



UNIVERSITY OF MARYLAND
EASTERN SHORE
DIVISION OF ACADEMIC AFFAIRS

FACULTY HANDBOOK

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UNIVERSITY OF MARYLAND EASTERN SHORE FACULTY HANDBOOK

This comprehensive update ensures that the handbook reflects current institutional policies and best practices, while also incorporating a critical provision for its continuous and ongoing review. This provision underscores UMES's commitment to maintaining a dynamic and responsive document that evolves in alignment with the needs of the faculty, the university, and the broader academic community. Regular review and revision will enable the Faculty Handbook to remain a relevant and authoritative resource, guiding faculty in upholding the highest standards of academic and professional conduct.

SECTION I – THE UNIVERSITY AND ITS STRUCTURE

I. 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, mechanical arts (industrial education) and home economics, 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 signaling the need for unwavering State 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, operating 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 subsequently 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 then-current *UMES* president and the *University System of Maryland* president. The University confers XX Bachelor's degrees in over XX disciplines, XX Master's Degrees, and two post-baccalaureate certificates. The University achieved its Carnegie Research II Status (high research activity) in 20xx, offering doctoral degrees in XX disciplines.

II. Mission and Objectives of UMES

The *University of Maryland Eastern Shore (UMES)*, the State's Historically Black 1890 Land-Grant Institution, has its purpose and uniqueness grounded in distinctive learning, discovery, and engagement opportunities in the Arts and

Sciences, Education, Data Science and Computer Technology, Engineering, Agriculture, Business, and a variety of health professions. The institution maintains a legacy of an Historically Black Institution which emphasizes a commitment to equal educational opportunity for all students.

UMES provides individuals, including first generation college students, access to a holistic learning environment that fosters multicultural diversity, academic success, and intellectual and social growth.

UMES prepares graduates to address challenges in a global knowledge-based economy, while maintaining its commitment to meeting the workforce and economic development needs of the Eastern Shore and the State of Maryland, as well as national and international needs.

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 UNIVERSITY SYSTEM OF MARYLAND (USM)

I. 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 comprises 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 doing so, the University System of Maryland aims to achieve and sustain national eminence, and become a model for American higher education and a source of pride for Marylanders.

II. Mission and Vision of the University System of Maryland

The mission of the University System of Maryland is to improve the quality of life for the people of Maryland by providing a comprehensive range of high quality, accessible, and affordable educational opportunities; engaging in research and scholarship that expand the boundaries of current knowledge; and providing knowledge-based programs and services that are responsive to the needs of the citizens of the state and the nation.

USM fulfills its mission through the effective and efficient management of its resources and the focused missions and activities of each of its component institutions.

The vision of USM is to be a preeminent system of public higher education, admired around the world for its leadership in promoting and supporting education at all levels, fostering the discovery and dissemination of knowledge for the benefit of the state and nation, and instilling in all members of its community a respect for learning, diversity, and service to others.

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
- 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 Global Campus
- USM Shady Grove Education Center, Montgomery County
- USM Hagerstown
- USM Southern Maryland

III. 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 Officer of the Board of Regents. The Chancellor and his/her staff constitute the University System (USM) administration with offices located at the Wilson Elkins Administration Building, Adelphi, Maryland.

The Presidents of each USM University are charged with administrative responsibility for each campus or subdivision.

IV. Board of Regents

The University System of Maryland (USM) is the state's public higher education system. USM's 12 institutions, 4 regional higher education centers, and system offices work closely together to leverage their collective expertise and resources, share best practices, increase the system's effectiveness and efficiency, and advance USM's mission to improve the quality of life in Maryland.

Benefiting students as well as Maryland and its citizens, USM:

- Offers expansive access to affordable, high-quality educational opportunities.
- Performs groundbreaking research.
- Instills a culture of innovation and entrepreneurship.
- Promotes economic growth and workforce development.
- Provides vital services to communities and individuals.
- Partners with business, governmental, nonprofits, and organizations to improve quality of life.

As a system of higher education, USM creates a dynamic environment that is helping to power Maryland, the nation, and the world forward. USM is a recognized leader in many areas. These include academic and research excellence, innovation, economic and workforce development, and the effective and efficient use of resources.

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.

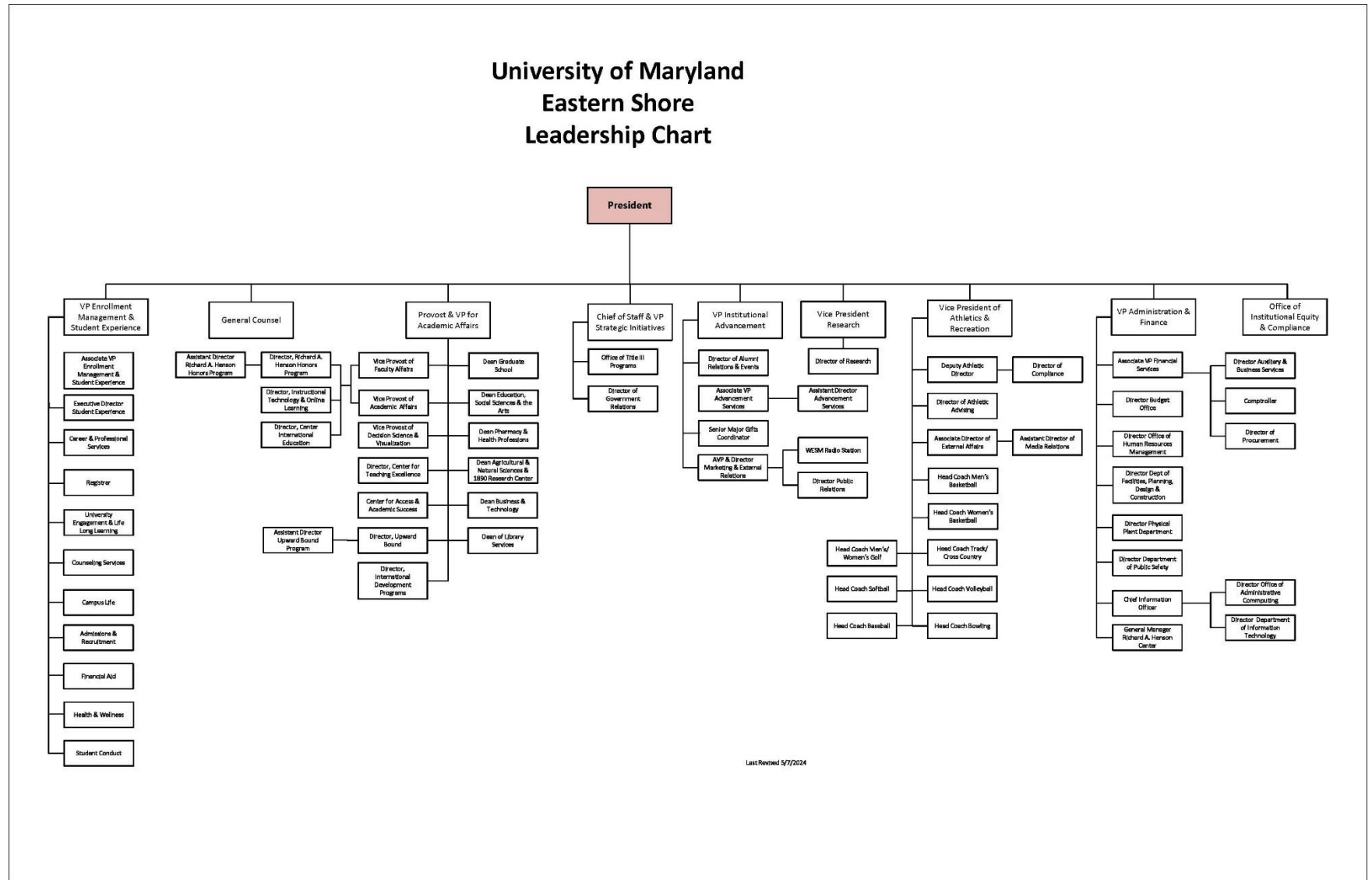
UNIVERISTY OF MARYLAND FACULTY COUNCIL

USM CONSTITUTION OF THE COUNCIL OF UNIVERSITY SYSTEM FACULTY

(Approved by the Board of Regents, February 1, 1989; Amended June 11, 1993; Revised and Amended by CUSF, November 15, 2001; Amended by the Board of Regents, July 10, 2002; Revised and Amended by CUSF, January 18, 2018; Amended by the Board of Regents, April 20, 2018)

[I-2.00-Constitution of the Council of University of System Faculty \(Approved by the Board of Regents, February 1, 1989; Amended](#)

UMES LEADERSHIP CHART



Source: [UMES-Org-Chart-May-2024.pdf](#)

OFFICERS OF UMES

I. President

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

II. Chief of Staff & Vice President for Strategic Initiatives

The Chief of Staff coordinates planning, policy-making, and management processes at the University. The Chief of Staff 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 Chief of Staff supervises the strategic planning process, development of the operational plan, and the implementation of goals and objectives of the University. The Chief of Staff 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 Chief of Staff reports directly to the President.

III. Provost and 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, the Provost:

- 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 to 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 Provost and VPAA reports directly to the President.

IV. Vice President for Administration and Finance

The Vice President for Administration and Finance 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, the Vice President:

- 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.

The VP for Administration and Finance reports directly to the President.

V. Vice President for Enrollment Management and Student Experience

The Vice President for Enrollment Management and Student Experience 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:

- the Vice President directs the planning, development, implementation and coordination of the Counseling Center, Student Health Center, Career Center, Radio Station, Admissions and Recruitment, 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 EMSE 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
- the Vice President is responsible for the coordination of all student services for the benefit of the campus community.

The VP for Enrollment Management and Student Experience reports directly to the President.

VI. 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 all University's fundraising campaigns.

The VP for Institutional Advancement reports directly to the President.

VII. Vice President for Research

The Vice President for Research works closely with the Provost and Vice President for Academic Affairs and academic deans to foster research, scholarship, and creative activity across the campus. The Vice President creates an atmosphere for interdisciplinary collaborations and partnerships within the institution, while

strengthening the University's ties with federal, state, foundation, international and industry-funding sources and other research universities. The Vice President inspires faculty to focus on research as a means to enhance the learning environment and research growth.

The Vice President for Research reports directly to the President

VIII. Vice President of Athletics & Recreation

The Vice President of Athletics and Recreation provides strategic leadership for a comprehensive and competitive Division I athletics program. The Vice President also fosters an environment that promotes student engagement, athletic achievement, academic success, overall well-being, and persistence to graduation.

The Vice President of Athletics and Recreation reports directly to the President.

IX. General Counsel

The General Counsel provides guidance for administrators, faculty, and staff members when legal issues arise during the course of University activities or business. The General Counsel also helps university clients fulfill their educational, research, and entrepreneurial missions in accord with the many legal and policy requirements applicable to public research universities.

The General Counsel reports directly to the President

X. Academic Deans

The academic programs, academic support units and research units are grouped into six Schools headed by Deans, who report to the Provost and Vice President for Academic Affairs. These entities, the School of Veterinary Sciences, the School of Agricultural and Natural Sciences, the School of Education, Social Sciences, and the Arts, the School of Business and Technology, the School of Pharmacy and Health Professions, and the School of Graduate Studies 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.

The deans provide overall leadership and management for all matters within the School.

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

- planning, implementing and evaluating programs of instruction, research and service in the School;
- management and oversight of all budgetary matters in the School;
- 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 school records as appropriate;
- 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, staff and students 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.
- Provides oversight and management of the school's physical resources including facilities etc.
- Supports the school's efforts to mobilize resources including grantsmanship, advocacy etc. with public and private sector entities as appropriate.

To this end the Academic Dean:

- Provides leadership, support and coordination of the institutional strategic planning process including the development of assessment of student and institutional outcomes.
- Performs statistical and analytical work associated with the collection, review, analysis, distribution and presentation of information;

- Develops and disseminates analytical data related to the academic and administrative programs and services, data supportive of accreditation activities, and enrollment trends;
- Responds to routinely requested reports and data internally as well as requests from the state and national agencies.
- Provides assistance in the analysis and interpretation of academic and administrative data in support of decision-making policy formation.

XI. Graduate Dean

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 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.

XII. Director of Library Services

The Director of Library Services is responsible for overall library administration including planning, budgeting, staffing, public relations and facilities management. The Director 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 Director reports directly to the Vice President for Academic Affairs.

XIII. Department Chair

The Department Chair plays a pivotal role in managing the department or program, functioning in both administrative and faculty capacities. They report to the academic deans and is responsible for:

Leadership and Representation:

- Representing the interests of the department to the Dean and administration, and vice versa.
- Collaborating with peers and actively engaging with students to ensure effective advising and support.
- Providing leadership and guidance, shaped by factors like program size, level, and accreditation requirements.

Faculty and Staff Management:

- Faculty and staff members report to the Chair and are responsible for completing assignments, contributing to the department's overall effectiveness.
- Conducting annual reviews of faculty teaching, research, and service activities, providing written

- evaluations in accordance with university policy.
- Supervising and evaluating faculty and staff performance.

Administrative Responsibilities:

- Maintaining department records with assistance from administrative assistants, coordinators, and faculty/staff.
- Serving as the final approving authority with the dean and Provost and Vice President for Academic Affairs for hiring faculty and staff, following recommendations from the appropriate search committee.
- Developing department budgets in collaboration with department members for submission to the Academic Dean.
- Making salary and appointment recommendations.
- Managing the teaching schedule and assigning faculty to committees and projects.

Curriculum and Program Oversight:

- Overseeing curriculum and program development, assessment, and revisions.
- Ensuring compliance with university and accreditation standards.
- Reviewing and approving degree audits, course substitutions, and related documents initiated by faculty advisors.

Community and Professional Engagement:

- Playing a significant role in recruiting new faculty and staff members.
- Facilitating community engagement and service to relevant stakeholders.
- Leading in providing professional development opportunities for faculty and staff.

Student Recruitment and Advising:

- Maintaining an active recruitment program for high-quality students and keeping a roster of all students in department majors or minors.
- Partnering with Admissions to enhance recruitment efforts.
- Ensuring faculty are equipped to provide high-quality advising, with accurate and up-to-date advising aids.
- Setting an example of effective student advising and overseeing departmental advising, including special cases.
- Encouraging student feedback and suggestions for improvement through systematic procedures.
- Assigning advisors and supervising their counseling of both graduate and undergraduate students, providing guidance on department offerings and preparation for professional and graduate studies.

Specific Duties

- Be a full member of the department, teaching no more than six semester hours each semester, subject to accreditation standards.
- Convene and preside over department meetings.
- Maintain department records with administrative support.
- Actively recruit new faculty and staff.
- Approve final decisions for hiring faculty, staff, undergraduate and graduate students.
- Engage in the onboarding process for new hires.
- Foster collaboration and support among faculty and staff.
- Develop budgets for department submission to the Academic Dean.
- Make salary recommendations.
- Resolve departmental issues.
- Oversee curriculum and program development and assessment.
- Oversee curriculum revisions and maintain program integrity.
- Manage teaching assignments and schedules.
- Appoint faculty to necessary committees and projects.

- Assist in setting and reviewing faculty goals and performance.
- Evaluate faculty and staff.
- Manage departmental scholarship resources.
- Lead professional development efforts for faculty, staff, and graduate students.
- Facilitate community engagement.
- Ensure compliance with relevant program accreditation standards, UMES and Maryland Systems regulations.
- Perform other duties as assigned by the Dean.

XIV. President's Cabinet

The Cabinet functions under the authority of the President of the University. The Cabinet consists of the Vice Presidents and other Direct Reports to the President. Extended Cabinet sessions, occurring once per month, include the five deans.

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

XV. 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, Chair-Elect, 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 Faculty Assembly officers make up the Executive Council. 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 membership in the UMES Senate shall be representative of the five constituencies of the campus: (1) Administration, (2) Faculty, (3) Exempt Staff, (4) Students, and (5) Non-Exempt Staff, with qualified composition. All candidates must be in good standing with the University. <https://www.umes.edu/Senate/Pages/Constitution-and-Bylaws/>

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 third 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.

XVI. Administration of Policies and Procedures

A. Director of Human Resource Management

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

POLICY ON CREATING AND REVISING ACADEMIC POLICIES

[https://www.umes.edu/uploadedFiles/ WEBSITES/GeneralCounsel/Content/VI-14.00.Policy%20on%20Policies.May2019.pdf](https://www.umes.edu/uploadedFiles/WEBSITES/GeneralCounsel/Content/VI-14.00.Policy%20on%20Policies.May2019.pdf)

SECTION II: UMES FACULTY SEARCH AND APPOINTMENT PROCEDURES

(Approved by the President January 2006)

A most important aspect of our University is the life and vitality of our faculty.

In order for academic searches to function most effectively, the administrative unit in which the candidate is to be hired 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. Hiring Authority of Department obtains written approval to hire and account number (Completes Position Request Form if it is a new position)
- B. Hiring Authority, in consultation with the dean, develops a job description which should define the responsibilities and duties of the position.
- C. Hiring authority in consultation with the Office of Human Resources Management (OHRM) discusses the type of position, responsibilities/duties, title, and any salary equity issues.
- D. Personnel Requisition and Hiring Exception Form (if required) is sent through the approval process which includes the divisional Dean, Vice President and Vice President for Administrative Affairs (VPAF) or Designee for final for Budgetary Review.
- E. VPAF sends documents to OHRM for final review and posting. Additional advertising sources are discussed with the Hiring Authority after position is placed on UMES employment website.
- F. Hiring authority recommends search committee chair and committee members and sends to the school dean, the Campus Compliance Officer (CCO), or OHRM to certify committee. The CCO certifies that the committee is representative in terms of race and gender. Search committee members attend training webinar.
- G. Search committee members are notified about the appointment to committee by Hiring Authority. Depending on the position, committee members may be asked to sign a confidentiality agreement.

II. During the Search

- A. Initial Committee Meeting. Criteria established based on posting and charge from Hiring Authority.
- B. Committee screens resumes that meet minimum qualifications for first round interviews.
- C. Search committee Chair notifies hiring manager of potential first round interviewees.
- D. Hiring manager approves first round interviewees.
- E. Committee chair sets up interview itinerary.
- F. During the interview, committee members must remember to be an Emotional intelligence (EI) interviewer. Based on the Society for Human Resources Management (SHRM), EI is typically described as someone's ability

to read other people's signals and respond appropriately to them, as well as recognize and understand their own emotions so they can influence the emotions of others. Candidates at all time should be treated with respect and dignity.

- G. The search committee chair summarizes applicant interview evaluations from all committee members who participated in the interview process. Input from committee through a written response such as the applicant evaluation form.
- H. Committee chair sends hiring manager summary of interviews. Candidates should not be ranked.
- I. Hiring Manager forwards recommendation for hire to appropriate official (Salary, special conditions and start date)
- J. Appropriate official reviews and discusses with Hiring Manager requested recommendation. Informs Hiring Manager of decision.
- K. Appropriate official informs Hiring Manager of decision to proceed with tentative verbal offer based on favorable reference and criminal background checks.
- L. NO candidate should be given the impression that an offer is final until a letter of appointment/contract is received from the President.
- M. Decision is made whether Hiring Manager or committee chair will conduct reference checks. Discussion with OHRM regarding guidance on reference checks takes place
- N. Hiring Manager notifies OHRM to begin criminal background check.
- O. OHRM notifies appropriate official of criminal background results. Hiring Manager or Committee chair notifies appropriate official of reference check.
- P. Appointment Recommendation Forms are processed by Hiring Authority through online signature system for approvals.
- Q. Official appointment letter sent to candidate from appropriate office.
- R. Non-selected applicants notified the position has been filled by OHRM.

III. After the Search Documentation

- A. Resume screening data (entered in online applicant system)
- B. Interview Rating Forms & individual search committee
- C. Member notes
- D. All email communications, minutes, recordings, etc.

POLICY ON FACULTY RANKS, PROMOTION, TENURE, AND PERMANENT STATUS

- [https://wwwcp.umes.edu/academic/wp-content/uploads/sites/53/2023/01/Promotion-and-Tenure-Policy5-10-2022 approved w adoption 7-1-2022.pdf](https://wwwcp.umes.edu/academic/wp-content/uploads/sites/53/2023/01/Promotion-and-Tenure-Policy5-10-2022%20approved%20w%20adoption%207-1-2022.pdf)

POLICY ON FACULTY POST-TENURE REVIEW

- <https://wwwcp.umes.edu/academic/wp-content/uploads/sites/53/2021/08/ptr-policy-fully-approved.pdf>

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

I. 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:

- job performance,
- professional development activities including continuing education, and
- 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:
- their functional position category, and
- 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 Director 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.

II. 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 Director 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 Director of Library Services shall provide the librarian with a copy of the policy.

III. Criteria for Promotion Review

A. Librarian I

1. No professional library experience is required for the ranking of Librarian.
2. 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.

B. 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.

C. 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.

D. 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.

E. 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.

The Director 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.

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 Director 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.)

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 (PPSC) (See Appendix B: Documentation). One copy of the dossier must be submitted to the Director of Library Services by November 30 (See Appendix A: Calendar of Key dates.) The Director of Library Services shall acknowledge receipt and forward all dossiers to the ad hoc Promotion and Permanent Status Committee within 3-5 days.

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.

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.

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.

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 Director of Library Services by February 15.

After the PPSC has submitted its report with supporting documentation to the Dean, the Dean 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.

The Director 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.

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.

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.

Promotion, if granted, is announced immediately and becomes effective as of July 1.

F. 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 baring 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 of 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.

G. 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).

H. 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 Director of Library Services and evaluation of the candidate's qualifications for promotion/permanent status.

The PPSC is an ad hoc committee, which consists of three librarians above the rank of Librarian I, holding permanent status. The Director 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).

The Director 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.

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 Director of Library Services should appoint different persons every year.

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.

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.

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 a possible candidates for the PPSC. These individuals will be voted on by all eligible library faculty.

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.

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.

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.

I. 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 Director of Library Services to library faculty who must undergo mandatory review
September 30	Deadline for submitting letter of request for promotion to the Director of Library Services
October 15	Appointment/Election of Promotion and Permanent Status Committee
November 30	Deadline for submission of dossier to Director of Library Services
February 15	Promotion and Permanent Status Committee submits reports to the Director 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.

A. Items to be Supplied by the Candidate

- Candidate's letter of request to the Director of Library Services for promotion/permanent status, indicating present rank and the rank to which promotion is requested.
- Resume
- Publications
- Copies of all annual performance evaluations from the candidate's personnel file.

- 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.

B. Items to be Supplied by Others

- 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 Director 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

POLICY ON AWARDING OF HONORARY DEGREES

POLICY ON AWARDING OF HONORARY DEGREES

(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

UMES PROCEDURES FOR AWARDING HONORARY DEGREES

(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.

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 of 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.

SECTION III: PERSONNEL POLICIES AND PROCEDURES

Approved by the President in 2006 as part of the Faculty Handbook

I. 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 purpose of the following information is to give employees 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.

1. Mandatory Retirement Plans
<https://www.umes.edu/HR/Pages/Retirement-Plans/>
2. Supplemental Retirement Accounts
<https://www.umes.edu/HR/Pages/Supplemental-Retirement-Accounts/>
3. Health Benefits
<https://www.umes.edu/HR/Content/Health-Benefits/>

USM POLICY ON SALARY ADVANCES FOR USM EMPLOYEES

<https://www.usmd.edu/regents/bylaws/SectionVII/VII430.pdf>

UMES POLICY AND PROCEDURES FOR THE EVALUATION 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.

USM POLICY ON SABBATICAL LEAVE FOR FACULTY

<https://www.usmd.edu/regents/bylaws/SectionII/II200.pdf>

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.

I. Eligibility Requirements

A. Full-Time Faculty

1. Must be tenured at UMES.
2. 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.
3. Leave of absence without pay shall not be counted as service to UMES for purposes of sabbatical leave.
4. 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.
5. 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.

B. Part-Time Faculty

1. Must be tenured at UMES.
2. 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.
3. Leave of absence without pay shall not be counted as service to UMES for purposes of sabbatical leave.
4. 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.
5. 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.

II. Duration of Sabbatical Leave

A. Full- and part-time faculty members may be granted sabbatical leave either:

1. One-half the faculty member's annual contract period at full compensation; or
2. 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.)

B. 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.

III. Considerations for Awarding Sabbatical Leaving

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

IV. Additional Compensation and Benefits

- A. 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.
- B. 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.
- C. 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.
- D. All benefits available to the faculty member under normal service shall be available during sabbatical leave unless otherwise specified.

V. Application for Sabbatical Leaving

- A. Applications must be submitted prior to the deadline for the commencement of the proposed sabbatical leave. The deadline is August 1 for fall sabbatical leaves and March 15 for spring sabbatical leaves. For example, the deadline for a fall and spring sabbaticals would be at least two semesters in advance of the proposed leaves (see timeline given below in the application procedure).
- B. Applications should be addressed to the faculty member's Department Chairperson or equivalent academic administrator.
- C. Applications must contain:
 - 1. 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.
 - 2. The expected results of the project.
 - 3. 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.
 - 4. The date the faculty member became tenured at UMES, and a description of the responsibilities and accomplishments.
 - 5. The faculty member's assessment of the effect on the academic program, and a plan to minimize the disruption.
 - 6. An updated curriculum vita.

VI. Application Procedure

- A. 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:

- 1. The reasons for the decision including an appraisal of the project.

2. Why the decision is consistent with this policy.
 3. An assessment of the effect of the faculty member's absence on the academic program.
- B. 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 Provost and Vice President for Academic Affairs.
- C. 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.
- D. Taking into consideration the advice of the committee, the Provost and 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 Provost, with copies of the decision to the Dean and the Department Chairperson. The faculty member shall receive a copy of any recommendations.
- E. The notice of approval of sabbatical leave must contain:
1. The beginning and ending dates of the sabbatical leave.
 2. The amount of compensation.
 3. 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.
 4. The specific project for which the sabbatical is granted.

Application for Sabbatical Leave	
Faculty submits application to the Department Chairperson (or equivalent academic administrator)	The deadline is August 1 for fall sabbatical leaves and March 15 for spring sabbatical leaves.
Application Procedures	Recommended Timeline for Review
Department Chairperson submits recommendation to the Dean	Fourteen (14) business days upon receipt
Dean shall determine whether any further recommendations are appropriate prior to forwarding the application to the Vice President and Provost for Academic Affairs	Twenty-one (21) business days upon receipt
Vice President and Provost for Academic Affairs shall chair a committee which shall review each application for sabbatical leave. Steps to convene the committee.	
Step 1. Vice President and Provost for Academic Affairs nominates the members of the committee;	Fourteen (14) business days upon receipt
Step 2. Members decision to serve are given;	Seven (7) business days upon receipt
Step 3. Vice President and Provost for Academic Affairs reviews the representation of the committee;	Seven (7) business days upon receipt

Step 4. Vice President and Provost for Academic Affairs convenes the committee; <i>(Notification is provided to the applicant of the committee's make-up)</i>	Seven (7) business days upon receipt
Committee gives the recommendation to the Vice President and Provost for Academic Affairs	Twenty-one (21) business days upon receipt
Vice President and Provost for Academic Affairs shall make a recommendation to the President	Twenty-one (21) business days upon receipt
President decision for sabbatical leave(s) and given to the Vice President and Provost for Academic Affairs	Twenty-eight (28) business days upon receipt
Vice President and Provost for Academic Affairs shall notify the faculty member of the decision with copies to the Dean and the Department Chairperson	Seven (7) business days upon receipt; <i>Applicants for fall sabbaticals will be notified by the end of May. Applicants for spring sabbaticals will be notified by the end of November.</i>

VII. 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 Provost and Vice President for Academic Affairs.

USM POLICY ON TRANSITIONAL TERMINAL LEAVE FOR FACULTY

<https://www.usmd.edu/regents/bylaws/SectionII/II210.pdf>

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.

I. Eligibility

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

II. Application

- A. A faculty member may make application to the Department Chairperson. The application should contain the reason for the request.
- B. The Department Chairperson shall forward the request to the Dean with a recommendation to either grant or deny the application.
- C. 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.
- D. The President shall notify the faculty member in writing of the decision to grant or deny the application.

III. Term

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

IV. Compensation

A. 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.

USM POLICY ON LEAVE WITHOUT PAY FOR FACULTY

<https://www.usmd.edu/regents/bylaws/SectionII/II220.html>

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.

I. 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:

- A. Partial Leave – reduced service and compensation; or
- B. Full Leave – complete suspension of compensable services.

II. Eligibility

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

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

III. Criteria

- A. Leave without pay shall not significantly disrupt the program of the faculty member's academic unit.
- B. 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.
- C. The President may determine that unusual circumstances warrant granting a leave without pay for personal reasons, such as poor health or family obligations.

IV. Period of Leave

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

V. Application

- A. Application must be:
 - 1. in writing to the Department Chairperson; and
 - 2. at least six (6) months in advance of the leave unless it is determined there are unusual circumstances.

B. Applications must contain:

1. a description of the purpose of the leave;
2. how it conforms to the requirements of these guidelines; and
3. a plan to minimize disruption of the academic program.

VI. Approval Procedures

- A. The Departmental Chairperson or designee shall review the application for leave and make a written recommendation to the Dean or designee.
- B. The Dean shall make a further recommendation, and forward the application together with the recommendations to the President through the Office of the Provost and Vice President for Academic Affairs.
- C. 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.
- D. A new application with renewed recommendations and approval shall be required for:
 1. the extension of a leave beyond the original period; and
 2. the award of a leave contiguous in time to a sabbatical leave or any absence from active duty exceeding twelve calendar months.

VII. Consequences of Leaving Without Pay

A. Tenure Track

1. It shall be specifically stated in the approval whether the period of leave shall be counted as service toward eligibility for tenure.
2. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
3. Leave granted for personal reasons may not be counted toward eligibility for tenure.

B. Sabbatical Leave

1. It shall be specifically stated, whether the period of leave shall count toward eligibility for sabbatical leave.
2. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
3. Leave granted for personal reasons may not be counted toward eligibility for sabbatical leave.

C. 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.

VIII. 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.

USM POLICY ON SICK LEAVE FOR FACULTY MEMBERS

<https://www.usmd.edu/regents/bylaws/SectionII/II230.pdf>

UMES 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.

IV. Sick Leave Creditable as a Retirement Benefit

- A. 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.
- B. 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.
- C. 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.

V. Reporting

- A. Each faculty member, regardless of the source of funding or retirement system in which they are 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.

VI. 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, they 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, they 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.

UMES PROCEDURES FOR SICK LEAVE AND POSITIVE TIME REPORTING BY FACULTY MEMBERS

I. Accrual 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 Resource Management, 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:
 - President
 - Provost and Vice President
 - Chief of Staff
 - Vice Provost
 - Assistant to the Provost and Vice President
 - Dean
 - Associate Dean
 - Assistant Dean
 - Academic Department Chairperson
 - Director
 - Program 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 Resource Management 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.

UMES POLICIES AND PROCEDURES CONCERNING ACCIDENT LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

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.

V. 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.

VI. 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.

UMES POLICY AND PROCEDURES CONCERNING ADOPTION LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

I. Policy

All University System of Maryland 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:
 - a. anticipated beginning and ending dates;
 - b. a statement that the employee has primary responsibility for the care of the adoptee; and
 - c. 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.

USM POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY

<https://www.usmd.edu/regents/bylaws/SectionII/II231.pdf>

USM POLICY ON ANNUAL LEAVE FOR FACULTY

<https://www.usmd.edu/regents/bylaws/SectionII/II240.pdf>

USM POLICY ON JURY SERVICE FOR FACULTY MEMBERS

<https://www.usmd.edu/regents/bylaws/SectionII/II250.html>

USM POLICY ON SICK LEAVE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

<https://www.usmd.edu/regents/bylaws/SectionVII/VII745.pdf>

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.

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.

USM POLICY ON TUITION REMISSION AND TUITION REIMBURSEMENT FOR REGULAR AND RETIRED NONEXEMPT AND EXEMPT STAFF AND FACULTY EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND

<https://www.usmd.edu/regents/bylaws/SectionVII/VII410.pdf>

UMES POLICY AND PROCEDURES CONCERNING TUITION REMISSION FOR FACULTY AND STAFF

I. Policy

UMES encourages and supports University faculty, staff, and retirees, both on the Eastern Shore Campus and within the University System of Maryland, 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 System of Maryland Policy on Tuition Remission for Faculty and Staff, and the following guidelines and procedures.

II. 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.

III. Definitions

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

IV. Guidelines

- A. 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.

- B. 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.
- C. In order to ensure the operations of UMES, enrollment in daytime credit courses by active University System of Maryland employees is subject to the consent of the appropriate director or department chairperson and approval of the Vice President of the appropriate division.
- D. Employees from other University System of Maryland 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.
- E. 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 Human Resources.
- F. The maximum number of hours of tuition remission available at UMES shall be determined by the Administration each semester, based on budget constraints.

V. Credit Hour Remission Entitlement

- A. 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.
- B. Permanent part-time faculty and staff employed at least fifty percent of the time in the University System of Maryland or retirees from such positions are permitted remission for credits proportional to their percentage of service.
- C. Faculty, staff, and retirees are responsible for the payment of registration fees.
- D. Graduate Assistants are permitted to register for not more than ten credits per semester with remission of tuition.
- E. Graduate Fellows are permitted to register for not more than fifteen credits per semester with remission of tuition.
- F. Graduate Assistants and Graduate Fellows must pay all mandatory fees.
- G. 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.

VI. Procedure for Requesting Tuition Remission

All active faculty and staff (including Graduate Assistants) must use the **University System of Maryland (USM) Tuition Remission Application Portal** to apply for tuition remission at all USM institutions (except as noted). Paper forms will not be accepted for processing at the USM institutions excepted as noted below. Request for tuition remission must be submitted online at <https://www.usmd.edu/tuition-remission/>.

The tuition remission application portal is a user-friendly, web-based tool allowing tuition remission requests to be processed more efficiently. The tuition remission application portal must be used for tuition remission for the employee, eligible spouses, and dependents. Retirees of the USM must submit paper tuition remission forms for processing.

Morgan State University, Baltimore City Community College, and St. Mary's College of Maryland are not included in the USM Tuition Remission Application Portal at this time; therefore, an applicant must complete a paper tuition remission form to attend these institutions.

The USM Tuition Remission Application Portal may be accessed at <https://www.usmd.edu/tuition-remission>. Please follow the prompts as displayed on each page. The verification screen will require applicants to enter their username and password in the same manner as if logging onto the UMES computer system.

Each employee/graduate assistant applying for tuition remission must have a UMES logon and password as well as a current employment appointment in order to access the USM Tuition Remission Application Portal. If a Graduate Assistant appointment expires, no access will be granted to the portal until the employment status is active.

UMES POLICY CONCERNING THE FUNDING OF MEMBERSHIPS IN PROFESSIONAL AND ACADEMIC ASSOCIATIONS

(Approved by the President January 1, 1992)

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:

- A. 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.
- B. 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.

USM POLICY ON TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF USM EMPLOYEES AND RETIREES

<https://www.usmd.edu/regents/bylaws/SectionVII/VII420.pdf>

USM POLICY ON PAYMENT OF MOVING EXPENSES

<https://www.usmd.edu/regents/bylaws/SectionVIII/VIII1600.pdf>

UMES POLICY ON FACULTY RETRENCHMENT

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

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 of 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 IV: FACULTY RESPONSIBILITIES

USM POLICY ON FACULTY WORKLOAD AND RESPONSIBILITIES

<https://www.usmd.edu/regents/bylaws/SectionII/II-1.25.pdf>

UMES POLICY ON FACULTY WORKLOAD AND RESPONSIBILITIES

I. Civility

Employees are expected to interact with stakeholders, the university community, UMES employees, and any public interactions in a respectful and civil manner, to conduct themselves in a way that does not intentionally disparage or defame others, or seek to impose emotional or physical harm, and values each individual's opinions, perspective, and their respective contribution to higher education.

Violations of the Civility Policy, Title IX Policy, Personal Relations and Professional Conduct, or other disciplinary infractions, should be reported in accordance with the USM and UMES policies and procedures for compliance purposes.

II. Tenure Granted Upon Hire

The University may offer initial tenure if the following conditions are met:

- The individual demonstrates that they have already achieved tenure at an institution of higher education in which the institution is accredited by a regional accreditation association.
- The individual is qualified to serve as a faculty member in an academic program offered by the University of Maryland Eastern Shore.
- The individual must be formally reviewed for tenure at the University of Maryland Eastern Shore according to the USM bylaws, policies and procedures.
- The individual meets the criteria for appointment USM Article II-1.00 – Policy on Appointment, Rank, and Tenure of Faculty.
- The advertisement contains text formulated within the job announcement stating that initial tenure may be available.

III. Departmental Administration Workload

Departmental Administration shall follow the USM Articles II-1.25 Policy on Faculty Workload and Responsibilities. 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/creative activity or instruction. The magnitude of such reduction shall be dependent on the scope of administrative responsibilities and size of the department.

IV. Faculty Workload, Responsibilities, and Obligations

UMES recognizes that each member of the faculty should display a high degree of professionalism. To that end, the acceptance and to assume a faculty position at the University of Maryland Eastern Shore entails the following professional responsibilities and obligations:

- To demonstrate and maintain professional competence and knowledge of subject matter and strive to keep informed of contemporary developments in the field of specialization through reading and research, or other means of expression appropriate to the discipline.
- To meet each class as scheduled.
- To aspire to excellence in teaching by conducting each class according to the highest professional standards.
- To distribute policies concerning attendance, course requirements, and criteria for grading to each student at the beginning of each semester.

- To present to students during the term and within a reasonable time evaluation of their academic performance and progress in the class.
- To be available to students on a regular basis for advising and counseling on matters regarding their academic performance and progress in class.
- To treat all students fairly, impartially, and with understanding.
- To improve, update, enrich, and revise courses periodically to keep them current.
- To maintain adherence to course descriptions in accordance with the syllabus and the University Catalog.
- To be available on a regular basis to students who have been identified as advisees on matters pertaining to the students' program of study.
- To accept willingly a fair share of Departmental and University duties.
- To accept willingly a fair share of committee assignments and to serve conscientiously as a member of committees appointed or elected to and fulfill the specific duties of any chair or office accepted.
- To adhere to deadlines and schedules established for the timely reporting of grades and for other matters related to student registration and record-keeping.
- To conduct themselves in a civil manner as defined in the USM and UMES policies and procedures.

V. Chairperson Responsibilities and Workload Assignment

UMES agrees that accepting and assuming the responsibility of a Department includes but is not necessarily limited to the following professional responsibilities and obligations:

- To preside at regularly scheduled Departmental meetings or Department committee meetings.
- To coordinate the recruitment and selection of faculty and staff for the Department.
- To arrange course schedules and offerings in consultation with the faculty and according to the USM and UMES policies and procedures.
- To prepare and submit budget requests and administer the Department budget within policies established by the University.
- To evaluate members of the Department and make recommendations concerning appointment, reappointment, non-reappointment, promotion, tenure, and sabbatical leave.
- To develop programs of study, course offerings, curriculum, and other academic policies in conjunction with the appropriate Department, Faculty Assembly, and Senate committees.
- To review current offerings and syllabi, textbooks, and other instructional material in conjunction with the appropriate Department committee.
- To develop and implement a system of advisement for majors.
- To prepare and submit the annual Department report and such other reports as may be required by the University.
- To maintain Department records, including student records.
- To exercise academic leadership in the teaching, research, and other activities of the Department.
- To administer University policies and procedures and keep faculty members informed of department and institutional plans, activities and expectations.
- To encourage and monitor faculty proposals for contracts and grants to governmental agencies and private foundations.
- To coordinate the recruitment and retention of students in the Department.
- To encourage attendance of faculty members at University sponsored functions and service on University-wide committees.
- To administer Department facilities and equipment, including maintenance and control of inventory.
- To conduct themselves in a civil manner as defined in the USM and UMES policies and procedures.

VI. Policy on Faculty Hours

- Faculty members are required to hold regular office hours each week during the academic term, ensuring accessibility to students.
- Each academic department will set the requirements for the minimum number and delivery of office hours.
- Faculty members should make office hours convenient for students, offering at least one session outside of typical class times, to accommodate different student schedules.
- Office hours should be a mix of in-person and virtual sessions where feasible, especially to cater to remote or off-campus students.

- Department Chairs and Academic Deans will be responsible for monitoring adherence to the office hour policy to ensure students have adequate access to their instructors.

Department Chairpersons have the responsibility of assigning faculty workloads, and can be subject to the approval of the appropriate Academic Dean. Workload assignments shall be based on a consideration of academic qualifications and expertise, needs of the students, policies and guidelines applicable to the well-being of the university. Specific workload assignment shall reflect the academic/administrative judgment and such assignments shall be made fairly without discrimination to the faculty member.

USM POLICY ON PROFESSIONAL COMMITMENT OF FACULTY

<https://www.usmd.edu/regents/bylaws/SectionII/II310.html>

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

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:

the number of hours worked, and the dates;

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)

the general nature of the work.

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

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.

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.

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 inform the department chair or responsible administrator of the possible conflict; consult the State Ethics Commission for an official opinion. [The State Ethics Commission has the sole authority to interpret the State Ethics Law.]

At the request of the department chair or responsible administrator, consulting work may be suspending pending an opinion by the State Ethics Commission.

USM POLICY ON TEACHING OUTSIDE THE HOME INSTITUTION BY FULL-TIME FACULTY

<https://www.usmd.edu/regents/bylaws/SectionII/II320.html>

USM POLICY ON FACULTY, STUDENT AND INSTITUTIONAL RIGHTS AND RESPONSIBILITIES FOR ACADEMIC INTEGRITY

<https://www.usmd.edu/regents/bylaws/SectionIII/III100.pdf>

UMES POLICY CONCERNING UNIVERSITY ESTABLISHED EXAMINATIONS

(Approved by the President January 1, 1991)

I. Policy

A. Final Examinations

A final examination shall be given in every course. Exceptions may be made with approval of the Department Chairperson and Dean. Normally the final examination, additional tests, quizzes, term papers, and reports are used to determine a student's comprehension of a course. The order of procedure in these matters is left to the discretion of the department and should be announced to the class at the beginning of the course. All final examinations must be held in conformity with the Official Final Examination Schedule. No final examination shall be given at a time other than that scheduled in the Official Examination Schedule without approval from the Provost and Vice President for Academic Affairs. The Department Chairperson and Dean must keep a file of all final examinations.

II. Procedures

A. Religious Observances

(Section III-5.10 in USM policies and procedures, states "each institution shall develop written policies and procedures for the implementation of this policy
<https://www.usmd.edu/regents/bylaws/SectionIII/III510.html>)

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:

- Illness documented by an excuse signed by the Vice President for Enrollment Management and Student Experience;
- Religious observance;
- Participation in University activities at the request of university authorities.
- 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.

USM POLICY ON NON-DISCRIMINATION AND EQUAL OPPORTUNITY

<https://www.usmd.edu/regents/bylaws/SectionVI/VI100.pdf>

UMES STUDENT CONDUCT AND COMMUNITY STANDARDS

(2020 – 2023 Edition Revised: Fall 2020)

<https://stg15.umes.edu/ConductAffairs/Content/Code-of-Conduct/>

USM POLICY FOR REVIEW OF ALLEGED ARBITRARY AND CAPRICIOUS GRADING

<https://www.usmd.edu/regents/bylaws/SectionIII/III120.html>

UMES PROCEDURES FOR REVIEW OF ALLEGED ARBITRARY AND CAPRICIOUS GRADING

(Approved by the President January 1, 1992)

I. Definitions

A. Arbitrary and Capricious Grading

- The assignment of a course grade to a student on some basis other than performance in the course, or
- 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
- The assignment of a course grade by a substantial and unreasonable departure from the instructor's initially articulated standards.

B. Student

Student refers to any individual in attendance at UMES, and includes both undergraduates and graduate levels.

C. Instructor

Instructor refers to any tenured or non-tenured teacher or any Graduate Assistant teaching a course and assigning grades at UMES.

D. Day or Days

Refers to normal working days at UMES.

II. Informal Procedure

A student who believes they have 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.

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.

III. Formal Appeal

A formal appeal is available only upon a showing that the informal process has been exhausted.

A. General Requirements

- An appeal must be made in writing, addressed to the appropriate dean and contain:
 - a. the course title and number;
 - b. the instructor's name; and
 - c. a statement detailing why the grade is believed to be arbitrary and capricious as defined in this policy, and providing all relevant supporting evidence.
- 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).

B. Procedures

- 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.
- 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.
- Grounds for dismissal are:
 - a. student has submitted the same complaint to any other grievance procedure;
 - b. the allegations, if true, would not constitute arbitrary and capricious grading;
 - c. the appeal was not timely;
 - d. the informal process has not been exhausted.
- 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.
- 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.
- 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.
- 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.

- 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.
- The committee shall notify the student, the instructor, and the Dean in writing of the decision within five days of the meeting.

IV. Authority of the Committee

The committee has the authority to take any action it believes will bring about substantial justice, including but not limited to:

- Directing the instructor to grade the student's work anew.
- Directing the instructor to administer a new final exam or paper.
- Directing the cancellation of the student's registration in the course.
- Directing the award of a grade of "pass" in the course.

The committee does not have the authority to:

- Assign a letter grade for the course.
- Reprimand or take disciplinary action against the instructor.

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 System of Maryland.

V. Implementation

The dean shall be responsible for implementing the decision of the committee.

USM POLICY CONCERNING THE SCHEDULING OF ACADEMIC ASSIGNMENTS ON DATES OF RELIGIOUS OBSERVANCE

<https://www.usmd.edu/regents/bylaws/SectionIII/III510.html>

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.

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.

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 student may file a complaint about an instructor who they believe has not complied with this policy. Such complaints should be:

- in writing;
- submitted to the Department Chairperson; and
- state the specifics of the complaint

The Department Chairperson shall review the complaint and meet with the instructor and the student to resolve the complaint.

A copy of the complaint is to be maintained by the Department Chairperson.

A student is not to be penalized in any way for filing a complaint.

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 students 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 Roster

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 roster. A student may receive a grade or official audit credit only if the student 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 they are properly registered. Class rosters showing the names of students assigned to each class and section are accessible to the department Chair, Dean, and instructor of the class from each individual's student information system portal..

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 Services Center.

USM POLICY ON ACADEMIC ADVISING

<https://www.usmd.edu/regents/bylaws/SectionIII/III250.html>

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:

During the Spring-Summer semester, all newly admitted students are assigned to an advisor.

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.

During the Freshman Orientation week in August, the advisors interact on several occasions with the advisees, including assisting with registration.

After the registration period, students contact advisors for add/drop approvals, class schedule conflicts, problems with instructors, personal problems, career and major selection, etc.

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.

Grades and assessment test scores are made available to each advisor.

The advisor remains with each assigned advisee for two semesters. After the second semester, the students are assigned advisors within their major departments.

Advisors maintain files and other records on each student.

At the end of the Spring semester, students evaluate their advising experience and their advisors using an Advisor Perception Inventory.

Although second-year students are reassigned to advisors, they are encouraged to continue the mentor relationship with their freshman advisor(s).

The Coordinator of Academic Advising designs, coordinates and supervises all advising-related activities. In addition, the coordinator serves as general advisor for all freshmen.

UMES POLICY CONCERNING UNIVERSITY ESTABLISHED EXAMINATIONS

(Approved by the President January 1, 1991)

I. Policy

A. Final Examinations

A final examination shall be given in every course. Exceptions may be made with approval of the Department Chairperson and Dean. Normally the final examination, additional tests, quizzes, term papers, and reports are used to determine a student's comprehension of a course. The order of procedure in these matters is left to the discretion of the department and should be announced to the class at the beginning of the course. All final examinations must be held in conformity with the Official Final Examination Schedule. No final examination shall be given at a time other than that scheduled in the Official Examination Schedule without approval from the Provost and Vice President for Academic Affairs. The Department Chairperson and Dean must keep a file of all final examinations.

II. Procedures

A. Religious Observances

(Section III-5.10 in USM policies and procedures, states "each institution shall develop written policies and procedures for the implementation of this policy
<https://www.usmd.edu/regents/bylaws/SectionIII/III510.html>)

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:

- Illness documented by an excuse signed by the Vice President for Enrollment Management and Student Experience;
- Religious observance;
- Participation in University activities at the request of university authorities.

- 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.

UMS POLICY ON NON-DISCRIMINATION AND EQUAL OPPORTUNITY

<https://www.usmd.edu/regents/bylaws/SectionVI/VI100.pdf>

UMES STUDENT CODE OF ACADEMIC INTEGRITY

(Approved by the Faculty Assembly on November 17, 1998)

I. 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.

II. Definitions

ACADEMIC DISHONESTY: Any of the following acts, when committed by a student, shall constitute academic dishonesty:

CHEATING: Intentionally using or attempting to use unauthorized material, information, or study aids in any academic exercise.

FABRICATION: Intentional and unauthorized falsification or invention of any information or citation in an academic exercise.

FACILITATING ACADEMIC DISHONESTY: Intentionally or knowingly helping or attempting to help another to violate any provision of this Code.

PLAGIARISM: Intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.

III. Responsibility to Report Academic Dishonesty

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.

IV. Honor Statement

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.

V. Procedures: Academic Dishonesty

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.

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.

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.

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.

If, after consultation with the Vice President for Academic Affairs:

- 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
- 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.

Upon receipt of a written referral from the Review Officers, the Student Honor Council shall:

- 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.
- 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.

The meetings and deliberations of the Review Officers and of the Student Honor Council shall be privileged and confidential.

The principal responsibilities of the Presenter are:

- 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;
- 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;
- To perform such other duties as may be requested by the Student Honor Council or the Honor Board.

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.

VI. Procedures: Resolution by an Honor Review

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:

- 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.
- Two (2) 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;
- 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.

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.

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.

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.

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:

- The Presenter, and then the student summarized the material before the Honor Board, including any relevant information or arguments.

- 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, the student, and all members of the Honor Board may question any person giving testimony.
- 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.
- The Presenter, and then the student, should make brief closing statements.
- The Honor Board meets privately to discuss the case and reaches a finding by a majority vote.
- 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.
- 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.
- The Presiding Officer will provide the appropriate Dean with a written report of the findings and recommendations.

The Presiding Officer will attempt to ensure that the following rules and points of order are observed:

- The student may be assisted by an advisor, who may be an attorney. The role of an advisor will be limited to
- Making brief opening and closing statements, as well as comments on an appropriate sanction.
- Suggesting relevant questions, which the Presiding Officer may direct to the witness.
- 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.

- A tape recording of the Honor Review will be maintained.
- 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.

- 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.

- 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.

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.

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.

VII. Procedures: Action by the Dean, Instructor, Vice President, and President

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.

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.

VIII. The Grade of “XF”

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 way as an “F” for the purpose of Grade Point Average, course repeatability, and the determination of academic standing.

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.

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:

- At the time the petition is received, at least twelve months shall have elapsed since the grade of “XF” was imposed; and
- 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
- 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.

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 grade 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:

- The present behavior of the student,
- The conduct of the student subsequent to the violation,
- The severity of damage or harm resulting from it.

IX. The Student Honor Council

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.

The members of the Honor Council are selected in the following manner:

- The Deans of the Undergraduate Schools each appoint one undergraduate student,
- The Dean of the Graduate School will appoint one graduate student,
- The Student Government Association will elect four full-time undergraduate students and the Graduate Students Association will elect two graduate students.
- 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.

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.

All council members are subject to the training and conduct requirements as outlined below:

- 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.
- 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.

The Student Honor Council has the following responsibilities and authority:

- 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),
- 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.
- To consider petitions for the removal of the grade of “XF” from University records in accordance with Part 26 of this Code.
- To receive complaints or reports of academic dishonesty from any source,
- 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
- To advise and consult with faculty and administrative officers on matters pertaining to academic integrity at the University.
- To issue an annual report to the Campus Senate on academic integrity standards, policies, and procedures, including recommendations for appropriate changes.

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.

X. Future Self-Governance

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 has an important interest in academic integrity, and since faculty members will have insights that should be considered 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.

SECTION V: RESOURCES FOR TEACHING, GUIDANCE & COUNSELING

USM POLICY ON GRADUATE ASSISTANTSHIPS

<https://www.usmd.edu/regents/bylaws/SectionIII/III711.pdf>

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 workspace, laboratory space and office space, when necessary.

VI. Housing

Housing is available to graduate assistants on a first-come, first-served basis.

VII. 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.

VIII. Health and Wellness Center

The Health and Wellness Center's mission is to provide education and physical opportunities that promote positive lifestyle behaviors enhancing the six dimensions of wellness (social, intellectual, emotional, physical, occupation, and spiritual.) Wellness combines six dimensions of well-being into a quality way of living. Overall, wellness is the ability to live life to the fullest and to maximize personal potential in a variety of ways.

IX. 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 System of Maryland has the ability to search the individual library catalogues of the many and diverse collections of the University System of Maryland 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 Departments 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.

You may find additional information such as hours of operations at <https://www.umes.edu/FDL/>.

X. 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 them, they should make 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.

You may find additional information at <https://www.umes.edu/FinancialAid>.

SECTION VI – RESOURCES FOR AND POLICIES PERTAINING TO RESEARCH

The University of Maryland Eastern Shore strongly encourages its faculty to engage in sponsored research through the acquisition of grants and contracts from government and private sources. It is desired that research conducted involves both graduate and undergraduate students. To this end the School of Graduate Studies and Research provides resources for investigators, has procedures that guide investigators and policies that insures the fairness and quality of research conducted at the University.

I. Resources

- A. Instrumentation – Each Center, Department and School has available instruments appropriate to the research aims of the division. Faculty members are encouraged to contact departmental chairs for information on available equipment and instruments.
- B. Laboratory Space – Each Department and School has available space that includes general use laboratories and potentially designated space for individual investigators. Faculty members are encouraged to contact departmental chairs for information on available space and procedures for acquiring such space.
- C. Grant Opportunities –

II. Procedures

- A.

III. Policies

- A. Policy on Conflicts of Interest In Research or Development

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 (Maryland Public Ethics Law General Provisions Article, Title 5) establishes certain conditions 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 their primary commitment to the mission of the University. The Board of Regents of the University System of Maryland 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 III – 1.11), 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.

- 3. 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 outside of UMES which is (1) engaged in or participates in research or development or (2) has direct interest in the outcome of research or development. None of 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.

a. General Guidelines

- 1) 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 outside of the university engaged in research or development, or an entity having a direct interest in the outcome of research or development.
- 2) The interest, service, employment, or other relationship must be disclosed on a form filed with the Dean of the Vice President for Research. (See Form Below.
- 3) That 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.
- 4) The interest will not constitute a harmful interest as defined in these procedures or otherwise present an unacceptable conflict of interest.
- 5) The interest, service, employment, or other relationship with the entity is approved by the UMES President in accordance with these procedures.
- 6) 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.
- 7) Approvals granted under these procedures do not affect the application of other University System of Maryland 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.
- 8) 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.

b. Specific Procedures and Guidelines

- 1) Request and Disclosure Provision
 - a) 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. An annual report shall also be required for any interest, service, employment or other relationship that lasts more than a year.
 - b) The disclosure shall fully describe the relationship and provide such other information as may be required by the Office of the Provost and Vice President for Academic Affairs or the President.
 - c) It is the responsibility of the faculty member to request approval of any relationship.

c. Review Process

- 1) The Research Advisory Council 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.
- 2) 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.

- 3) The Research Advisory Council shall be appointed by the Vice President for Research. The Committee's recommendations must be supported by the majority vote of the Committee members.

d. Additional Operating Guidelines

Officials and employees with relationships approved under these procedures shall:

- 1) ensure that their activities, statements, evaluations, recommendations, and judgments do not improperly give advantage to the outside entity;
- 2) ensure that unauthorized statistics, documents, reports, comparison information, and other data are not disclosed which would improperly give advantage to the outside entity;
- 3) 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
- 4) 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.
- C. Definitions
 1. "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.
 2. "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.
 3. "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 INTEREST 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: _____

UMES POLICY ON SOLICITATION AND ACCEPTANCE OF SPONSORED PROJECTS

The University engages in and encourages a wide variety of activities sponsored by outside entities and does so in conformance with policies of the BOR (IV 2.00). These activities are to be consistent with the mission of the University to conduct research, training and public service.

I. Application Process

- A. Through resources available from the School of Graduate Studies and Research grant opportunities are identified appropriate to the expertise of the potential applicant and can be of two types:
 - 1. Government Sponsored Requests for Proposals or Requests for Application
 - 2. Non-Government Sponsored Grant Opportunities
- B. The applicant will then prepare the proposal in accordance with guidelines set by the granting agency or entity paying close attention to required:
 - 1. instrumentation and expertise
 - 2. match
 - 3. fringe benefits (these are set by the University)
 - 4. Indirect Costs (these are negotiated by the University with the granting agency).
- C. The applicant will submit the grant to the Office of Sponsored Programs for review using the “University of Maryland Eastern Shore Routing and Approval Form for Application/Proposal” form available from the School of Graduate Studies and research.
- D. The application will then be routed through the applicants Department Chair, Director of Sponsored Programs, Associate Vice-President for Research and Extended Education, Dean of the applicants school, Administrative Affairs, Academic Affairs and the Office of the President. Routing will entail evaluation of the application for:
 - 1. Compliance with federal and state regulatory agencies
 - 2. Budgetary matters including appropriate costs, fringes and indirect costs
 - 3. Personnel requirements including number of undergraduate and graduate students supported.
- E. Once approved the applicant will fill out the appropriate forms that vary in type and mode of submission depending on the granting agency.
 - 1. Authorities
 - a. Acceptance of the award for the University is the responsibility of the President
 - b. In the case of research all data generated is the property of the University
 - c. Other products are covered by the policies on copyright, patents and intellectual property

2. Issues

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.

3. Upon discovery of such a condition, the chief executive officer shall immediately notify the Chancellor.

4. Such unusual practices include, but are not limited to, the following examples:

- a. Abridgement of publication rights
- b. Necessity for legislation in order to conduct the program of work
- c. Assumption of liability for a third party
- d. Creation of an unfunded liability
- e. Exceptional contribution of State monies to the project

5. The Chancellor may in consultation with the chief executive officer, require withdrawal of the proposal or non- acceptance of the award.

6. In addition, it is the policy of this University that no award or contract will be accepted that is classified research for the federal government or work that is restricted from publication in compliance with BOR policy (IV – 2.20).

F. Reporting

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.

USM POLICY ON PATENTS

<https://www.usmd.edu/regents/bylaws/SectionIV/IV-3.00.pdf>

UMES POLICY ON PATENTS AND TECHNOLOGY TRANSFERS

I. Procedures at UMES

- A. An inventor with a new invention should contact the Vice President for Research. The inventor must prepare a brief written description of the invention and possible applications.
- B. The Vice President for Research shall forward the description to the Provost and Vice President for Academic Affairs with any additional relevant information.
- C. The Provost and Vice President for Academic Affairs shall meet with the Vice President for Research, the inventor, and such additional persons as the Dean and the inventor believe should be present to assist in a preliminary assessment.
- D. If the Provost and 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.

- E. OTL shall, upon receipt of written authorization, work with the inventor as provided in the attached “Memorandum of Understanding.”

II. Revenue Sharing

- A. The University shall share with the inventor’s revenues which it receives from patents or inventions.
- B. Specific provisions in grants or contracts may govern these rights and distribution of revenue.
- C. Revenues received from a patent or invention will be dispersed as follows:
 - 1. To the University System or University for specific incremental expenses incurred in obtaining and maintaining a patent as well as for marketing, licensing and defending the patent or licensable invention.
 - 2. The first \$5,000 of remaining revenues will be paid to the inventor(s) and thereafter the inventor(s) will receive 50% of revenues (applicable laws, regulations or grant provisions may alter this amount).
 - 3. The remaining funds will be dispersed as follows:
 - a. If possible 85% of the institutions share will be designated for research in the inventor(s) department or similar unit up to \$100,000 per year
 - b. The remainder shall be devoted to research or promotion of patenting and patents as directed by the President.

D. Special Cases

All special cases that fall outside of the routine procedures will be submitted to the Chancellor or designee for decision.

E. Policy on Copyrights

The University of Maryland Eastern Shore respects the rights and ownership of copyrights on the work of members of the institution and the policy is in conformance with BOR policy (IV – 3.20 and its amendments). It is the policy that the degree of ownership is proportional to the level to which resources of the institution were used in producing the copyrighted material. It is the policy that copyrights arising from work developed through independent efforts and not part of the institutions assigned work shall reside with the originator. All copyrights developed as part of the originators assigned work will reside with the institution.

- 1. Category of Work Covered
 - a. Scholarly/Aesthetic – Work prepared through independent effort and not part of the assigned work but utilizing university resources.
 - b. Personal – Work prepared outside of the scope of employment and not using any university resources.
 - c. Sponsored/Contracted – Work conducted under contract to the university.
 - d. Commissioned – Work commissioned through the BOR or university.
 - e. Acquired by Assignment or Will – Work that has been donated or bequeathed to the university.
- 2. Definitions of Types of Work Covered
 - a. Aesthetic Work – Work that is the result of original artistic expression.
 - b. Commission Work – Work produced for the institution or systems under contract.

- c. Contracted Work – Work produced under external funding using university facilities.
 - d. Copyrighted Work – Intangible property granted by providing the owner exclusive rights.
 - e. Direct University Assigned Work – Work instructed by the university and assigned to an originator.
 - f. Scholarly Work – Work involving books, articles, lectures and computer software.
3. Other Definitions
- a. License – A contract in which the copyright owner grants permission to the university to exercise one or more of the rights under contract.
 - b. Originator – Any person who produces a work by their own intellectual effort.
 - c. Royalties – Payments made to an owner of the copyright.
 - d. Software – Work comprising instructions used by a computer that brings about a certain result.
 - e. University Resources – All buildings equipment, services, funds and other facilities under the control of the University.
4. Revenue Sharing – Revenues received from copyrighted material under the university will be dispersed as follows”
- a. To the University System or University for specific incremental expenses incurred in obtaining and maintaining a copyright.
 - b. The first \$5,000 of remaining revenues will be paid to the originator(s) and thereafter the originators(s) will receive 50% of revenues (applicable laws, regulations or grant provisions may alter this amount).
 - c. The remaining funds will be dispersed as follows:
 - 1) If possible 85% of the institution's share will be designated for research in the originator(s) department or similar unit up to \$100,000 per year
 - 2) The remainder shall be devoted to research or promotion of patenting and patents as directed by the President.

POLICY ON STANDARDS FOR THE CONDUCT OF SCIENTIFIC RESEARCH AND SCHOLARLY WORK

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 scholarly work, and detection of abuse of these standards. The Vice President for Research and Director of Research shall assist the Provost and Vice President for Academic Affairs on issues of scientific research including misconduct except where the Principal Investigator 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 BOR (III – 1.10) and shall be modified in the future as may be required to conform to those policies and guidelines. 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.

I. Scientific Misconduct

- A. 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. Misconduct involves significant breaches of integrity that can be:
1. Falsification of data: Ranging from fabrication to deceptive selective reporting of findings and omission of conflicting data, willful suppression and/or distortion of data.
 2. Plagiarism: The appropriation of the language, ideas, or thoughts of another and representation of them as one's own original work.
 3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.

8. Deliberate misrepresentation of qualifications, experience, or research accomplishments to advance the research program, to obtain external funding, or for other professional advancement.
9. Misappropriation of funds or resources. For example, misuse of funds for personal gain.

B. Procedures for Handling Allegations of Fraud/Misconduct

Procedures for enforcement of this policy are made part of and on file with the School of Graduate Studies and Research. These policies operate under the following assurances.

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.
10. The process pursued to resolve allegations of misconduct will not damage science itself, or the academic process.
11. UMES will provide vigorous leadership in the pursuit and resolution of all charges.
12. All participants in the inquiry and investigation will be treated with justice and fairness and with sensitivity to their reputations.
13. Procedures will preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
14. The integrity of the process will be maintained by painstaking avoidance of real or apparent conflict of interest.

15. The procedures will be as expeditious as practical.
16. Pertinent facts at each stage of the response will be documented.
17. 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.
18. 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.

USM POLICY FOR ESTABLISHMENT AND REVIEW OF CENTERS AND INSTITUTES

<https://policies.umd.edu/research/university-of-maryland-policy-and-procedures-for-the-establishment-and-review-of-centers-and-institutes>

USM POLICY ON HUMAN SUBJECTS OF RESEARCH

<https://www.usmd.edu/regents/bylaws/SectionIV/IV-2.10.pdf>

UMES POLCY ON HUMAN SUBJECTS OF RESEARCH

I. 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.

II. Director of Sponsored Research

The Director of Research is responsible for assisting researchers 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 researchers.

III. Developing a Research Proposal

A. 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.
- 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 Director of Research. The pre-proposal should briefly outline the purpose, objectives, contributions to the academic field, duration and first year-estimated cost. A suggested format for preparation of a research proposal may be obtained from the Director of Research.

B. Review of Proposals

Each proposal must be accompanied by a Routing Form, which is obtained from the Office of Sponsored Research, and where appropriate, a Hazardous Procedures Form. The Routing Form must bear appropriate endorsement signatures before submission to the Office of Sponsored Programs. Copies are then returned to the Office of Sponsored Programs 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 Sponsored Programs 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 VII: OTHER SERVICES & REGULATIONS

USM POLICY ON SEXUAL HARASSMENT

<https://www.usmd.edu/regents/bylaws/SectionVI/VI160.pdf>

UMES POLICY AND PROCEDURES ON SEXUAL HARASSMENT, OTHER FORMS OF SEXUAL MISCONDUCT AND GENDER-BASED DISCRIMINATION

(July 2018; Amended March 2019; Amended October 2019; Approved on an interim basis August 14, 2020)

I. Policy Statement/Purpose

The University of Maryland Eastern Shore (“UMES” or “University”) community is committed to maintaining and strengthening an educational, employment, and living environment founded on civility. Sexual Harassment, including Gender-Based Harassment and Discrimination, Dating Violence, Domestic Violence, Sexual Assault, Stalking, and all other forms of Sexual Misconduct as described in this Policy constitute Prohibited Conduct. Sexual Harassment is a form of sex discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.). The University community endeavors to prevent, combat, and address Prohibited Conduct through education, training and the implication of accountability measures for violations of this Policy. All University community members are protected by this Policy, regardless of sex, sexual orientation, gender identity, and gender expression. The University will sanction community members found responsible for acts of Prohibited Conduct and any form of Retaliation that may occur as a result of or in connection to reports of Prohibited Conduct. Any such sanctions are not a substitute for civil or criminal liability. This Policy and the corresponding Procedures apply to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the alleged Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct and the Procedures in existence at the time of the alleged incident(s) will be used.

II. Applicability and Jurisdiction

This Policy prohibits Sexual Harassment and all other forms of Sexual Misconduct as defined (see “Definitions”). The Policy satisfies the University’s obligations under Title IX, which states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be subjected to, under any education program or activity, receiving Federal financial assistance.” Federal regulations as they relate to Title IX require that the University follow certain procedures when it receives Actual Knowledge of Sexual Harassment in any of its Education Programs or Activities against an individual in the United States. This Policy is applicable to all University community members and affiliates regardless of geographic location, virtual location, or time of incident when connected to a University Education Program or Activity. This policy applies to sexual harassment: (1) in any University facility, on any University property, and/or in any building owned or controlled by a student organization that is officially recognized by the University; (2) in connection with any University or University sponsored, recognized, or approved Education Program or Activity on the territory of the United States; (3) that impedes equal access to or participation in any University Education Program or Activity or adversely impacts the education and/or employment of a member of the University community; or (4) that otherwise threatens the health or safety of a member of the University community. This policy also applies to Sexual Harassment that has a continuing adverse effect or creates a hostile environment in any University Education Program or Activity, whether on or off campus, including but not limited to Sexual Harassment in connection with an academic course assignment, internship, practicum, field trip, student teaching, research, or other University Education Program or Activity; or Sexual Harassment in connection with any activity sponsored, conducted, or authorized by the University or by a recognized student organization. When a recognized student organization has contributed to or created a hostile environment in connection with an incident of

Sexual Harassment, said organization will be subject to discipline and appropriate sanctions. 3 This Policy also addresses allegations of other forms of Sexual Misconduct, including Sexual Harassment that occurred against a person outside the United States or outside of an Education Program or Activity. Reports of Prohibited Conduct against a member of the UMES community by a third party who is not affiliated with the University, on University premises, or during any University-sponsored activity, should be made to the Office of Institutional Equity and Compliance (OIE) or directly to the UMES Title IX Coordinator. The University will provide resources and assistance to support the academic or the employment success of any University community member who may be affected by the Prohibited Conduct. While the University may lack jurisdiction to investigate, it will take reasonably available steps to address the Prohibited Conduct, its effects, and prevent reoccurrence. The University does not have jurisdiction to investigate reported incidents of Prohibited Conduct involving members of the University community that occurred prior to the individual being enrolled or employed at UMES, when the incident did not occur on campus or in connection to a University program, activity or employment. Nothing in this policy is intended to supersede or conflict with any federal compliance obligation.

III. Definitions

For purposes of addressing complaints of Prohibited Conduct against or by University students and/or employees, the following uniform definitions shall be used by the University:

“Actual Knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the University’s Title IX Coordinator or any UMES official who has authority to institute corrective measures on behalf of the institution.

“Advisor” means any person, who may assist, support, guide, and advise the Respondent or Complainant during the investigation, conduct proceedings, and/or related meetings. In certain circumstances where a party may be unable to speak on their own behalf, an advisor may present a statement prepared by the party. Advisors are not permitted to actively participate or speak on behalf of a Party except for the purpose of conducting cross-examination at the Live Hearing. If a Party does not have an Advisor, the University will provide, without fee or charge to that Party, an Advisor appointed by the University to conduct cross examination at the Hearing, who will act in a confidential capacity on behalf of the Party and will not otherwise be involved in the proceedings.

“Appellate Hearing Officer” (“AHO”) means an individual designated to review decisions concerning responsibilities and sanctions based on the Respondent’s status as a student, staff, or faculty member. Appellate Hearing Officers shall have had no previous involvement with the substance of Formal Complaint.

“Campus security authority” (“CSA”) is a term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The Clery Act (34 CFR 668.46) defines a CSA as:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.
- Note: Pastoral and professional counselors are not considered a campus security authority when acting in their roles as a pastoral or professional counselor for the University.

“Clery Act” refers to the The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, (20 U.S.C. section 1092(f)), a federal law that requires institutions such as UMES to collect and publish statistics for certain crimes reported to have occurred on UMES’s “Clery Geography” (i.e., occurring on campus, on public property within or immediately adjacent to campus, and on other non campus UMES property), for the purpose of informing current and prospective students and employees. UMES publishes an Annual Security Report under the Clery Act, which contains these crime statistics as well as campus specific information on resources, campus emergency responses, safety and security policies, and disciplinary procedures. These crime statistics include, but are not limited to, Domestic Violence, Dating Violence, Sexual Assault, and Stalking. Clery also requires “timely warnings” be issued to the campus community for crimes occurring on Clery Geography that are considered a serious or continuing threat to

students or employees. Under Clery, any good-faith report of a crime occurring on Clery Geography must be included in the statistical data.

“Complainant” refers to an individual who is alleged to be the victim of sexual harassment and who files a complaint alleging violation of this policy. “Consent” means knowing, voluntary and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment.

- Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity.
- Lack of protest or resistance is not consent, nor may silence, in and of itself, be interpreted as consent.
- Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one’s mental or physical helplessness or incapacity.
- Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship.
- Consent to one form of sexual activity does not automatically imply consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family laws of Maryland.

“Education Program or Activity” of UMES includes locations, events, or circumstances over which a UMES exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by UMES.

“Employee” shall be synonymous with and include all employees working for UMES – academic employees, including faculty, and staff, including full-time, part-time, and temporary (hourly) employees at any University campus or working on behalf of the University.

“Finding of Responsibility” means that it is more likely than not that the Respondent has committed one or more acts of Prohibited Conduct. A preponderance of the evidence standard must be used when determining responsibility for Prohibited Conduct.

“Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the institution investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the Education Program or Activity of the institution with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by email, or any additional method designated by the University.

“Document filed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

“Hearing” means a live, formal proceeding attended by the Parties in which evidence is presented, witnesses are heard, and cross-examination occurs, prior to the Hearing Officer’s decision concerning responsibility and Sanctions, if applicable.

“Hearing Panel” is a standing group composed of three (3) trained UMES faculty, staff and students that have decision-making and sanctioning authority in the adjudication process of matters related to Prohibited Conduct. One (1) member of the Hearing Panel will be designated by the Title IX Coordinator as the Hearing Panel Chair.

“Incapacitated” means a person is incapable of consent if they are unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age. Consent does not exist when the individual initiating sexual activity knew or should have known of the other person’s incapacitation.

“Informal Resolution” means a broad range of conflict resolution strategies, including, but not limited to, mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and remedies.

“Investigator” is a University official or third-party contractor authorized to investigate reports of Prohibited Conduct under the procedures outlined in this Policy.

“Member of the University Community” includes any individual who is a student, staff, faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual’s status in a particular situation shall be determined by the Investigator or Title IX Coordinator.

“No Contact Order” means an official directive that serves as notice to an individual that the individual must not have verbal, electronic, written, or third-party communications with another individual.

“Party” means the Complainant or the Respondent, collectively known as the “Parties.”

“Preponderance of the Evidence” is the standard used to determine whether a policy violation has occurred. The standard means that it has been determined that “it is more likely than not” that an allegation related to this Policy was substantiated.

“Remedies” means actions designed to restore or preserve the Complainant’s equal access to the University’s Education Program or Activity. Remedies are similar to Supportive Measures but may be punitive and burden the Respondent.

“Respondent” means an individual who has been reported to be the perpetrator of Prohibited Conduct under this Policy.

“Responsible Employee” means those University employees who have the authority to redress Prohibited Conduct, who have the duty to report incidents of Prohibited Conduct, or who a student could reasonably believe has this authority or duty. The University’s responsible employees include, but are not limited to:

- All instructors, including full-time professors, adjuncts, lecturers, associate instructors (AIs), teaching assistants (TAs), and any others who offer classroom instruction or office hours to students;
- All advisors;
- All coaches, and other athletic staff that interact directly with students;
- All student affairs administrators;
- All residential hall staff;
- All employees who work in offices that interface with students; and
- All supervisors and University officials.

“Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Prohibited Conduct. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Prohibited Conduct but arise out of the same facts or circumstances as a report or Formal Complaint, for the purpose of interfering with any right or privilege secured by Title IX. Retaliation includes retaliatory harassment.

“Sex/Gender-Based Discrimination” means verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance, (i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment.) It also includes any unlawful distinction, to

the advantage or detriment of an individual as compared to others that is based on that individual's Protected Status and that can unreasonably limit or interfere with:

- An applicant or a student's ability to access, participate in or benefit from educational programs, activities or services;
- An applicant's or an employee's access to employment, conditions, or benefits of employment;
- An authorized volunteer's ability to participate in a University volunteer program or activity; or
- A guest or visitor's ability to access, participate in, or benefit from any University program or activity.

UMES POLICY AND PROCEDURES ON SEXUAL HARASSMENT

(Approved by the President on January 1, 1992)

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.

UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEXUAL ASSAULT

<https://www.usmd.edu/regents/bylaws/SectionVI/VI160.pdf>

UMES SEXUAL ASSAULT POLICY AND PROCEDURES

[https://www.umes.edu/uploadedFiles/ WEBSITES/OIE/Content/Title%20IX%20Policy%20 updated%2010.28.20.pdf](https://www.umes.edu/uploadedFiles/WEBSITES/OIE/Content/Title%20IX%20Policy%20updated%2010.28.20.pdf)

I. Sexual Assault

“Sexual Assault” means an offense classified as a sex offense in the unified crime reporting system any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse.

Rape - (Except Statutory Rape) means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Sodomy - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Sexual Assault With An Object - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

“Sexual Coercion” means the use of unreasonable pressure in an effort to compel another individual to initiate and continue sexual activity against the individual’s will. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Coercion includes but is not limited to intimidation, manipulation, threats of emotional or physical harm, and blackmail. Examples of coercion include threatening to disclose another individual’s private sexual information or threatening to harm oneself if the other party does not engage in the sexual activity.

“Sexual Exploitation” means taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

“Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- Quid Pro Quo: An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;

- Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Education Program or Activity; or
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

“Sexual Intimidation” means

- Threatening to sexually assault another person;
- Gender or sex-based stalking, including cyber-stalking; and/or
- Engaging in indecent exposure.

“Sexual Misconduct” means

- Any Sexual Harassment that occurred against a University community member outside the United States or not within an Education Program or Activity;
- Sexual Coercion, Sexual Exploitation, Sexual Intimidation; or
- Other sex-based offenses including unwelcome sexual advances and unwelcome requests for sexual favors.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

“Support Person” means a person chosen by the Complainant or Respondent to provide emotional, logistical, or other kinds of assistance. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the Party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant or a witness, and the Parties must speak for themselves.

“Supportive Measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the institution’s educational environment, or deter Prohibited Conduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

“Title IX Coordinator” is the individual designated by the University to coordinate the University’s compliance with Title IX and respond to allegations of Prohibited Conduct by members of the University community.

In some circumstances this can include their designee.

“University of Maryland Eastern Shore Property” are buildings, grounds, and land that are owned by the University or controlled by the University via leases or other formal contractual arrangements to house ongoing UMES operations.

“Witness” means any individual who has witnessed or possesses information about Prohibited Conduct matter under investigation.

II. Intellectual Inquiry and Debate

In determining whether Prohibited Conduct has occurred and what type of remedy, if any, might be appropriate in a given case, the University will also consider the fact that free intellectual inquiry, debate, and constructive dialogue are vital to the University’s academic mission and must be protected even when the views expressed are unpopular or controversial. Accordingly, any form of speech or conduct that is protected by state or federal law, including the First Amendment, is not subject to this policy.

Definitions of Prohibited Conduct in this policy are meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including matters involving sex, gender, sexuality, sexual orientation, sexual behavior, or gender identity or expression, when in the judgment of a reasonable person they

arise for legitimate pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on issues of sexual harassment. The mere expression of views, words, symbols or thoughts that some people find offensive, does not create a hostile environment.

III. Consensual Relationships & Professional Conduct

In its commitment to foster an educational or work environment free from all forms of harassment and discriminatory behavior, UMES strongly discourages any romantic or sexual relationships between faculty/staff and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the parties. Even if consensual, these relationships are always a cause for concern including, but not limited to, the following:

- They may involve one person's exerting power over another;
- Conflict of interest issues may arise in evaluating a student or employee;
- There is a strong potential for Retaliation when a relationship ends;
- A third party may allege favoritism; and/or
- They undermine the professional interaction upon which faculty-student and supervisor– subordinate relationships should be based. In particular, consensual sexual or romantic relationships that occur in the context of educational or employment supervision and evaluation may present potential conflicts of interest. Relationships in which one party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual. Because of the potential conflicts of interest, persons involved in consensual sexual or romantic relationships with anyone over whom they have supervisory and/or evaluative responsibilities must inform their supervisor(s) of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate.

IV. Institutional Response UMES

will respond promptly to any information that constitutes Actual Knowledge of Prohibited Conduct as defined and under the circumstances described by this Policy.

V. Title IX Compliance Oversight

The UMES Title IX Coordinator is responsible for coordinating the effective implementation of remedies, including Supportive Measures:

Title IX Coordinator Jason A. Casares
Office of Institutional Equity and
Compliance Early Childhood Research Center, Suite 1129
Princess Anne, MD 21853
Phone: (410) 651-6135
Email: jacasares@umes.edu
Email: titleIX@umes.edu

The Title IX Coordinator will be informed of all reports of Prohibited Conduct, and will oversee the University's review, investigation, and resolution of those reports to ensure the University's compliance with Title IX and related laws, and the effective implementation of this Policy. The Title IX Coordinator will have adequate training on what constitutes Prohibited Conduct.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of Prohibited Conduct, involving UMES students, staff, and faculty;

- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to inform any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the University, both informally and formally, and in the community;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of Prohibited Conduct;
- Responsible for monitoring full compliance with all procedural requirements, recordkeeping, and timeframes outlined in this Policy;
- Responsible for overseeing training, prevention, and education efforts, and any reviews of climate and culture; and
- Responsible for providing the University aggregate, non-identifying information in regard to reports, investigations, resolutions, and sanctions.

VI. Deputy Title IX Coordinators

For Student Affairs Louise Gaile Office of Student Conduct Student Services Center, Suite 2116 Princess Anne, MD 21853 Phone: (410) 651-7850 Email: ldgaile@umes.edu

For Athletics Shawnata Young-Haywood Athletics William P. Hytche Athletic Center Princess Anne, MD 21853 Phone: (410) 651-8075 Email: styoun@umes.edu

Deputy Title IX Coordinators will work with the University Title IX Coordinator to ensure that the appropriate designated campus officials are involved in investigating and adjudicating complaints according to this Policy and other applicable University policies and procedures.

Deputy Title IX Coordinators and senior University professionals in each department will work with the University Title IX Coordinator to ensure that adequate education, training, sanctions, and appropriate resources are available and provided in their respective departments. Student Affairs professionals are expected to assist in educating the campus community and directing those who report an incident of Prohibited Conduct to the appropriate campus resources.

VII. UMES Title IX Team

The following individuals are designated as the Title IX team for UMES:

Team Chair: Jason A. Casares Title IX Coordinator and Fair Practices Officer Director of Office of Institutional Equity and Compliance Early Childhood Research Center, Suite 1129 jacasares@umes.edu (410) 651-6135

Team Members:

Courtney Thompson Director of Housing and Residence Life Learning Resource Center, Room 1 cthompson@umes.edu (410) 651-7707

Louise Gaile Director of Student Conduct and Community Standards Student Services Center, Room 2116 ldgaile@umes.edu (410) 651-7850

Mark Tyler Chief of Police Office of Public Safety matyler1@umes.edu (410) 651-6590

Sharon Grant Director of Health Center Lida Brown Hall, Room 101 12 svgrant@umes.edu (410) 651-6597

Malkia Johnson Director of Counseling Student Development Center, Room 2260 mljohnson3@umes.edu (410) 651-6464

Alexandra Ginta Martin Title IX and EEO Investigator Early Childhood Research Center, Suite 1129

agmartin1@umes.edu (410) 651-6135

Cecilia Rivera Associate Director of Prevention, Education, Training and Compliance Early Childhood Research Center, Suite 1129 cmrivera@umes.edu (410) 651-6135

Inquiries concerning the application of Title IX and other related applicable laws, as well as reports of Prohibited Conduct may be referred internally to the UMES Title IX Coordinator:

Office of Institutional Equity and Compliance (OIE) Title IX Coordinator Jason A. Casares Early Childhood Research Center, Suite 1129 Princess Anne, MD 21853 Phone: (410) 651-6135 Email: jacasares@umes.edu Email: titleIX@umes.edu

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the University's General Counsel. Concerns of bias or a potential conflict of interest by any member involved in the resolution process should be raised with the Title IX Coordinator.

Inquiries concerning the application of Title IX and other related applicable laws, as well as reports of Prohibited Conduct may be referred externally:

Student or employee complaints relating to Prohibited Conduct may be directed to:

Office for Civil Rights (OCR) U.S. Department of Education the Wanamaker Building 100 Penn Square East, Suite 515 Philadelphia, PA 19107-3323 Phone: 215-656-8541 Fax: 215-656-8605 TDD: 800-877-8339 Website: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html Email: OCR.Philadelphia@ed.gov

Employee complaints relating to Prohibited Conduct may be directed to:

Equal Employment Opportunity Commission (EEOC) GH Fallon Federal Building 31 Hopkins Plaza, Suite 1432 Baltimore, MD 21201 Phone: 1-800-669-4000 Fax: 410-209-2221 TTY: 1-800-669-6820 Website: <https://www.eeoc.gov/>

Maryland Commission on Civil Rights (MCCR) William Donald Schaefer Tower 6 Saint Paul Street, Ninth Floor Baltimore, MD 21202-1631 Phone: 410-767-8600 Fax: 410-333-1841 TTY: 410-333-1737 Website: <http://mccr.maryland.gov/> Email: mccr@maryland.gov

VIII. Dissemination of Resource Information

The University will disseminate campus-specific information regarding available on and off campus resources through various methods including, the www.umes.edu/oie website, programing, and other relevant materials, such as campus specific brochures.

Resource information will include, but is not limited to:

- How to report an incident of Prohibited Conduct to the University;
- University procedures dealing with Prohibited Conduct including to whom and how the alleged offense should be reported, as well as their rights and options;
- Options about the involvement of law enforcement;
- The importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;
- Rights and University responsibilities with respect to orders of protection and how to obtain such orders; and

- Available confidential employees and student advocates;
- University and community psychological and counseling resources;
- University and community medical resources (including the availability of nurses trained in sexual assault response);
- Information and assistance regarding adjustments to on-campus housing, financial aid, obtaining no contact orders, and other needs on campus; and
- Resources for non-U.S. citizens (visa, immigration, and translation assistance).

IX. Confidential Resources & Services

In cases of emergencies, dial 911.

Disclosures or reports made to individuals or entities other than confidential resources may not be confidential. Unless there is a lawful basis for disclosure, such as reported child abuse/neglect or an imminent risk to health and safety, confidentiality applies when individuals seek services from the following confidential resources:

A. Medical Services

Victims of sexual violence or any unwanted touching should seek medical advice in case of exposure to sexually transmitted diseases (STDs) or pregnancy concerns.

- On Campus:
 - **Student Health at Charles Drew Infirmary: 410-651-6597 (Students Only)** The UMES Student Health Center can provide advice about STDs or pregnancy concerns. A Confidential Notification must be completed when sexual misconduct is reported. This is only a notification that an incident has occurred; the victim's personal identifying information will remain confidential.
- Off Campus:
 - **Peninsula Regional Medical Center (Tidal Health) 546-6400 At Peninsula Regional Medical Center.** a Sexual Assault Nurse Examiner (S.A.N.E.) can perform a sexual abuse evidentiary examination in order to preserve evidence. An evidentiary exam is free. Receiving an evidentiary examination does not mean that a victim must make a formal report to the University or to law enforcement.

B. Counseling Services

Counselors can assist individuals in understanding their rights and reporting options. The University encourages anyone who believes they may have been victims of Prohibited Conduct to contact a counseling service. They can help an individual identify other sources of emotional and physical support. Anything discussed with a counselor will be kept confidential unless written authorization to disclose is provided by the victim.

- On Campus:
 - **Student Victim Advocate: 410-651-7706 (Students Only)** Victim Advocates are trained to assist victims of Prohibited Conduct and will speak with the student confidentially as the student considers options. Advocates are available to assist students twenty-four hours a day during academic sessions.
 - **University Counseling Services Center: 410-651-6449 (Students Only)** The UMES Counseling Services Center (www.umes.edu/CounselingCenter) staff are trained, thinking, feeling, and caring individuals who have developed the capacity to share their knowledge and skills with those who need help. Services include individual counseling, group counseling, couples counseling, psychiatric services, referral services, and consultation. Though conversations with counselors are confidential, a Confidential Notification must be

completed when Prohibited Conduct that has occurred on University property or at a University sponsored activity is reported. This is only a notification that an incident has occurred; the individual's personal identifying information will remain confidential.

- Off Campus:

- Life Crisis Center: 410-749-4357

The Life Crisis Center's (www.lifecrisiscenter.org) services are available at no charge to victims of domestic violence, rape, sexual assault, and child abuse. Their toll-free hotline operates 24 hours a day for anyone needing crisis assistance or referral information.

- **Lesbian, Gay, Bisexual & Transgender National Help Center: 888-THE-GLNH(843- 4564)** The Lesbian, Gay, Bisexual and Transgender National Help Center (www.glnh.org) provides vital peer support, community connections and resource information to people with questions regarding sexual orientation and/or gender identity. GLBT helps both youth and adults with coming-out issues, safer-sex information, school bullying, family concerns, relationship problems and a lot more.

- **Maryland Coalition Against Sexual Assault (MCASA): 1-800-983-RAPE (4673)** MCASA (<https://mcasa.org/>) is a statewide coalition of 17 rape crisis and recovery centers that serve all Maryland jurisdictions. MCASA works to help prevent Sexual Assault, advocate for accessible, compassionate care for survivors of Sexual Violence, and works to hold offenders accountable. • **Maryland Network against Domestic Violence (MNADV) 1-800-MD-HELPS (43577)** (Monday-Friday, 9am-5pm); MNADV Office: 301-429-3601 The Maryland Network Against Domestic Violence (MNADV or Network <https://mnadv.org/>) is the state Domestic Violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence. The Network accomplishes this goal by providing education, training resources, and advocacy to advance victim safety and abuser accountability.

- **National Suicide Prevention Lifeline: 800-273-TALK (8255)** The National Suicide Prevention Lifeline (www.suicidepreventionlifeline.org) is a 24- hour, toll free, confidential suicide prevention hotline available to anyone in suicidal crisis or emotional distress. By dialing 1-800-273-TALK (8255), the call is routed to the nearest crisis center in a national network of more than 150 crisis centers. The Lifeline's national network of local crisis centers provide crisis counseling and mental health referrals day and night.

- **RAINN National Sexual Assault Hotline: 800-656-HOPE(4673)** RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization and was named one of "America's 100 Best Charities" by Worth magazine. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and online rainn.org) in partnership with more than 1,100 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice.

C. Law Enforcement

Victims of Prohibited Conduct may contact the local law enforcement agency. A law enforcement agent can assist a victim in determining whether a crime has been committed. Law enforcement agencies will produce a criminal report and must dispense a complaint to the University's Title IX Coordinator.

- On Campus:

- UMES Department of Public Safety: 410-651-3300

The Department of Public Safety is committed to ensuring that students who report Prohibited Conduct receive comprehensive care:

- If a student is involved, the officer must contact a Student Victim Advocate to assist the student in every step of the process.

- According to a complainant's wishes,
 - The advocate may also be present during any officer interviews.
 - Accompany the student to the hospital if the student wishes; and/or
 - The officer shall contact the Office of Institutional Equity and Compliance to notify them of the alleged incident.
- Off Campus:
 - Princess Anne Police Department: 410-651-1822

The Princess Anne Police Department provides police services on a seven-day, twenty four-hour basis.

X. Reporting an Incident

In an emergency or where immediate help is needed, call 911. Anyone wishing to report an incident of Prohibited Conduct can do so using the following methods:

- Reporting directly to campus or local law enforcement if the incident involves sexual violence;
- Reporting directly to the University Title IX Coordinator or the Office of Institutional Equity and Compliance (OIE);
- Reporting directly to one of the Deputy Title IX Coordinators for the campus; or
- Reporting directly to the Office of Student Conduct for the campus. All reports of Prohibited Conduct made to a Responsible Employee that are not initially reported to the Title IX Coordinator(s), will be shared with the University Title IX Coordinator within 48 hours. In addition, if a report of Prohibited Conduct is not made initially to the University of Maryland Eastern Shore Police Department (UMESPD), and the information indicates it may be a crime reportable under the Clery Act, non-identifying information regarding the date, time, location, and nature of the crime will be shared with UMESPD for purposes of complying with the Clery Act. If the University and/or Deputy Title IX Coordinator(s) receive a report that indicates law enforcement should be informed and involved due to the potential threat to health and safety of an individual or the University community, they may also share the identifying information needed for appropriate response by UMESPD.

XI. Amnesty

The University strongly encourages students to report instances of Prohibited Conduct. Therefore, students who report an incident of Prohibited Conduct or participate as a Complainant or witness will not be disciplined by the University for any violations of the Student Code of Conduct related to their drug and/or alcohol consumption in connection with the reported incident of Prohibited Conduct.

This Amnesty Policy applies only when the University determines that:

- The drug/alcohol violation occurred during or near the time of the reported Prohibited Conduct;
- The student acted in good faith in reporting or participating as a witness; or
- The violation was not likely to place the health or safety of another individual at risk. 17 The use of alcohol of alcohol and/or drugs will not serve as a defense for engaging in Prohibited Conduct, hence committing a violation of this Policy.

XII. Good Faith Requirement

Reports or complaints of Prohibited Conduct must be made in good faith because they are so serious and have the potential to cause great harm if made without justification. Accordingly, it is a violation of the Policy and Procedure for an individual to make a complaint in bad faith, without justification, or report false information. An individual found to have made a complaint or report in bad faith, without justification, or reported false information may be subject to disciplinary or other actions.

XIII. Role of a Responsible Employee

The University encourages anyone who has experienced Prohibited Conduct to talk to someone about what happened, to ensure they are informed of the available support, resources, and applicable complaint processes and to allow the University to respond appropriately. The information below explains the obligations of certain employees to report information brought to their attention regarding incidents of Prohibited Conduct to the appropriate University officials.

Responsible Employees include those University employees who have the authority to redress Prohibited Conduct, who have the duty to report incidents of Prohibited Conduct, or who a student could reasonably believe has this authority or duty. When an individual tells a Responsible Employee about an incident of Prohibited Conduct, that individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Therefore, Responsible Employees must report the information as explained below, assist the individual in seeking medical attention and emergency response where appropriate, in understanding available resources on and off campus (see www.umes.edu/oie), in understanding their options in making a criminal complaint, as well as a complaint through the University's Procedures set forth in this Policy.

If the incident is an emergency or poses a serious and continuing threat, the Responsible Employee should first call 911 or campus police immediately. In all situations, a Responsible Employee must report to the Title IX Coordinator or a Deputy Title IX Coordinator within 48 hours. The Responsible Employee must report all relevant details of the alleged Prohibited Conduct that are known or reasonably known to them or that have been shared with them, that the University will need to be aware of to determine what happened. This includes the names of the individual(s) affected and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. A Responsible Employee should not discuss or share any information related to the incident, including the individual's name, with anyone other than the University Title IX Coordinator or Deputy Title IX Coordinators, and those directly involved in handling the University's response, unless they received the individual's prior consent or in the event of an emergency or existing threat to anyone's health and safety.

Responsible Employees should make every effort to ensure that all individuals, including students, understand that the employee is expected to make a report to the University Title IX Coordinator or a Deputy Title IX Coordinator in the event they are made aware of an incident of Prohibited Conduct.

In some instances, an individual who has experienced Prohibited Conduct may express a desire that the University not investigate the incident and/or not inform the individual accused. In those situations, the Responsible Employee must still report the information known to them but should also explain to the individual that the University will strongly consider the request, and will generally honor the request except in limited circumstances where the safety and well-being of the individual or the community outweighs the reasons for the request. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee should ensure they inform the Coordinator of the individual's request. Responsible Employees who are also Campus Security Authorities (CSA) under the Clery Act, will satisfy their CSA reporting obligation by reporting incidents of Prohibited Conduct to the University Title IX Coordinator or Deputy Title IX Coordinators, who will ensure that the appropriate non-identifiable information is conveyed to UMESPD for Clery Act reporting purposes.

If an individual has not yet shared information with a Responsible Employee regarding an incident of Prohibited Conduct, and the individual wishes to maintain anonymity, the Responsible Employee may refer them to a Confidential Employee or off-campus resource. However, once a Responsible Employee has knowledge of an incident of Prohibited Conduct, they must report according to this Policy.

No employee other than UMESPD is authorized to investigate or resolve reports of Prohibited Conduct without the involvement of the Title IX Coordinator.

XIV. Confidentiality and Privacy

Confidentiality

Certain University employees – based on their own professional licensure and the nature of their role on campus – are available to speak with individuals about incidents of Prohibited Conduct and maintain the individual's desire for anonymity and absolute confidentiality. These confidential employees are exempt from the reporting requirements that apply to Responsible Employees. Individuals who desire anonymity in discussing and seeking assistance about Prohibited Conduct should contact and/or be referred to a Confidential Employee.

The University's Confidential Employees include, but are not limited to:

- Licensed, professional mental health counselors working in that capacity, and those they supervise;
- Health care professionals and staff located in on-campus health care centers; and
- Any staff or specialists on a campus specifically designated as non-professional student victim advocates.

Note: Faculty, staff, and other employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc., are not confidential employees under this Policy. The University shall identify and publicize confidential employees. Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles, must provide non-identifying aggregate information regarding any Clery crime known to them directly to Title IX Coordinator.

Privacy

The University is committed to safeguarding the privacy of the parties in a manner consistent with the objective to effectively investigate and prevent incidents of Prohibited Conduct. In all cases, the University will share the parties' information and details of the allegation only with University officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. Records will not be disclosed outside the University unless required by law or subpoena. All individuals with knowledge of an alleged incident of Prohibited Conduct are expected to safeguard the privacy of those involved.

XV. Role of Law Enforcement

Any individual who has experienced sexual violence is encouraged to contact UMESPD or appropriate law enforcement agencies. UMESPD responds to emergency situations on the UMES campus and are Responsible Employees required to communicate and work with the University Title IX Coordinator to assist in investigations and incident response, as well as to track statistics for Clery Act reporting.

Individuals with a possible criminal case who have not made their initial complaint via the police will be provided with information about how to file a complaint with law enforcement. Individuals may also request assistance from campus authorities in notifying law enforcement. Individuals may decide not to notify law enforcement authorities and proceed with a University investigation.

A University investigation under the Procedures outlined in this Policy may be initiated and/or proceed simultaneously with a criminal case. The University will cooperate with law enforcement, and if requested by law enforcement, defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. However, the University will not consider its investigation on hold pending a criminal prosecution or investigation and will continue to communicate with Parties and address the need for any Supportive Measures regarding safety and wellbeing, and resume its own fact gathering as soon as permitted.

Because the standards for violation of criminal law are different from the standards of violation of this Policy, the determination by law enforcement whether or not to prosecute a Respondent or the outcome of a criminal proceeding does not determine whether a violation of University policy has occurred. In other words, conduct may violate this Policy even if law enforcement or local prosecutors decline to prosecute. Records of University proceedings may be subpoenaed for a criminal prosecution.

In some instances, based on a heightened threat, or potential threat to the safety of the individual(s) involved, or the larger University community, university officials may determine it is necessary to make a third-party complaint to law enforcement, despite the individual's decision not to do so. In such instances, the University will attempt to inform the individual prior to making a third-party complaint.

XVI. Requests for No University Action

When an individual discloses that they have experienced an incident of sexual harassment to the University, they can request that the University not investigate the particular incident, that no disciplinary action be taken, that the alleged perpetrator not be notified, or make any other similar request. Under this Policy, the University may not pursue a Title IX complaint without a formal document filed by the Complainant.

The University may still pursue addressing the alleged misconduct under other applicable UMES policies and their corresponding procedures. The University will weigh any request for a general No-University action against its obligation to provide a safe, non-discriminatory environment for all members of the campus community. If the University determines that it is able to honor the individual's request(s), the individual should understand that the University's ability to meaningfully investigate the incident and/or respond appropriately may be limited. If, however, the University determines it must proceed under the circumstances, it will work to notify the individual in advance. 20

XVII. Investigation

Upon receipt of a report of Prohibited Conduct, the University will respond promptly to reach out to the individual who allegedly experienced the Prohibited Conduct and provide Supportive Measures where appropriate. Procedures after a report of Prohibited Conduct will follow the steps listed below.

Investigation of the alleged harassment shall be conducted by the University Title IX investigator, or another appropriate designee. Information for the investigation may be provided by the parties, witnesses identified by any party, or the University. Information related to the sexual predisposition of the parties and/or the prior sexual history of the parties will be prohibited, except in very limited circumstances where such information may be relevant to the issue of consent or to help determine that someone else was responsible for the Prohibited Conduct. However, consent will not be assumed based solely on evidence of any prior sexual history.

Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, or motive. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicated a pattern of similar Prohibited Conduct.

All investigators shall have the appropriate required and ongoing training on conducting investigations of Prohibited Conduct and applicable University Policies and Procedures. All investigations are coordinated through the Office of Institutional Equity and Compliance (OIE).

If the person identified as having engaged in Prohibited Conduct is not a student or employee of the University, the University shall take all appropriate measures to determine information regarding the individual, what occurred, whether another entity needs to be contacted to join in or assume an investigation (e.g. another institution of higher education), and to provide assistance in notifying the proper law enforcement authorities.

The University will also provide Supportive Measures, to the extent possible, to protect the appropriate parties and eliminate any hostile environment. If upon investigation, it is determined that an individual is responsible for Prohibited Conduct and has a continuing relationship with the University, the University shall consider appropriate sanctions to prevent further harm and eliminate the hostile environment. The University reserves the right to reopen a case previously considered closed in the event of new information or other appropriate circumstances.

While there are no time limits to reporting Prohibited Conduct, if too much time has passed since the incident occurred, the delay may result in loss of relevant evidence and witness testimony, impairing the University's ability to respond and take appropriate action.

XVIII. Supportive Measures

Upon receiving a report or notice of alleged Prohibited Conduct, the University will provide appropriate and necessary Supportive Measures to the parties. These may vary depending on the individuals' needs and the specific circumstances and could include No Contact Orders; assistance in changing academic, living, 21 transportation, and/or work situations; counseling services; victim advocacy services; and assistance in obtaining protective and peace orders. Supportive Measures may also include the Emergency Removal of the Respondent (which may take the form of an interim suspension) is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of reported Prohibited Conduct.

UMES may undertake emergency removal of a student Respondent for reasons arising from the alleged Prohibited Conduct when the University:

- Undertakes an individualized safety and risk analysis;
- Concludes that there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged Prohibited Conduct; and
- Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University will not remove a student from the University based solely on an allegation. The student will be offered an opportunity to meet with the Title IX Coordinator to review the reliability of the information within three (3) days from the effective date of the emergency removal. However, there is no guarantee that the student will be permitted to return to campus. The University may impose an interim disciplinary suspension on a student Respondent in accordance with the Student Code of Conduct for reasons not arising from the alleged Prohibited Conduct.

For **faculty and staff Respondents**, the University in consultation with the Title IX Coordinator, UMESPD, an employee's supervisor and/or applicable campus or departmental Human Resource office may take interim measures such as changing a Respondent's work responsibilities or work location or placing the Respondent on leave during the resolution process.

Such action may be appropriate when the University has a legitimate concern that, without this measure:

- The Respondent will engage in prohibited conduct while the investigation is ongoing; and/or
- The Respondent would be unduly disruptive to University members or University activities or programs.

University members who are neither students nor employees may be removed from their University role or a University program as an interim measure during the adjudication process at the discretion of the University and in consultation with the Title IX Coordinator.

Upon a finding of responsibility for Prohibited Conduct following the University's adjudication of the complaint, the University will take any additional and necessary remedial action with respect to the Complainant and other members of the community, as well as the appropriate disciplinary action with respect to the person found responsible.

Supportive Measures, as well as resources, will also be available to an individual who has experienced Prohibited Conduct, regardless of whether they move forward with their complaint, depending on the individual's campus, the individual's needs and the specific circumstances.

XIX. Summary of Rights of the Parties

All Parties will be treated with dignity, respect, and sensitivity by University officials during all phases of the process. The accompanying Procedures are designed to allow for a fair and impartial investigation, as well as prompt and equitable proceedings and resolutions that provide an opportunity for Parties to be heard.

Parties will be given timely written notice of:

- The reported violation, including the date, time and location, if known, of the alleged violation, and the range of potential Sanctions associated with the alleged violation;
- Their rights and responsibilities under this Policy and information regarding other civil and criminal options;
- The date, time, and location of each Hearing, meeting, or interview that the Party is required or permitted to attend;
- The final determination made by the Hearing Panel regarding whether a Policy violation occurred and the basis for the determination;
- Any Sanction imposed, as required by law; and
- The rights to appeal and a description of the appeal process. Parties will be entitled to participate in the investigation and adjudication of the Formal Complaint in accordance with the Procedures. Parties will be provided with:
 - Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Hearing Panel, with personally identifiable or other information redacted as required by applicable law;
 - An opportunity to be heard through the process;
 - An opportunity to offer testimony at a Hearing;
 - An opportunity to submit evidence, witness lists, and suggest specific questions to be posed to the other Party during the investigation, or to the other Party at a Hearing through the Party's Advisor;
 - An opportunity to review testimony electronically or in a way in which the Parties are not required to be in the physical presence of one another;
 - An opportunity to review and provide written responses to Preliminary and Final Investigation Reports;
 - An opportunity to participate at a Hearing without being required to be in the physical presence of the other Party;
 - An opportunity to appeal a determination and/or Sanction; and
 - Notice, presented in an appropriate and sensitive format, before the start of the resolution process, of:
 - The Party's right to the assistance of an Advisor, including an attorney or advocate;
 - The legal service organizations and referral services available to the Party; and
 - The Party's right to have a Support Person of the Party's choice at any Hearing, meeting, or interview.The rights of the parties to a Prohibited Conduct proceeding also include:
 - To be informed by the University of options to notify proper law enforcement authorities including on-campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses.
 - To be notified of available counseling, mental health, academic, legal and other support services, both at the University and in the community.
 - To have allegations investigated by individuals who are properly trained to investigate and resolve allegations of Prohibited Conduct.
 - Adequate, reliable, and impartial investigation as well as appropriate resolution of all reports of Prohibited Conduct.

- The use of the preponderance of the evidence standard (more likely than not) in determining responsibility.

Legal Representation Fund for Title IX Proceedings (Students Only)

Student Complainants and Respondents may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current or former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC provides a list of licensed attorneys who have indicated that they may represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding. More information is available on MHEC's website.

XX. Retaliation

Protections against retaliation are critical to reducing the prevalence of Prohibited Conduct within the University community. Retaliation against anyone who has reported an incident of Prohibited Conduct, provided information, or participated in procedures or an investigation into a report of Prohibited Conduct, is a violation of this Policy and will not be tolerated.

Acts of retaliation include intimidation, threats, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts, and social media), as well as adverse changes in work or academic environments or other adverse actions or threats. The University will take steps to prevent retaliation and will impose sanctions on anyone or any group who is found to have engaged in retaliation in violation of this policy. Concerns about potential retaliation in connection with a report of Prohibited Conduct should be reported to the University Title IX Coordinator.

XXI. Sanctions

Violations of this Policy by an individual will be dealt with in accordance with applicable University Procedures, as further explained below. Sanctions for Respondents determined to have violated this Policy include, but are not limited to, the following:

Students found in violation of this Policy are subject to Sanctions such as dismissal from the University (suspension or expulsion), removal from University housing, disciplinary probation, and other sanctions such as community service and mandatory and continuing participation in training on Prohibited Conduct and education programming, depending on the circumstances and nature of the violation.

Employees found in violation of this Policy are subject to Sanctions ranging from a written reprimand up to and including separation from employment, depending on the circumstances and nature of the violation. Violations of law will be addressed by law enforcement and may result in criminal penalties.

XXII. Record Retention

The University will maintain for a minimum of seven (7) years, records of the following:

- **Investigations and Determinations.** Each Prohibited Conduct investigation, including any determination regarding responsibility;
- **Recordings and Transcripts.** Any audio or audiovisual recording or transcript required;
- **Sanctions.** Any Sanctions imposed on the Respondent;
- **Remedies.** Any Remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
- **Appeals.** Any appeal and the result thereof;

- **Informal Resolutions.** Any Informal Resolution and the result therefrom;
- **Training Materials.** All materials used to train Title IX Officers, Investigators, Hearing Panel members, and any person who facilitates an Informal Resolution process; and
- **Supportive Measures.** Any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

XXIII. Prevention, Education, Training, and Cooperative Efforts

Prevention and Awareness for the Campus Community:

The campus shall publicize and provide ongoing educational programming for students, employees, and other members of the University community to promote awareness of the problems caused Prohibited Conduct and to help prevent and attempt to reduce the risk of the occurrence of Prohibited Conduct. Educational programs will include information on how and where to report incidents of Prohibited Conduct, resources available, as well as safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual harassment being inflicted on another person. The appropriate trainings will be tailored to the audience, and include reporting and response obligations, available resources, as well as information about how to prevent and identify Prohibited Conduct. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at UMES.

Community Partner Training

The University will coordinate partnerships with external agencies, such as **Life Crisis Center** (<http://www.lifecrisiscenter.org>) and **The Maryland Coalition Against Sexual Assault** (<https://mcasa.org>) who are not affiliated with UMES to offer various trainings.

Training for Individuals Involved in Prohibited Conduct Investigations and Appropriate Resolutions

At least three (3) certification trainings shall be provided annually to those involved in reporting, receiving reports, investigating, adjudicating and otherwise responding to charges of Prohibited Conduct at the University. Any materials used to train Investigators will not rely on sex stereotypes and will promote impartial resolutions of Formal Complaints under this Policy. Certain training may be mandated by applicable federal or state law. Individuals specifically involved in implementing the University's Policy and Procedures on Sexual Harassment, Other Forms of Sexual Misconduct and Gender-Based Discrimination will be trained on the following:

- The definition of Prohibited Conduct; the scope of the University's Education Program or Activity; how to conduct a resolution process including investigation, hearings, appeals, and Informal Resolution, as applicable;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- Technology to be used at a live hearing; and
- Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

The University will publicize training materials on its website or will provide them in hard copy format, upon request.

Agreements with Local Law Enforcement and Rape Crisis Programs

UMES will periodically review any existing Memorandums of Understanding (MOU) with local police agencies

and a State designated Rape Crisis Center and/or a federally recognized sexual assault coalition. The University will ensure that any MOU with law enforcement agencies comply with Title IX and clearly outline when the institution will refer a matter to local law enforcement. UMES will also ensure that any MOU with a Rape Crisis Center will include provisions regarding trauma-informed services provided to victims of sexual assault and to help improve the University's response to sexual assault.

XXIV. Campus Sexual Assault Climate Survey

On or before July 1, 2020, and at least every two (2) years thereafter, UMES shall: (1) develop an appropriate Sexual Assault campus climate survey using nationally recognized best practices for research and climate surveys; and (2) administer the Sexual Assault campus climate survey to students in accordance with the procedures set by the Maryland Higher Education Commission (MHEC) and in accordance with USM requirements and requirements set forth in Md. Code Annotated, Education Article, Section 11- 601(g).

PROCEDURES FOR RESPONDING TO INCIDENTS INVOLVING SEXUAL HARASSMENTS, OTHER FORMS OF SEXUAL MISCONDUCT AND GENDER-BASED DISCRIMINATION

The University will promptly respond to all reports of Prohibited Conduct alleged against a University community member following the Procedures outlined in this Policy. These Procedures are part of the **University of Maryland Policy Eastern Shore Policy on Sexual Harassment, Other Forms of Sexual Misconduct and Gender Based Violence** and are the exclusive procedures that govern the handling of all reports or complaints of Prohibited Conduct under the Policy.

The University's goals are to provide equal educational opportunities, promote campus safety, and remedy the effects of Prohibited Conduct. Good faith efforts will be made to complete Informal Resolutions, investigations and the adjudication process, if any, in a prompt, fair, and impartial manner.

Any individual reporting that they have been a victim of sexual violence will be informed of how to and provided assistance in making a criminal complaint with the appropriate law enforcement agency. The pursuit of criminal charges may be in addition to (or instead of) pursuing allegations through the University process. Individuals who identify as victims/survivors and all members of the University of Maryland Eastern Shore community are also encouraged to visit the website at www.umes.edu/OIE for more information on reporting, campus resources, and services available on campus.

The Office of Institutional Equity and Compliance (OIE) will conduct any investigation as promptly as possible under the circumstances, taking into account the complexity of the allegations, the complexity of the investigation and resolution, the severity and extent of the alleged misconduct, the number and availability of witnesses, the University's calendar, and/or other unforeseen circumstances. The University seeks to take appropriate action, including investigation and resolution of Formal Complaints, generally within 120 days, by balancing principles of thoroughness and fundamental fairness from when the Formal Complaint is filed. An extension of the referenced timeframe may be required for good cause to ensure the integrity and thoroughness of the investigation.

The Title IX Coordinator or designee may extend the time frames set forth in this Policy and Procedures for good cause, with written notice of the extension to both Parties and the reason(s) for the delay. Written requests for delays by Parties may be considered. Factors considered in granting or denying an extension may include considerations such as, but not limited to, the following: the absence of a Party, a Party's Advisor, or a witness and/or the need for language assistance or accommodations of disabilities.

A. Making a Report

Any individual may report Prohibited Conduct to the University's Office of Institutional Equity and Compliance (OIE), which is responsible for overseeing the University's compliance, prevention, education, training, and programming related to Prohibited Conduct. A list of various resources, training initiatives, and education programs for the UMES campus community are available on the OIE website www.umes.edu/OIE

To contact the OIE:

- Call **410-651-6135** (during business hours) to be connected to an OIE staff member or leave a private message (outside of business hours);
- Submit a confidential Incident Report available 24 hours/7 days via:
https://umes-advocate.symplicity.com/public_report/index.php/pid181415?
- Send a private email to **titleIX@umes.edu**
- Visit the office in person during business hours at: **Early Childhood Research Center, Suite 1129**. Walk-ins are welcome, however it is recommended to make an appointment prior to your visit to ensure availability.

You can contact the University's Title IX Coordinator directly: Office of Institutional Equity and Compliance (OIE) Title IX Coordinator Jason A. Casares Early Childhood Research Center, Suite 1129 Princess Anne, MD 21853 Phone: (410) 651-6135 Email: jacasares@umes.edu Email: titleIX@umes.edu

B. Receipt of Report

Upon receipt of a report alleging Prohibited Conduct from a Complainant, OIE will provide written acknowledgement of receipt of the report to the Complainant, if known, and include:

1. A copy of the Policy and Procedures;
2. Options under the resolution process;
3. Notice of Rights and Responsibilities;
4. Available community and campus resources and services; Supportive Measures;
5. Their right to a Support Person and the Support Person's role;
6. Their right to an Advisor and the Advisor's role;
7. Their right to file a report with law enforcement; and
8. The University's prohibition against Retaliation.

A Party may be accompanied at any meeting held by the Title IX Coordinator or designee under these Procedures by up to two (2) people, including one (1) Support Person, and one (1) Advisor. When a Party wishes to be accompanied by a Support Person and/or Advisor to a meeting, the Party must notify the OIE or the Title IX Coordinator or designee at least 24 hours in advance. Parties may select a Support Person or Advisor at any point before the conclusion of the resolution process. Throughout the process, the Title IX Coordinator or designee will communicate and correspond directly with the Parties, not indirectly through a Support Person or Advisor. Prior to meetings and Hearing, all Support Persons and Advisors must review non-Party participation requirements, which define their respective roles, appropriate decorum, and confidentiality obligations relative to the proceedings. If the report is received from a third party, meaning someone who is not the Complainant or the Respondent, OIE will provide written acknowledgement of receipt of the report and take appropriate action as the information provided allows. Receipt of a report alleging Prohibited Conduct shall not constitute the filing of a Formal Complaint under this Policy.

C. Intake and Initial Assessment of Report

Following the receipt of a report, the OIE will schedule an intake meeting with the Complainant. During the intake, the Complainant will have an opportunity to ask questions about resolution options, available 28

resources and seek additional information. The OIE will attempt to collect any relevant information that, in consultation with other appropriate University offices, will allow the OIE to assess:

- Jurisdictional concerns regarding each Party;
- The nature of the incident and circumstances reported, as well as the safety of the Complainant and of the University community;
- The pattern evidence or other similar conduct by the Respondent as relevant to the safety assessment;
- Any request by the Complainant for confidentiality or anonymity, Supportive Measures, and the Complainant's expressed preference regarding resolution, including any request for no University action; and
- The reported conduct for possible referral to UMES or other applicable law enforcement agencies for a timely warning under the Clery Act. Following the intake meeting, the OIE will implement any appropriate Supportive Measures and produce a preliminary assessment to determine whether the reported conduct constitutes a potential violation of this Policy. If the Complainant opts not to participate, the OIE may be limited in its ability to assess the report and/or pursue the matter. If the assessment determines the alleged conduct does not constitute a potential violation under this Policy but may violate other University policies, the report may be referred to another University process and/or office, as appropriate.

D. Supportive Measures

The Title IX Coordinator or designee, in consultation with other appropriate University officials, facilitates Supportive Measures, which are available to the Parties, upon receiving a report or Formal Complaint alleging Prohibited Conduct. The Parties' wishes with respect to planning and implementing the Supportive Measures will be considered and reasonable confidentiality of the Supportive Measures will be maintained, provided that this does not impair the ability to provide the Supportive Measures. The goal is to ensure as minimal an academic and employment impact on the Parties as possible and to implement Supportive Measures in a way that does not unreasonably burden either Party.

Supportive Measures include, but are not limited to:

Academic Accommodations

- Assistance in transferring to another section of a lecture or laboratory;
- Assistance in arranging for incompletes;
- Assistance with leave of absence;
- Assistance with withdrawal from coursework;
- Assistance with withdrawal from campus;
- Assistance with communicating with faculty;
- Rearranging class schedules;
- Rescheduling exams;
- Extensions of academic deadlines;
- Re-taking a course;
- Dropping a course;

- Academic support such as tutoring or other course/program related adjustments; and
- Facilitating adjustments so Complainants and Respondents do not share the same classes.

Housing Accommodations

- Facilitating changes in on-campus housing location to alternate on-campus housing.

Employment Accommodations

- Arranging for alternate University employment;
- Arranging different work shifts temporary assignment, if appropriate, to other work duties and responsibilities, or other work locations, or other work groups/teams or alternative supervision/management; and
- Extensions of work deadlines.

Care and Support

- Facilitating assistance for an individual to obtain medical, healthcare, advocacy, and therapy services; and
- Referral to community-based providers

Community Education

- Training
- Bystander Intervention Program

Safety

- Providing campus safety escorts through UMESPD;
- Transportation and parking arrangements;
- Assistance in making a report to law enforcement or obtaining a protective or peace order; and
- Safety planning.

University Referrals

- Assistance in arranging appointments with University resources;
- Assistance with exploring changes in extra-curricular schedules; and
- Referral to student financial aid counseling.

Other

- No Contact Order
- Denial of Access to campus grounds and/or buildings/ No Trespass Order

The Complainant will be promptly informed of the availability of Supportive Measures with or without the

filing of a Formal Complaint. If the Respondent is a member of the University community, they will also be promptly notified of any Supportive Measures that will directly impact them and provide them with an opportunity to respond.

A Party (faculty, staff, or student) may challenge the imposition of Supportive Measures or a decision not to impose Supportive Measures by contacting the Vice Provost for Academic Affairs.

The Title IX Coordinator or designee retains discretion to provide and/or modify any Supportive Measures based on all available information. Supportive Measures will remain in effect as necessary.

E. Request for Anonymity or No University Activity

If a Complainant wishes to remain anonymous and/or does not wish to file a Formal Complaint, the Complainant may make such a request to the Title IX Coordinator or designee. Regardless of their choice, the Title IX Coordinator or designee will still offer Supportive Measures to the Complainant as appropriate. The Complainant retains the ability to file a Formal Complaint at any time.

If the Complainant requests confidentiality or requests that the matter not be pursued, the University may still pursue addressing the alleged Prohibited Conduct in the absence of a formal complaint under other applicable UMES Policies and their corresponding Procedures. If the University determines that it is able to honor the individual's request(s), the individual should understand that the University's ability to meaningfully investigate the incident and/or respond appropriately may be limited. If, however, the University determines it must proceed under the circumstances, it will work to notify the individual in advance. The University will weigh any request for a general No-University action against its obligation to provide a safe, non-discriminatory environment for all members of the campus community. The Title IX Coordinator has ultimate discretion over whether the University proceeds, and the Title IX Officer may sign a Formal Complaint to initiate the resolution process when appropriate. The Title IX Coordinator's decision to sign a Formal Complaint will be based on whether:

- An investigation is needed to comply with legal anti-discrimination requirements or is otherwise the most appropriate and effective response;
- The effect that non-participation by the Complainant may have on the availability of evidence and the ability to pursue the resolution process fairly and effectively;
- A violence risk assessment shows a compelling risk to health and/or safety which requires the University to pursue formal action to protect the University community. A compelling risk to health and/or safety may result from any combination of the following:
 - Evidence of patterns of misconduct;
 - Predatory conduct, threats, abuse of minors;
 - Allegations that the Prohibited Conduct was committed by multiple persons; or
 - Use of weapons and/or violence.

When the Title IX Coordinator signs the Formal Complaint, they do not become the Complainant. The Complainant remains the individual who is alleged to be the victim of Prohibited Conduct. When the Formal Complaint proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation.

F. Filing a Formal Complaint

A Formal Complaint is a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a Policy violation by a Respondent and requesting that the Formal Complaint proceed to the University Resolution Processes. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed below:

XXV. Designation of Prohibited Conduct and Dismissal of Formal Complaint

Upon receipt of a Formal Complaint of Prohibited Conduct the Title IX Coordinator will review the Formal Complaint and determine whether it should move into the resolution process or be dismissed. The Title IX Coordinator or designee will promptly send a Written Notice of Designation simultaneously to the Parties of:

- Its decision about whether to designate the alleged conduct as Title IX-based Prohibited Conduct, and the reasons for this decision;
 - Its decision to proceed with the resolution process or to dismiss the Formal Complaint; and
 - The Parties' rights to appeal the designation and/or dismissal decision.
- Title IX-based Prohibited Conduct

The Title IX Coordinator or designee **must** designate the alleged conduct as Title IX-based Prohibited Conduct if:

- The alleged conduct would constitute Sexual Harassment within an Education Program or Activity against a person in the United States if substantiated;
- The Complainant is participating or attempting to participate in an Education Program or Activity at the time the Complainant files a Formal Complaint; or
- The Title IX Coordinator files a Formal Complaint because the alleged conduct meets the above definition.

The Title IX Coordinator or designee **must** dismiss a Formal Complaint or any allegations therein if, at any time during the Resolution Processes it is determined that:

- The conduct alleged in the Formal Complaint, if substantiated, would not constitute Prohibited Conduct; or
- The allegations in the Formal Complaint do not fall within the University's jurisdiction.

The Title IX Coordinator or designee **may** dismiss a Formal Complaint or any allegations therein if, at any time during the Resolution Processes:

- A Complainant notifies the Title IX Coordinator or designee in writing that the Complainant requests to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled in or employed by the University;
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. Either Party may appeal the Written Notice of Designation. The bases for appeal are limited to procedural irregularity, new evidence, and conflict of interest. The process for the appeal is set in the Appeal section of these Procedures.

XXVI. Consolidation of Complaints

At the discretion of the Title IX Coordinator or designee, multiple reports may be consolidated into one investigation and/or Informal Resolution if the information related to each incident is relevant in reaching a resolution. Matters may be consolidated where the matters involve multiple Complainants, multiple Respondents, or related facts and circumstances involving the same Parties, including those arising out of the same or different events(s).

XXVII. Formal Investigation of Prohibited Conduct

When investigating a Formal Complaint, the below Procedures will be implemented. At any time prior to reaching a determination regarding responsibility, an Informal Resolution process may be utilized if appropriate conditions are satisfied. The Informal Resolution options will be outlined in a separate section below. Respondents are presumed **not responsible** for any and all allegations until the conclusion of the investigation and adjudication process. The University provides the Parties with the written determination following any appeal if an appeal is filed. If neither Party submits an appeal, the final decision regarding responsibility will take effect on the date when an appeal could no longer be submitted.

A. Notice of Rights and Responsibilities

The Complainant and Respondent are required to review and sign their Notice of Rights and Responsibilities. For students, staff, and faculty, the notice will be provided by the Title I Coordinator or designee. The Investigator will verify that the Parties have received, reviewed, and signed the Notice and have been provided with a copy of the Policy and Procedures to ensure the Parties have adequate information about the investigation and adjudication. The Investigator will also ensure that the Parties have had an opportunity to ask and receive answers to any questions. The Investigator will document instances in which any of the Parties may refuse to sign their Notice or decline the opportunity to meet with the Investigator. The Notice of Rights and Responsibilities will include but are not limited to the following:

- Right to be treated with dignity and respect by all University officials;
- Right for information to only be shared with others on a need-to-know basis in order to facilitate a resolution;
- Right to be informed of available supportive Measures;
- Right to be informed of available community and campus resources and services;
- Right to a Support Person and/or an Advisor;
- Right to regular updates on the status of the investigation and/or resolution; and
- Prohibition against Retaliation and guidance about reporting any retaliatory conduct.

B. Notice of Investigation

The Parties will be provided a written Notice of Investigation, which will include the following:

- The University's complete Policy and Procedures as set forth herein;
- The allegations of Prohibited Conduct as defined by the Policy;
- Identities of the Parties involved, if known;
- Date(s), location(s), and time(s) of the alleged incident(s), if known;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the adjudication process;
- Parties may have an Advisor of their choice, who may be an attorney;
- If Parties do not select an Advisor of their choice, the University will provide a trained Advisor for purposes of performing cross-examination on behalf of that Party at the Hearing;

- Parties may have a Support Person of their choice;
- Advisement that knowingly making false statements or knowingly submitting false information during the investigation and adjudication process is prohibited under the Policy;
- If the University decides to investigate additional allegations about any of the Parties that are not in the original notice, the Parties will receive an amended notice containing the additional allegations; and
- The range of potential Sanctions associated with the alleged Prohibited Conduct.

C. Role of the Investigator

The Title IX Coordinator will designate an OIE Investigator(s) and/or an external Investigator to conduct a prompt, thorough, fair, and impartial investigation.

D. Standard of Proof

The standard of proof for a determination of responsibility under this Policy is Preponderance of the Evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility remain with the University and not on the Parties.

E. Evidence

The investigation is an impartial fact-gathering process, in which Parties have an opportunity to be heard regarding the Formal Complaint. During the investigation, the Investigator will speak separately with the Parties and any other individuals who may have relevant information. The Parties will each have an equal opportunity to present witnesses (including fact and expert witnesses, at their own expense) and any other relevant evidence. Parties are not permitted to record (audio or video) during any meetings.

Evidentiary materials, regardless of relevance, may be provided by Parties, however, the Investigator will determine whether and how the evidence and witnesses submitted by the Parties is directly related to the allegations and whether and how that information will be factored into the investigation. The Investigator will also gather any available physical evidence or documents, including prior statements by the Parties or witnesses, communications between the Parties, email messages, text messages, social media materials, and other records, as appropriate and available.

While the University does not restrict the ability of Parties to discuss allegations that have been reported or to gather and present evidence, it has a compelling interest in protecting the integrity of the resolution process and the privacy of Parties and witnesses. It also endeavors to protect Parties and witnesses from harassment, intimidation, or Retaliation for the duration of the resolution process. To further these goals, witnesses and Parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the Parties and witnesses, and the questions asked in interviews) while the resolution process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes Retaliation or unlawful conduct.

Parties and witnesses should not disclose personally identifiable information. UMES is not responsible for any external legal ramifications associated with a Party disclosing information related to the investigation.

F. Special Considerations

Information related to the prior sexual history of the Parties is generally not relevant to the determination of a Policy violation.

Prior sexual history between the Parties may be relevant in very limited circumstances, for example, where there was a prior and/or ongoing consensual relationship between the Parties, and where Consent is at issue in the case at hand, evidence as to the Parties' prior sexual history as it relates to Consent may be relevant to assess the manner and nature of communications between the Parties.

The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to show Consent under the Policy. Sexual history will never be used for purposes of illustrating any Party's individual character or reputation. The Investigator will determine the relevance of prior sexual history and inform the Parties if information about the Parties' sexual history with each other is deemed relevant.

The University cannot access, consider, disclose, or otherwise use a Party's record(s) that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the capacity thereof or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party. However, a Party can provide voluntary, written consent to use the above-mentioned material for the investigation and adjudication. Consent shall be specifically limited to the information provided. At no time shall consent be construed as consent to access any other information in the Party's records.

The Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

G. Preliminary Investigation Report and Corresponding Notice

At the conclusion of the investigation, the Investigator will provide the Preliminary Investigation Report that provides a case timeline, appropriately summarizes the information gathered (including, but not limited to, the names of witnesses and summaries of their statements), and evidence that is directly related to the Formal Complaint. The Preliminary Investigation Report will be sent to the parties and their respective advisors in electronic format (or hard copy upon request). Before the Preliminary Investigation Report is complete, the Parties will be given an equal opportunity to review and meaningfully respond to it.

The Investigator will also send to the Parties and their Advisors, all evidence obtained that is directly related to the Formal Complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a Party or other source, for inspection and review. The evidence will be provided in an electronic format (or hard copy upon request) and it will also be made available at the live hearing to allow the parties to refer to it during the hearing, including for cross examination.

Parties will have ten (10) business days to review the Preliminary Investigation Report and submit a written response, including comments, information, and/or questions to the Investigator. If there is any new or additional information to be provided by any Party, it must be presented to the Investigator at this time. If further investigation is warranted based on the Parties' written responses, the Investigator will continue the investigation, as needed. The Investigator will consider the Parties' written responses prior to completing the Final Investigation Report.

H. Final Investigation Report and Corresponding Notice

Upon timely receipt of the Parties' written responses, or after the ten (10) business days have lapsed with no written responses, the investigation ends. The Investigator will complete the Final Investigation Report. The Final Investigation Report will contain summaries of all relevant information obtained throughout the course of the investigation and analysis of fact.

Following completion of the Final Investigation Report, the Title IX Coordinator or designee will meet separately with each Party. At the meeting, the Title IX Coordinator or designee will provide each Party with a confidential copy of the Final Investigation Report, including all attachments, and explain the next steps in the process.

Each Party will be allowed ten (10) business days to submit a written response to the Final Investigation Report, which will be considered by the Hearing Panel. Exceptions may be made during times when the University is not in session or in other circumstances. All written responses will be shared with the other Parties prior to the Hearing. In order to protect the privacy of all individuals involved, all materials shared with the Parties are considered confidential and should not be publicly disclosed or released.

The Final Investigation Report will be submitted to the Hearing Panel.

I. Adjudication

Hearing Procedures UMES will provide Parties with a live Hearing for the resolution of Formal Complaints. A Hearing Panel will be assembled to make a determination of the Respondent's responsibility as to the specific charge(s) set forth in the Final Investigation Report.

The Hearing Panel will be composed of three (3) campus community members which may include any combination of faculty, staff, and/or students. Hearing panel members will be drawn from the pool of staff, faculty, and/or student community members who have completed the University's required annual training on issues related to Prohibited Conduct and University Policies and Procedures.

A Hearing date will be provided to the Parties at least five (5) business days in advance of the Hearing. Hearing dates are scheduled in consultation with the Parties whenever possible.

All Hearings are closed to the public. Hearings will be recorded by the University. No other recordings are permitted. Recordings are maintained by the University as indicated in the Policy. Parties may submit a written request to inspect and review the recording.

If a Party does not have an Advisor present at the Hearing, the University will provide one free of charge for the purpose of conducting cross-examination on behalf of that Party. Parties must notify the Title IX Coordinator or designee at least 48 hours prior to the hearing if an Advisor is needed from the University. The University will notify all witnesses interviewed during the investigation of the date and time of the Hearing.

The Hearing Panel may also request the presence of witnesses. The Hearing Panel may conduct the Hearing with all Parties and witnesses physically present in the same geographic location or, with any or all Parties, witnesses, and other participants present at the Hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At any Party's request, the University will provide the Parties with separate rooms (including separate virtual rooms if the Hearing is held virtually) and use technology enabling the Hearing 36 Panel and Parties to simultaneously see and hear the Party or the witness who is answering a question.

All evidence subject to the Parties' inspection and review as explained above will be available at the Hearing to give each Party equal opportunity to refer to such evidence during the Hearing, including for purposes of cross-examination.

The Investigator will summarize the Final Investigation Report and clarify any information in the Final Investigation Report. The Hearing Panel members and the Parties' Advisors may ask the Investigator questions.

Each Party may provide a brief opening statement.

Each Party's Advisor will be provided an opportunity to cross-examine the other Party and any witnesses. Questioning will be conducted directly, orally and in real time by the Party's Advisor only. Parties may not question each other or witnesses directly. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Panel Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. All relevant questions and follow-up questions, including those challenging the credibility of Parties and witnesses, will be allowed.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence:

- Are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or

- Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent. Questions and evidence about the Respondent's prior sexual history with an individual other than a Party to the proceedings may only be considered if the evidence:

- Proves prior sexual misconduct;
- Supports a claim that a Party has an ulterior motive; or
- Impeaches a Party's credibility after that Party has put their own prior sexual conduct in issue.

The Hearing Panel may not consider a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent.

The Hearing Panel may not consider any questions or evidence about a Party's history of mental health counseling, treatment, or diagnosis, unless they consent. The Hearing Panel may not consider questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the individual holding such privilege has waived the privilege.

If a Party or witness declines to answer any questions, the Hearing Panel will not rely on any prior statements made by that Party during the investigation process in making a determination regarding responsibility.

If a Party or witness refuses to submit to cross-examination, then the Hearing Panel is required to ignore that Party or witness's statement and reach a decision based on the remaining body of relevant evidence. The Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross-examination or other questions.

Each Party will have the opportunity to make a brief closing statement.

J. Written Notice of Determination

Prior to issuing a Written Notice of Determination, the Hearing Panel Chair will confer with the Title IX Coordinator or designee, and other University administrators, as appropriate. Other University administrators may include UMES department/unit heads and supervisors for staff, and the Provost's Office/Academic Affairs and department/unit heads and supervisors for faculty.

While conferring as mentioned is allowed, the Hearing Panel Chair is the decision maker responsible for issuing the Written Notice of Determination simultaneously to the Parties after consultations with the Hearing Panel members. The Title IX Coordinator or designee and other University administrators will provide input with respect to any recommended Sanction and other responsive action to the Hearing Panel Chair.

K. The Written Notice of Determination will include:

- Identification of the allegations at issue;
- A description of the procedural steps taken throughout the case;
- Findings of fact supporting the determination;
- Conclusions regarding application of the Policy to the facts;
- A statement of, and rationale for, the determination for each allegation;
- A statement of, and rationale for, any Sanctions imposed on the Respondent, and whether any Remedies

will be provided to the Complainant, as set forth in more detail below; and

- A description of the procedures and permissible grounds for appeal.

The **Range of Sanctions** and other responsive actions that may be imposed upon the Respondent include but are not limited to the following: For students:

- **Expulsion:** Constitutes the permanent separation of a student from the University to which the student is not eligible for readmission or reinstatement and is permanently barred from University property and from all University sponsored or sanctioned events. In addition, students expelled from the University may not attend another college or university within the University System of Maryland (USM). If an expelled student returns to the campus, they may be charged with unlawful entry (trespass) and arrested. Any student who is expelled is not entitled to any tuition or fee refund. Students, who are expelled prior to examinations, will receive the grade of “W” for all classes attempted. A notation is permanently placed on the academic transcript: “expulsion”. For students involved in misconduct that results in expulsion, the conferring of an academic degree will be deferred for the duration. Pursuant to delegated authority, the Vice President for Enrollment Management and Student Experience shall administratively approve expulsions.

- **Suspension:** Separation of the student from the University for a specified period of time with conditions for reinstatement stated in the notice of suspension. Any student receiving a sanction of suspension shall be restricted from the campus and all University sponsored functions during the period of separation unless on official business with the University, approved and verified in writing by the Office of the Vice President for Enrollment Management and Student Experience, designee, or the Office of Public Safety/University Police. Any student who is suspended shall not be entitled to any tuition or fee refund. Students who are suspended prior to examinations, will receive the grade of “W” for all classes attempted. For students involved in misconduct that results in suspension, the conferring of an academic degree will be deferred for the duration of the suspension. A notation will appear on the student’s academic transcript, indicating: “suspension”. The notation does not become a permanent part of the student’s academic record. Pursuant to delegated authority, the Vice President for Enrollment Management and Student Experience shall administratively approve suspensions.

- **Disciplinary Probation:** A written reprimand for violation of specified regulations, imposed for a specified period of time. A sanction of disciplinary probation includes the probability of more severe disciplinary sanctions (including, but not limited to suspension and expulsion from the University) if the student is found to be violating the Student Code of Conduct during the probationary period.

- **Disciplinary Reprimand:** A formal written warning to the student that future misconduct may result in a more severe disciplinary action.

- **Educational Sanctions:** In addition to Sanctions specified above, educational Sanctions that provide the student with learning, assistive or growth opportunities, research or reflective assignments, community services, values/ethics-based activities or other learning-based sanctions.

- **Housing Sanctions:** May include cancellation of the student’s housing contract and denial of a housing contract in the future: o When a sanction of suspension from university housing is imposed, the student is denied the opportunity to enter, even as a guest, or to live in university housing for a specified or indefinite period. Students removed from university shall remain liable for all housing fees and are not eligible for any refunds for the full occupancy period of the housing contract. o When a sanction of expulsion from university housing is imposed, the student is permanently denied the opportunity to live in university housing, or to enter university housing, even as a guest. Students removed from university housing shall remain liable for all housing fees and any damages incurred and are not eligible for any refunds for the full occupancy period of the housing contract.

- **No Contact Order.**

- **Denial of Access to campus grounds and/or buildings.**

For faculty and staff:

- Education and training
- Written reprimand
- No Contact Order
- Denial of Access to campus grounds and/or buildings
- Reassignment
- Suspension without pay
- Separation from employment

The **Range of Remedies** that may be provided to a Complainant based on a determination of responsibility for a violation of the Policy include, but are not limited to:

L. For students:

- **Supportive measures:** such as extended classwork deadlines, flexible deadlines, change of venue for taking a test or exam, change in test or exam date and/or retaking of a test or exam.
- **Academic accommodations:** such as retroactive drop from a particular class, retroactive withdrawal from a semester, policy exemption requests and/or tuition reimbursement.
- **Additional accommodations:** such as a No Contact Order, Denial of Access, housing accommodation; course schedule changes, counseling and/or referral to outside agencies.

M. For staff:

- **Supportive measures:** such as reassignment to a different shift, location, supervisor or work unit.
- **Additional accommodations:** such as counseling and/or referral to outside agencies.

N. For faculty:

- **Supportive measures:** such as reassignment of duties, change in work location, change in service assignments, and change in reporting structure.
- **Additional accommodations:** such as counseling and/or referral to outside agencies. In the event of a written determination that the Respondent violated the Policy and Remedies provided to the Complainant are warranted, the following will occur:
 - Remedies will be provided to the Complainant on a confidential basis.
 - The written determination issued by the Hearing Officer will not include specific Remedies provided to the Complainant but will state whether Remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided.
 - Remedies are considered confidential and the Respondent will not have access to specific information about what Remedies will be provided except to the extent that the Remedies are punitive and burden the Respondent.
 - Remedies may not be appealed by either Party.

- The University will not publicly disclose personally identifiable information about the Parties, the written determination, or the Sanctions, except as required by law.

O. Appeal

Any Party may initiate the appeal process when the Party receives a Written Notice of Designation or a Written Notice of Determination. Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days of receipt of the Written Notice of Designation or the Written Notice of Determination. Appeals are limited to the bases listed below.

P. Procedural Irregularity

- In all cases, the procedural irregularity must be material to the outcome of the designation or the written determination.
- A procedural irregularity affecting the designation or the written determination may include: a failure to follow the University's procedures; a failure to objectively evaluate all relevant evidence, including inculpatory or exculpatory evidence; or a determination regarding what evidence was excluded as irrelevant.

Q. New Evidence

- New Evidence is evidence that was not reasonably available at the time the designation or written determination was made, that could affect the outcome.
- Evidence presented prior to the time the designation or written determination is issued does not qualify as new evidence that was not reasonably available.

R. Conflict of Interest

- The Title IX Coordinator or designee, Investigator, or Hearing Panel member had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the designation or written determination.
- Claims of conflict of interest or bias should be based on the current case and process in question and will be assessed accordingly.

Substantially Disproportionate Sanction (Applicable ONLY to Written Notice of Determination)

- The Sanction set forth in the written determination is substantially disproportionate to the facts of the particular Policy violation. Appeals will be reviewed by the designated Appellate Hearing Officer(s) for all appeals of designations or written determinations under these Procedures. The Appellate Hearing Officer(s) will be determined in accordance with the Respondent's status, as explained below. The Appellate Hearing Officer(s) shall be free from conflict of interest or bias and shall not be the same person who reached the determination regarding the designation or the written determination, the Investigator, or the Title IX Coordinator. All Appellate Hearing Officers will have had no previous involvement with the case that the Appellate Hearing Officer(s) are assigned to review.

Appeals involving a student Respondent shall be reviewed by the Vice President for Enrollment Management and Student Experience.

Appeals involving a staff Respondent shall be reviewed by the Vice President of their respective unit. Appeals involving a faculty Respondent shall be reviewed by the Provost and Vice President of Academic Affairs or designee.

The appellate process following a Written Notice of Designation or Written Notice of Determination will proceed as follows:

- Appeals will be submitted in writing only and there will be no hearing.
- Parties will have five (5) business days from receipt of a Written Notice of Designation or Written Notice of Determination to submit a written appeal statement challenging the decision.
- All Parties will be notified if any Party files a written appeal statement and given notice in writing of the general grounds for the appeal. All Parties will be given five (5) business days from receipt of any Party's written appeal statement to submit a written appeal statement in support of the designation or written determination.
- The Title IX Coordinator or designee shall coordinate the scheduling of the Appellate Hearing Officer(s) and notify the Parties of the date of the appeal deliberation.
- The appeal deliberation is closed to the parties.
- The Appellate Hearing Officer(s) will issue a written decision including its rationale. The decision shall be shared with the Parties, within five (5) business days of the deliberations.
- The Appellate Hearing Officer(s) may:
 - Affirm the designation or written determination;
 - Overturn the designation or written determination; or
 - Remand the case to remedy procedural errors or to consider new evidence.
- The written decision by the Appellate Hearing Officer(s) is final and is not subject to further appeal.
- After the adjudication process is concluded or when the time for filing an appeal has expired and no Party has submitted an appeal, the Title IX Coordinator or designee shall notify the Parties simultaneously of the final outcome of the adjudication process. The determination regarding responsibility for a violation of the Policy becomes final either on the date that the University provides the Parties with the written decision of the result of the appeal if an appeal is filed, or if an appeal is not filed, the final decision regarding responsibility will take effect on the date when an appeal could no longer be submitted, subject to any remanded proceedings.

XXVIII. Academic Transcripts and Effect of Withdrawal on Student Respondents

Sanctions of expulsion and suspension are permanently noted on a student Respondent's academic transcript. When a student Respondent requests their transcript prior to the completion of the resolution process, the existence of a pending investigation is also noted. In the event a Respondent chooses to withdraw from the University prior to the resolution of a Formal Complaint, or where the Respondent declines to participate in the University proceedings under the Policy and Procedures, the University will continue the resolution process in accordance with the Procedures. When a Respondent withdraws before the conclusion of the resolution process, the Respondent is ineligible to return to the University until the resolution process has concluded.

XXIX. Respondent Acceptance of Responsibility

The Respondent may accept responsibility for all or part of the alleged Policy violation(s) at any point during the resolution process. If the Respondent wishes to accept responsibility, the Title IX Coordinator may initiate the Informal Resolution process if permitted, after obtaining all Parties' voluntary, written consent, and after providing the required Notice of Informal Resolution if it has not already been provided. Any remaining allegations that are not resolved through the Informal Resolution process may proceed to investigation or Hearing, as appropriate.

XXX. Informal Resolution

When a Formal Complaint is filed, the University may choose to offer and facilitate informal resolution options to address the alleged Prohibited Conduct as an alternative to proceeding to an investigation and Hearing. Informal

Resolution can encompass a variety of approaches agreed to by the Parties including, but not limited to, mediation, Respondent acceptance of responsibility, and/or negotiated interventions and Remedies facilitated by the Title IX Coordinator or designee.

The purpose of Informal Resolution is to take appropriate action by imposing individual and community interventions and remedies designed to maximize the equal access to the Education Program or Activity, as well as to address the effects of the conduct on the larger University community.

UMES will not require the use of informal resolution in the resolving of allegations of Prohibited Conduct as a condition of enrollment or continuing enrollment, employment or continuing employment, or benefiting from any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Prohibited Conduct.

A. Request for Informal Resolution

Any Party may request Informal Resolution, including their preferred approach of reaching a resolution, such as mediation, Respondent acknowledgement of responsibility, and/or negotiated interventions and Remedies. All Parties and the Title IX Coordinator or designee must agree to the process in writing. Any Party may terminate an ongoing Informal Resolution at any time prior to reaching an agreement.

The Title IX Coordinator or designee has the discretion to determine whether a Formal Complaint is appropriate for Informal Resolution and which resolution approach is best utilized given the specifics of the Formal Complaint. The Title IX Coordinator or designee retains discretion to terminate an ongoing Informal Resolution process at any time, at which point the Title IX Coordinator or designee will determine appropriate next steps. The Title IX Coordinator or designee will inform all Parties simultaneously in writing of the reason(s) for terminating an Informal Resolution process.

B. Informal Resolution Permitted

When Informal Resolution is utilized, the process is voluntary and is not a requirement or condition of continued enrollment or employment at the University.

In such case, Parties will receive a written Notice of Informal Resolution containing the following:

- Summary of the allegations;
- Notice that no Party is required to accept responsibility for the alleged Prohibited Conduct, unless a Respondent chooses to do so;
- Notice that there is no finding of a Policy violation or Sanction unless agreed to by the Respondent;
- Notice that agreement to Informal Resolution is not a waiver of right to proceed with an investigation and Hearing;
- Notice that until an Informal Resolution agreement is finalized, the Parties may, at any time, opt out of Informal Resolution, at which point the Formal Complaint would proceed or resume to investigation and Hearing, as appropriate; ● Notice of any potential consequences resulting from participating in the Informal Resolution process, including that records will be maintained or could be shared;
- Notice about the reasonable confidentiality restrictions of the Informal Resolution process;
- Notice that if an Informal Resolution agreement is finalized and implemented, it precludes the Parties from resuming investigation and adjudication of a Formal Complaint arising from the same allegations; and
- Notice that the results of Informal Resolution are not eligible for appeal.

C. Informal Resolution Not Permitted

Although the Title IX Coordinator or designee retains discretion to determine whether a Formal Complaint is appropriate for Informal Resolution in other cases, Informal Resolution is not permitted under the following circumstances:

- Formal Complaints by a student alleging Prohibited Conduct against an employee (staff or faculty); or
- Formal Complaints alleging Sexual Assault or Sexual Coercion.

D. Informal Resolution

Options Informal Resolution, including mediation, must be conducted by a trained facilitator who guides the Parties in a confidential dialogue to reach an effective resolution, if possible. The trained facilitator may be internal or external to the University depending on the needs of the specific case as determined by the Title IX Coordinator or designee. Sanctions are not possible as a result of Informal Resolution unless the Parties agree to accept Sanctions and/or appropriate Remedies.

E. Negotiated Informal Resolution Interventions and Remedies

If agreed to by the Parties and determined appropriate by the Title IX Coordinator or designee, the following Informal Resolution interventions and Remedies may be utilized, including but not limited to:

- Increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur;
- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic and/or housing modifications for any Party;
- Workplace modifications for any Party;
- Completion of projects, programs or requirements designed to help the Respondent manage behavior, reform from engaging in Prohibited Conduct, and understand why the Prohibited Conduct is prohibited
- Compliance with a No Contact Order;
- Compliance with Denial of Access;
- Completion of community service hours over a specified period of time; and
- Separation from the University. The Title IX Coordinator or designee will work with the Offices of Student Conduct, Human Resources, and/or Provost/Academic Affairs as needed to facilitate such negotiated interventions and Remedies, when necessary.

F. Completion of Informal Resolution

When an Informal Resolution agreement is reached and the terms of the agreement are implemented, the matter is resolved and closed. Appeals by either Party are not permitted. The Title IX Coordinator or designee is responsible for ensuring compliance with the agreement.

In cases where an agreement is not reached and the Title IX Coordinator or designee determines that further action is necessary, or if any Party fails to comply with the terms of the Informal Resolution, the matter may be referred for an investigation and adjudication under these Procedures, as appropriate.

The Parties will be provided with a written copy of the terms of the Informal Resolution agreement. The Title IX Officer or designee will maintain all records regarding Informal Resolution.

XXXI. Post Resolution Follow Up

After any Sanction and/or Remedies are issued, if the Complainant agrees, the Title IX Coordinator or designee may periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine whether additional Remedies are necessary. The Complainant may decline future contact at any time. The Title IX Coordinator or designee may periodically contact the Respondent to assure compliance with the intent and purpose of any Sanction and/or Remedies that have been imposed. Any violation by a Respondent of the intent and purpose of any Sanction and/or Remedies imposed under the Policy, or a failure by a University employee to provide specified Sanctions or Remedies should be reported to the Office of Institutional Equity and Compliance.

NOTE:

- Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these Procedures as well. Students with disabilities requesting accommodations and services under these Procedures will need to present a current accommodation verification letter from their campus Student Accessibility Services office before accommodations can be considered and provided.
- Staff and faculty accommodations with disabilities who receive accommodations in the workplace may be eligible for accommodations under these Procedures. Staff and faculty with disabilities requesting accommodations and services under these Procedures will need to present a current accommodation verification letter from their campus Student Accessibility Services office before accommodations can be considered and provided.
- In appropriate circumstances, the University may utilize language translation services to assist in the investigation and/or hearing proceedings.
- In the event there is a civil protective order in place that precludes the University from conducting a Hearing as outlined in the Procedures, the University may use an alternative process that will be communicated to all Parties.

USM POLICY ON THE USE OF ALCOHOLIC BEVERAGES AT UNIVERSITY SYSTEM INSTITUTIONS AND FACILITIES

<https://www.usmd.edu/regents/bylaws/SectionVI/VI800.html>

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

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.

- 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.

- 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.

III. 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:

- 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.
- 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.

IV. 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.

STATE OF MARYLAND WORKPLACE SUBSTANCE ABUSE POLICY

EXECUTIVE ORDER

01.01.2023.16

(Rescinds Executive Order O1.01.1991.16)

<https://dbm.maryland.gov/employees/Documents/Policies/Substance%20Abuse%20Policy%202023.pdf>

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/VI1200.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>