT BY GOVERNMENTAL AGENCIES PURSUANT TO INVESTIGATION OR AUDITS.

152.0 VI-6.00- POLICY ON REQUESTS FOR ADVICE OF COUNSEL AND OFFICIAL OPINIONS FROM
THE ATTORNEY GENERAL

(Approved by the Board of Regents on January 11, 1990)

The Attorney General of the State of Maryland shall serve as the legal advisor to the Board of Regents and the University of Maryland System.

Official opinions from the Attorney General of the State of Maryland may be requested only by the Chancellor, on behalf of the University System and its institutions, or by the Chair of the Board of Regents, on behalf of that Board. The Chancellor shall advise the Presidents of official opinions in matters of general interest.

Advice of counsel on matters of institutional or unit application may be requested by the Chancellor, President or unit head or designee. Each President shall keep the Chancellor informed where appropriate.

Replacement for: BOR VI-37.00, and BOT I-K

170.0 VI-12.00 - POLICY ON EMERGENCY CONDITIONS, CANCELLATION OF CLASSES AND RELEASE OF EMPLOYEES

(Approved by the Board of Regents, May 1, 1992)

I. Purpose and Applicability

This policy governs work and the use of leave in the event of an emergency condition. This policy applies to all University of Maryland System Employees.

II. Cancellation of Classes

Each employee of the University is expected to report to work as scheduled, even if classes are canceled, unless the employee has been notified through established campus procedures not to report.

III. Closing Facilities

A. Before the Start of Work. When any facility is closed prior to the start of normal work hours or shifts, non-essential employees, except those on previously approved leave, are to be considered to be on Administrative Leave.

The status of contractual employees will be determined by the terms of their contracts.

B. After the Start of Work. When, as a result of emergency conditions any facility is closed after the start of normal work hours or shifts non-essential employees are to be placed on Administrative Leave. Non-essential employees who have not reported to work and are not on previously approved paid leave must be given the option to use appropriate accrued paid leave, or be placed in a no-pay status.

The status of contractual employees will be determined by the terms of their contracts.

IV. Essential Employees

Employees who are required to perform duties after an emergency condition has been declared shall be compensated with compensatory leave or cash payment equivalent to the Administrative Leave granted to non-essential employees who are released from the same facility.

Only extenuating circumstances of a most serious nature will warrant the exemption of an essential employee from the requirement to report for duty in a timely manner.

V. Liberal Leave

A Chief Executive Officer (CEO) or designee may declare a policy of Liberal Leave in which case non-essential employees who fail to report to work, or who report late, or choose to leave early, because of dangerous traffic or highway conditions, hazardous weather, civil disorder or other circumstance not yet declared as an emergency shall be excused. Such excused absence must be charged to appropriate paid or unpaid leave.

VI. Evacuation of an Institution Facility

In the interest of personal safety, nothing in this policy precludes the necessary, immediate evacuation of a campus facility by the person in charge or his/her designee.

DEFINITIONS:

"Emergency Conditions" - Those conditions which are determined by each campus CEO or designee to be serious enough to warrant the cancellation of classes or the release of employees. Such conditions may arise because of inclement weather, fire, power failure, civil disorders or other unusual circumstances which may endanger students and/or employees.

"Essential Employee" - An employee of a facility who has been designated as vital to the operation of the facility, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and well being of the campus population and/or physical plant. Examples of such employees are police, stationary engineers or other heating plant and maintenance personnel, snow removal employees, food service staff, hospital staff, etc.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall develop procedures as necessary to implement this policy and submit a copy to the Chancellor.

Replacement for: BOR VI - 18.00, Policy Relating to Emergency Conditions, page 1 UM Personnel Policies and Procedures for Classified Employees - Section VI Leave with Pay, page VI-21

190.0 VII-2.20- POLICY ON SOLICITING PERSONNEL DURING WORKING HOURS

(Approved by the Board of Regents, February 28, 1992)

Employees of the University of Maryland System shall have an undisturbed opportunity to perform assigned duties and responsibilities. Solicitation of any UMS employee for any purpose, except where such solicitation is a part of the assigned duties and responsibilities or has been approved by the Chancellor or designee for system-wide purposes or the Chief Executive Officer or designee for institution purposes, is prohibited.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall develop procedures as necessary and submit a copy to the Chancellor.

Replacement for: BOR VI - 26.00, Policy on Contacting Personnel During Working Hours.

UM Personnel Policies and Rules for Classified Employees - Section VIII Conduct and Discipline, Page VIII-4.

UM Personnel Policies and Rules for Associate Staff - Section E.3 Professional Ethics, Page 9.

X-1.0 POLICY ON USM INSTITUTIONAL INFORMATION TECHNOLOGY POLICIES,
INCLUDING FUNCTIONAL COMPATIBILITY WITH THE STATE INFORMATION
TECHNOLOGY PLAN

(Approved by the Board of Regents on August 24, 2001)

Background

Senate Bill 682 specifically outlines the requirements of the University System of Maryland Board of Regents Information Technology Plan concerning information technology policies and standards:

The Board of Regents shall develop an information technology plan for the University System of Maryland that includes information technology policies and standards, including policies and standards for information management and telecommunication systems, that are functionally compatible with the State Information Technology Plan established under Title 3, Subtitle 4 of the State Finance and Procurement Article.

The University System of Maryland (USM) is specifically exempted from Title 3, Subtitle 4 of the state finance and procurement article. This exemption implies that the USM may develop its own unique policies and standards for effective management of information technology, provided that they are functionally compatible with those in the State Information Technology Master Plan (ITMP).

Unlike a typical state agency, where the majority of internal users of information technology services are employees, in the USM the majority of internal users are students. Increasingly, the computers connected to our networks and accessing our services are not USM-owned computers, but personally owned computers. Furthermore, a typical state agency will focus information technology policies around agency business processes. In the USM, the focus is also on our mission activities of teaching, learning, and research. These activities naturally require a flexible approach to policies and standards, and many of the activities inherently push the envelope of current technology.

Purpose

The purpose of this policy is to establish a framework, as required in Senate Bill 682, for creating institutional information technology policies, standards, guidelines, and operating practices that address the requirements of policies articulated in the State ITMP, where applicable. Equally critical, this policy fosters the development of additional information technology policies, standards, and guidelines indigenous to the higher education administration and mission activities of teaching, learning, and research.

Guidelines

USM institutions shall develop, document, and maintain information technology policies, standards, guidelines, or operating practices that are functionally compatible with the State's ITMP policies and standards, where applicable. The State has identified policies and standards in the areas of information technology management, hardware and software standards, networking, systems development, web services, and security.

The USM Information Technology Coordinating Council (ITCC) will provide copies of the current applicable State information technology policies and standards as well as checklists and guidelines to assist the USM institutions in developing functionally compatible policies, standards, guidelines, or operating practices. The USM Chief Information Officer (CIO), in consultation with the ITCC, will also propose and develop additional information technology policies and standards as necessary for consideration of the Board of Regents Technology Committee and subsequently to the full Board of Regents.

Statewide Process

As outlined in the Statewide Policy Implementation Guideline, State information technology policies will be reviewed semi-annually and forwarded to the State Information Technology Advisory Committee (ITAC) for review and comment. Official announcements of State policy publications and changes will be made via ITAC.

USM Accountability

Each USM institution will establish procedures for annually reviewing and certifying the functional compatibility of its information technology policies, standards, guidelines, and operating practices with the State ITMP. These certifications will be filed with the USM CIO and reviewed by the USM ITCC.

Time-Line

The certifications by the USM institutions will be filed starting August 15, 2002 and every August 15th thereafter.

144.0 VI-4.00 - POLICY ON THE NAMING OF BUILDINGS AND ACADEMIC PROGRAMS

(Approved by the Board of Regents on January 11, 1990;
Amended January 24, 1991; Amended April 4, 1997)

The Board of Regents of the University of Maryland System recognizes its responsibility to determine the appropriate naming of new and existing buildings owned by the University System or any of its constituent institutions. The Board also reserves the right to approve the naming of academic programs. Academic programs include colleges, schools, departments, centers, and institutes. The naming of scholarships, fellowships and chairs does not require Regents' approval.

In those cases where buildings and academic programs are named for people, they should be named for scholars and other distinguished individuals who are both preeminent in their field of endeavor and/or have contributed meaningfully to the University of Maryland System or to any of its constituent institutions.

The Board prefers to commemorate donors' generosity through other means, such as the naming or dedication of scholarships, programs, or professorships. However, the Board will also consider the naming of a building when a donor's gift represents a major contribution to the institution.

Any University System institution wishing to adopt a person's name for a building, any campus grounds, major portions of facilities, or academic programs must submit a request to the Chancellor. The Chancellor will determine which naming opportunities require Regents' approval.

In making requests, the institutions of the University of Maryland System must comply with the following guidelines. (Foundation-owned buildings are excluded from the Board of Regents' policy.)

Guidelines

1. No building, other campus facility, or academic program will be named for individuals currently employed by the University of Maryland System or the State of Maryland.
2. When the person to be honored is living and a non-donor, three years must have passed since any formal association with the University of Maryland System or employment with the State. Such affiliation includes time spent as an undergraduate, graduate, or post-graduate student; as a paid member of the faculty or staff, whether full- or part-time; as a paid State employee; and as a member of the Board of Regents.
3. When the person to be honored is deceased, two years must have passed since the date of death before their name can be applied to a University of Maryland System building or academic program.
4. A naming opportunity associated with a gift to the University of Maryland System, a constituent institution, or an affiliated foundation, will normally receive favorable consideration only when the present value of the gift is an amount equal to or greater than 10 percent of the cost to construct or substantially renovate the building proposed for naming. The gift may be in cash or a legally binding pledge and should be paid within five years of the naming of the building or program. A portion of the gift may be in the form of an irrevocable trust or a contractual bequest. The Board of Regents reserves the right to remove names from buildings and programs when the gift remains unpaid beyond the five-year limit. Should this occur, the Regents may name an area of the building or seek another appropriate naming opportunity that would be proportionate to the value of the gift received. The naming of a building or program follows the building or program for its useful life unless otherwise determined by the Board of Regents.
5. In making requests for naming of buildings or academic programs, the following information is to be submitted in the standard Board of Regents format:
 - (a) Institution name;
 - (b) A detailed request, citing the facility or program in question, the proposed name, the existing name if any, etc.; and

- (c) Justification, including such relevant information as the nature and duration of the individual's affiliation with the University System or constituent institution. If the naming is a stipulation of the gift, the request must explain the proposed arrangement. If the gift represents partial or total funding of the construction, remodeling, or renovation, the following information must be included:
 - *A timetable for project implementation;
 - *Relationship of the project to the institution's long-range plans;
 - *Source and status of capital budget funds needed in addition to the gift;
 - *Operating budget implications, and sources of funds; and
 - (d) A copy of the gift contract and/or pledge agreement must be filed with the request for approval.
6. The institutions will determine the appropriate level of gift support required to name scholarships, fellowships, and professorships. The institutions will provide an annual report to the Regents on all such gifts and the form of recognition. Gifts for naming these purposes may be in cash and/or a legally binding pledge instrument.

Replacement for: BOR VI 3.00BOR XIII-H

145.0 VI-4.10- POLICY ON THE USE OF THE PHYSICAL FACILITIES OF THE UNIVERSITY SYSTEM
FOR PUBLIC MEETINGS

(Approved by the Board of Regents on January 11, 1990)

The physical facilities of the University System may be used for public meetings, including political meetings, if proper safeguards are provided to assure the orderly use of facilities.

Persons wishing to use a facility must apply to the proper administrative authorities. Each president will be responsible for adopting rules governing the use of its facilities, and procedures for the application for such use.

A reasonable charge may be made to cover costs of such facilities, including utilities, police protection, janitorial service and other necessary expenses.

Permission to use a facility does not imply endorsement by the University or its institutions of the view or programs of the user.

Replacement for: BOR VI-5.00 BOT XIII-G