

SECTION VIII: MISCELLANEOUS AND LOCAL POLICIES

UMES Policy on Selecting and Changing of Textbooks

While the University believes in and is supportive of the basic principle of academic freedom and accepts the fact that the selection of a textbook for classroom use is the instructor's responsibility, the policy governing selecting and the changing to textbooks must be based on, but not limited to:

- a. Sound academic principles.
- b. Academic mission of the department/university.
- c. Academic welfare of the students.
- d. Appropriateness for the course level.
- e. Cost.

Therefore, each Department is to devise a departmental policy statement governing the selection and exchange of textbooks based, at a minimum, upon **a, b, c, and d** above.

These departmental policies are to be reviewed by the Deans of the individual Schools in order to ensure the concerns inherent in **a, b, c, and d** are appropriately attended. This is not to be perceived by the deans or the faculty as a means of censure.

The changing of textbooks is necessary for different reasons such as:

- The printing of a particular book may be discontinued.
- A more appropriate book may be published.

Hence, the same procedure for textbook selection is to be utilized in order to officially change a textbook. Textbook (s) are not to be changed in the course of the semester. Textbook changes are to be made prior to the beginning of the academic semester.

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.

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 a 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 any copies.

UMES POLICY ON THE USE OF SELF-AUTHORED COURSE MATERIALS

I. 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.

II. Procedure

The chair of the department offering the course must approve all orders of instructional materials that entail a financial gain for the faculty member teaching the course.

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).

III. 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.

IV. 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."

USM POLICY ON THE REGENTS PROFESSORSHIP

<https://www.usmd.edu/regents/bylaws/SectionII/II130.html>

USM POLICY ON THE REVIEW AND APPROVAL OF NEW ACADEMIC PROGRAMS THAT DO NOT REQUIRE NEW RESOURCES

<https://www.usmd.edu/regents/bylaws/SectionIII/III701.html>

USM POLICY ON THE REVIEW AND ABOLITION OF EXISTING ACADEMIC PROGRAMS

<https://www.usmd.edu/regents/bylaws/SectionIII/III702.html>

USM POLICY ON OFF-CAMPUS PROGRAMS

<https://www.usmd.edu/regents/bylaws/SectionVIII/VIII261.pdf>

USM POLICY ON COMBINED BACHELOR'S / MASTER'S PROGRAMS

<https://www.usmd.edu/regents/bylaws/SectionIII/III220.html>

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:

- be a senior level student enrolled at UMES;
- be eligible for admission into the Graduate School program;
- 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
- 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.

USM POLICY ON ACADEMIC CALENDAR

<https://www.usmd.edu/regents/bylaws/SectionIII/III500.html>

USM POLICY FOR THE NUMBERING OF ACADEMIC COURSES

<https://www.usmd.edu/regents/bylaws/SectionIII/III-6.10.pdf>

USM POLICY ON GRADING SYMBOL IDENTIFICATION (APPROVED BY THE BOARD OF REGENTS, JANUARY 11, 1990)

<https://www.usmd.edu/regents/bylaws/SectionIII/III620.html>

USM GRADING SYMBOLS AND NOTATIONS USED ON ACADEMIC TRANSCRIPTS

<https://policies.umd.edu/assets/section-iii/III-620A.pdf>

USM POLICY ON DEGREE AND CURRICULAR REQUIREMENTS

<https://www.usmd.edu/regents/bylaws/SectionIII/III700.html>

USM POLICY ON INSPECTION OF PUBLIC RECORDS

<https://www.usmd.edu/regents/bylaws/SectionVI/VI500.pdf>

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 4:30 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

All requests for inspection of public records shall be in writing unless the custodian of the record being requested specifically waives the requirement.

Requests shall contain the applicants name and address and shall be signed by the applicant.

The applicant shall reasonably identify by brief description the record sought.

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

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.

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.

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.

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:

- the reasons for the denial;
- the legal authority for the denial; and,
- 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.

With the consent of the applicant, any time period for response may be extended for not more than 30 calendar days.

UMES is not required to provide information in a format other than that which is, in fact, the existing record.

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

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.

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:

- interagency and Intra-agency documents that would not be available by law to a private party in litigation;
- 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.

- research projects except the name, title, expenditures and date when the final project summary will be available;
- appraisals of UMES or System owned real property;
- records of investigations by the Attorney General, a State's Attorney, a city or county attorney, a police department or a sheriff.

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

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.

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.

Costs

- 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.
- When a copy cannot be made on a photocopy machine, the charge shall be the actual cost of reproduction.
- An applicant should be informed of the estimated cost of reproduction and agree to the cost in advance.
- 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.
- The custodian may charge reasonable fees for time required to search, prepare, and copy requested records beyond the initial two hours.
- Any fee for copying, searching, or preparation may be waived by the custodian if it is determined to be in the public interest.
- 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.

USM POLICY ON EMERGENCY CONDITIONS, CANCELLATION OF CLASSES AND RELEASE OF EMPLOYEES

<https://www.usmd.edu/regents/bylaws/SectionVI/VII200.html>

USM POLICY ON SOLICITING PERSONNEL DURING WORKING HOURS

<https://www.usmd.edu/regents/bylaws/SectionVII/VII220.pdf>

USM POLICY ON INSTITUTIONAL INFORMATION TECHNOLOGY POLICIES, INCLUDING FUNCTIONAL COMPATIBILITY WITH THE STATE INFORMATION TECHNOLOGY PLAN

<https://www.usmd.edu/regents/bylaws/SectionX/X100.html>

USM POLICY ON THE NAMING OF BUILDINGS AND ACADEMIC PROGRAMS

<https://www.usmd.edu/regents/bylaws/SectionVI/VI400.pdf>

USM POLICY ON THE USE OF THE PHYSICAL FACILITIES OF THE UNIVERSITY SYSTEM FOR PUBLIC MEETINGS

<https://www.usmd.edu/regents/bylaws/SectionVI/VI410.html>