

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/VII100.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 believe 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/VII100.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.