February 2, 2017

MEMORANDUM

TO: University Senate Members

FROM: Jordan A. Goodman
            Chair of the University Senate

SUBJECT: University Senate Meeting on Thursday, February 9, 2017

The next meeting of the University Senate will be held on **Thursday, February 9, 2017**.
The meeting will convene at 3:15 p.m. in the **Prince Georges Room of the Stamp Student
Union (1st Floor)**. If you are unable to attend, please contact the Senate Office[1] by calling
301-405-5805 or sending an email to senate-admin@umd.edu for an excused absence.
Your response will assure an accurate quorum count for the meeting.

**The meeting materials can be accessed on the Senate Web site. Please go to
http://www.senate.umd.edu/meetings/materials/ and click on the date of the meeting.**

Meeting Agenda

1. Call to Order

2. Approval of the December 6, 2016 Senate Minutes (Action)

3. Report of the Chair

4. Review of Faculty Leave Policies – Parental Leave & External Grant Funding FAQs
    (Senate Doc. No. 14-15-31) (Information)

5. Clarification and Codification on Declining Honor Pledge (Senate Doc. No. 15-16-31)
    (Information)

6. PCC Proposal to Establish an Online Offering of the Master of Science in Business
    Analytics (Senate Doc. No. 16-17-22) (Action)

7. Restricted Research (Senate Doc. No. 16-17-06) (Action)

8. Use of Visiting Faculty Titles for Professional Track Faculty Appointments (Senate
    Doc. No. 15-16-17) (Action)

9. Special Order of the Day
            Steven Petkas
            Chair, Joint President/Senate Sexual Assault Prevention Task Force
            Update on Task Force Deliberations

10. New Business

11. Adjournment

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[1] Any request for excused absence made after 1:00 p.m. will not be recorded as an excused absence.

December 6, 2016

Members Present

Members present at the meeting: 126

Call to Order

Senate Chair Goodman called the meeting to order at 3:17 p.m.

Approval of the Minutes

Chair Goodman asked for additions or corrections to the minutes of the November 2, 2016, meeting. Hearing none, he declared the minutes approved as distributed.

Report of the Chair

Spring 2016 Senate Meetings

The first Senate meeting of the spring semester will be held on February 9, 2017. You can find a complete schedule at www.senate.umd.edu/meetings/. We expect to have a very busy semester with much of the work that is currently in our various committees coming forward for a vote. We expect senators to be actively engaged in the discussion of these important issues.

Senate Elections

The candidacy/election process for all staff, student, and single-member constituency senators for 2017-2018 begins on January 18, 2017. We encourage you and your colleagues to run to be senators. You can find more details about the timeline and process under the "Elections" tab on the Senate website.

Campus Resources & Upcoming Resolution

The presidential campaign and recent election have shaken many members of our community. In recent weeks, students, faculty, and staff have raised concerns about the potential impact on the University and its community. The Senate, as a body that represents faculty, staff, and students, should address those concerns by reaffirming our core principles and values.

The election has brought issues to the forefront that many of us are not used to talking about. Previously, we thought we could rely on our elected leaders to move our country (albeit slowly) toward the kind of society we wanted. Many of us believed that racism, misogyny, homophobia, xenophobia, and religious prejudice were inexorably fading from our society. Of course, many of us are not members of the marginalized groups who are abused and affected by these prejudices, but people in those groups were always acutely aware that these issues were still lying underground in polite company. It has been easy for many of us to sit back and convince ourselves that we live on a campus, or in a state, or even in a country where we can rely on our leaders alone to keep progress moving, but the reality is that progress can only come if all of us work collectively towards these goals. We need to recognize the importance of our voice and action in the process.

We may strongly support our campus president for his stand on DACA as well as his support of marginalized groups, but the burden of progress is not his alone. We must stand up and we must be prepared to act whether on campus or within the state, or as part of a national movement. When anyone's rights are diminished, all of our rights are threatened.

However, it is also easy to vilify people who voted differently than we did. It is easy for us to say that if someone cast their vote for the "other" candidate that they must believe the worst of everything that candidate or their supporters stand for. Most of us live and work in an environment with a majority of like-minded individuals. We often do not know people with viewpoints and experiences that are vastly different from our own. A university is a place where all points of view should be freely and respectfully debated so it is important for our campus community to uphold that principle. It is critical that we speak out, but it is also essential to listen.

Still we must recognize that the current situation has left some in our community feeling threatened. We should be aware of the campus resources that are available to members of our campus community in need of help so that we can support them. These resources are outlined on the slides. Confidential support services, including counseling, are available through the Counseling Center, the Faculty Staff Assistance Program, and the University Chaplains. In addition, incidents of bias or discrimination should be reported to the Office of Civil Rights and Sexual Misconduct or the University of Maryland Police Department.

It is likely that there will be significant changes in the future that will affect us all. Changes to federal laws and regulations, as well as, major shifts in funding from the federal government may affect us in many ways. While some of these changes may be positive, others may well have devastating consequences, particularly for some members of our community. We, as representatives of the students, faculty and staff should be alert to the impact that these changes may have and be willing to both speak up and speak out. If there is a lesson I see from this election, it is that we all need to step up and get involved. It is imperative that we pay attention to what is going on around us and impacting our institution, our colleagues, our community and even our nation. Maybe it will be alerting your colleagues to the issues affecting your constituencies; maybe it will be going to Washington or Annapolis to talk with your representatives; maybe it will involve you stepping up to support the causes you feel strongly about by volunteering or providing financial support. As a first step, there has been a strong sentiment that the University Senate pass a resolution emphasizing the University's core values and principles. The SEC is planning to put forward such a resolution as a motion, which has been discussed on Slack, under New Business at the end of the meeting. I strongly encourage you to stay until the end of the meeting to discuss that resolution.

Special Order of the Day
Wallace D. Loh
President of the University of Maryland
2016 State of the Campus Address

Senate Chair Goodman introduced Wallace D. Loh, President of the University of Maryland, to provide his 2016 State of the Campus Address.

Shared Governance

President Loh noted that shared governance is an important part of American higher education. He explained that shared governance serves as an academic democracy and thanked the Senators for their service on the University Senate.

Strategy & Vision

President Loh noted that in 2015, a group of faculty, staff, and students worked together to update the University's Strategic Plan. He explained that the update is a vision of transformative excellence and impact in the areas of research, innovation, and economic development and serves as an outline of a strategy on how to achieve the University's goals. He talked about transformative excellence and impact in three areas: students and faculty, research and economic development, and diversity and inclusion.

Excellence of Students and Faculty

President Loh stated that the University must recruit the best students and provide an environment for them to thrive. The University of Maryland freshman class had an average GPA of 4.2 and average SAT scores of 1315 with 70% of the class being in the top 10% of their high school graduating class. Students are coming to UMD extremely well-prepared and the University must provide opportunities for them to grow. This year, UMD had a record 30,000 applications for 4,000 seats. This year's freshman class had about 500 more students than the University was anticipating. The graduation rate is at a record 86%. Our academic excellence is inclusive with 43% students of color and 23% from underrepresented groups. The achievement gap between underrepresented students and the rest of the student body is now at 6% which is down from the 12% that it was at the beginning of President Loh's term.

There is also inclusive excellence within the faculty. The percentage of diverse faculty is relatively low in comparison to the student body. In recent hires, at the assistant professor level, the number of diverse faculty members has increased. The overall number of faculty has also grown. The Provost has committed $4 million for 20 diverse senior hires over the next 4-5 years. The Provost has also committed and additional $1 million for the postdoctoral fellowship program which will bring 20 new PhDs to campus.

Last spring, the University announced the Do Good Initiative which encourages students to give back and help others. The Do Good Institute is based in the School of Public Policy but serves the entire campus. It is based on the Do Good Challenge which has been going on for about three to four years. An example of this, is a UMD alum who has created the Food Recovery Network which helps students on campuses across the country take leftover food from campus dining halls and deliver it to nearby homeless shelters.

Research and Economic Development

In order to create transformative excellence and impact, we must focus on advancing breakthrough collaborations. UMD is doing this in the areas of health, poverty, cybersecurity, and innovation. Students and faculty are collaborating across disciplines and even outside the University. President Loh has identified 15 major interdisciplinary centers that exist on this campus.

The Strategic Partnership between UMD and the University of Maryland, Baltimore (UMB) that was implemented last year is the most important collaboration that has been established. President Loh noted the importance of collaboration between disciplines at UMD and the health sciences at UMB. This has resulted in an increase in joint appointments, $80 million in research funding, and three major interdisciplinary centers.

President Loh stated that UMD had submitted a proposal to the National Science Foundation to get one number for all research funding at the University which would increase the prominence of the University in the research world. He added that this document stated that he and the president of UMB were acting as co-presidents and that a new Associate Vice President for Research has been hired with duties on both campuses.

In partnership with UMB and Johns Hopkins University, UMD is working to establish a cancer research center. The Federal Bureau of Investigation (FBI) is relocating its headquarters and one of the proposed locations is in Greenbelt which would bring 12,000 employees close to campus and would help create partnerships between the University and the FBI.

The transformation of College Park is a vision to make College Park the Silicon Valley of Maryland. It is important to revitalize College Park in order to attract the best faculty and students. There are currently 26 major real estate projects in College Park that are either in progress or completed. In addition, there are various campus projects in progress which will help students and alumni create a number of new companies in areas such as virtual reality and visual media.

Diversity and Inclusion

President Loh noted that the core values and ideals of higher education of diversity, the pursuit of truth, and civility and tolerance are being repudiated by a new populism that is based on ethno-centered nationalism.

UMD is absolutely committed to a safe and supportive educational environment for everyone regardless of immigration status. UMD will not allow immigration officers access to campus buildings and the University of Maryland Police Department will not work with immigration officers without a warrant. President Loh noted the numerous campus resources available to students, faculty, and staff in regards to undocumented students and diversity trainings. We should work together to bring people together instead of tear them apart. The demographics of this country are changing and we must work together to move forward.

Q&A

Senator Stanley, undergraduate student, College of Behavioral and Social Sciences, suggested a future town hall Q & A with administrators. He introduced Cory Johnson, undergraduate student.

Johnson commented on minimum wage and raising student minimum wage to the Prince George's County minimum wage of $10.75 per hour.

President Loh said he would continue to meet with students regarding the minimum wage.

Senator Spaur, undergraduate student, College of Behavioral and Social Sciences, introduced Andrea Beaty, undergraduate student, College of Behavioral and Social Sciences and President of Cooperative Housing University of Maryland.

Beaty asked what plans the University has to create affordable housing and how students can be engaged in that process.

President Loh acknowledged that there is not an easy solution but the University is working on it. He noted there is extensive development in College Park and as more housing is available the prices will decrease.

Senator Vasquez, undergraduate student, College of Behavioral and Social Sciences, noted the President's use of Spanish does not represent all students.

Senator Douek, undergraduate student, College of Arts and Humanities, asked about President Loh's view on the boycott, divest, and sanction of Israel movement.

President Loh stated that he was one of the first university presidents to state that he opposed the issue.

Senator Stanley introduced James Merrill, undergraduate student, School of Public Policy.

Merrill asked if the President planned to apologize for using Spanish and commented on the pepper spray incident at the Courtyards apartment complex from earlier in 2016.

Goodman thanked President Loh for his address.

Chair-Elect Falvey made a motion to extend the meeting by 10 minutes to complete the agenda.

The motion was seconded.

Goodman called for a vote on the motion to extend. The result was 66 in favor and 23 opposed. **The motion to extend the meeting passed.**

PCC Proposal to Establish a Post-Baccalaureate Certificate in Nonprofit Management and Leadership (Senate Doc. No. 16-17-21) (Action)

Andrew Harris, Chair of the Programs, Curricula, & Courses (PCC) Committee, presented the PCC Proposal to Establish a Post-Baccalaureate Certificate in Nonprofit Management and Leadership and provided background information.

Goodman opened the floor to discussion of the proposal; hearing none, Goodman called for a vote on the proposal. The result was 81 in favor, 3 opposed, and 3 abstentions. **The motion to approve the proposal passed.**

Nominations Committee Slate 2016-2017 (Senate Doc. No. 16-17-20) (Action)

Daniel Falvey, Chair of the Committee on Committees, presented the Nominations Committee Slate 2016-2017 and provided background information on the committee's selection process.

Goodman opened the floor to additional nominations; hearing none, he called for a vote on the slate. The result was 83 in favor, 1 opposed, and 5 abstentions. **The motion to approve the slate passed.**

A verbatim recording of the meeting is on file in the Senate Office.

New Business

Chair-Elect Falvey made a motion to endorse a resolution reaffirming the values of the Senate as follows:

Whereas the University of Maryland is a public research and land-grant institution that shares its research, educational, cultural, and technological strengths to promote economic development and improve quality of life in the State of Maryland and the nation.

Whereas the University of Maryland is committed to creating and maintaining an educational, working, and living environment that is safe and free from discrimination and harassment of any kind.

Whereas University programs, activities, and facilities are available to all without regard to race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, immigration status, political affiliation, physical or mental disability, religion, veteran status, genetic information, personal appearance, or any legally protected class.

Whereas the University Senate supports the University's commitment to higher education opportunities for academically-talented students from all backgrounds, supports President Loh's signing of the University President's Deferred Action for Childhood Arrivals (DACA) letter, and calls on State and Federal officials to advocate for students who have DACA or Maryland Dream Act status.

Be it resolved the University of Maryland College Park Senate, which represents faculty, staff, and students of the University, reaffirms our commitment to develop and disseminate knowledge in an environment that fosters intellectual discourse, free speech, diversity, inclusion, freedom from violence, and mutual respect..

Goodman called for a second. The motion was seconded.

Goodman opened the floor to discussion of the resolution; hearing none, he called for a vote on the resolution. The result was 82 in favor, 4 opposed, and 3 abstentions. **The resolution passed.**

Adjournment

Senate Chair Goodman adjourned the meeting at 5:03 p.m.

A verbatim recording of the meeting is on file in the Senate Office.

ADVANCE

ADVANCE Program for Inclusive Excellence
Advancing women, transforming the University, investing in a culture of inclusive excellence

UNIVERSITY OF MARYLAND

DIVISION OF RESEARCH

Parental Leave and External Grants Funding Frequently Asked Questions

1. If a faculty member is paid by sponsored research and goes on family-related leave will the grant continue to pay their salary?

It depends on the specific grant or contract and source of funding. In general, federal contracts and grants allow Parental Leave coverage under the benefits package for the faculty member in proportion to the faculty member's salary paid from the grant. Leave must be taken in accordance with established awardee institutional policy and consistently applied to both Federal and non-Federal sponsors.

Per Uniform Guidance 2 CFR §200.431, fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. Except as provided elsewhere in these principles, the costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity.

The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met:

(1) They are provided under established written leave policies;
(2) The costs are equitably allocated to all related activities, including Federal awards; and,
(3) The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees.

2. Does it matter if the faculty member is tenure track or professional track?

No.

3. Does it matter if the faculty member is only paid partially by the grant?

No, but the grant can only be charged the percentage of the salary that is typically charged to the grant.

4. Are there other stipulations?

Yes. Per the University of Maryland Policy on Faculty Parental Leave and Other Family Supports II-2.25(A):

Applicability: the eight (8) work weeks of paid leave is available beginning six (6) months before and up to twelve (12) months after either:
1. the birth of a newborn; or
2. the placement of a child for adoption or foster care under the age of six (6).

Eligibility: Parental Leave applies to all full-time and part-time tenured and tenure-track, professional track faculty, and all librarian faculty, with appointments of at least 50% FTE.
1. Assured Parental Leave shall be pro-rated for eligible part-time faculty.
2. Use of Parental Leave does not require the faculty member to submit medical documentation or proof of placement of a child for adoption or foster care.
3. If a child's parents are both faculty employed by the same institution, both may be eligible for paid Parental Leave up to the eight (8) work week maximum as follows:
    a. Both parents may use accrued annual, sick, personal, or collegial leave concurrently with the birth of a child or placement of a child under the age of six (6) for adoption or foster care;
    b. At the time a faculty member takes Parental Leave, they should be acting as primary caregiver. In some cases, there will be two UMD parents eligible for Parental Leave. Either UMD employee parent may be considered the "primary caregiver" at any time, as long as both parents are not the "primary caregiver" for the same time period on the same day.
    c. The primary caregiver stipulation specified under Eligibility 3.b. above only applies when a faculty member is relying on Assured Parental Leave, rather than on his/her own accrued annual, sick, or personal leave. Assured Parental Leave may only be used by one parent on a given workday, but if one parent is using Assured Parental Leave, the other parent may use his/her own accrued leave at the same time. Both UMD parents may use Parental Leave simultaneously by alternating between use of Assured Parental Leave and their own accrued leave.
4. To be eligible for parental leave, an instructional faculty member must have been employed by the institution for at least one semester and a non-instructional faculty member for at least six (6) months.
5. A faculty member may be eligible for Parental Leave under this Policy on one occasion in a given 12-month period, and on three occasions during the duration of the faculty member's employment with the University System of Maryland. Any additional periods of Parental Leave require the approval of the President, or the President's designee.

Faculty should contact the appropriate office(s) with more specific questions (Office of Research Administration for grant/contract; and Faculty Affairs for Paid Parental Leave).

5. How do I find out if my federal or other-sponsored grants will allow my faculty member to continue being paid while on maternity leave?

The P.I. should ask their Office of Research Administration (ORA) Contract Administrator to check and see if their grants fall under their same requirements or somehow has an exception. ORA has seen most federal and other sponsoring agencies comply with university policies and continue to pay faculty salaries while on parental leave. It may also be necessary to extend the period of performance of a project in order to complete the statement of work or project requirements. Please discuss this as well with your ORA Contract Administrator.

6. Is there any way the university can receive additional funding from the funding agency to support hiring replacement workers during the time someone is on parental leave?

Typically not, although existing funds from the grant may be used toward temporary replacement on a case by case basis. Check with your sponsor award terms or your ORA Contract Administrator to check for the allowability of rebudgeting on a specific award.

7. What are other sources of funding to support hiring replacement workers during the time someone is on parental leave?

The PI should ask his/her department chair if there are other possible sources of funding support.

8. Are postdocs who are funded via a "fellowship" (i.e., receive a stipend directly from an external sponsor or through another mechanism outside the sponsored award/ORA system) eligible for Parental Leave?

Such individuals are not salaried employees, do not receive a benefits package, and therefore would not be eligible for Parental Leave, unless the fellowship specifically allows for the use of funds for that purpose.

University Senate

TRANSMITTAL FORM

Senate Document #:	15-16-31
Title:	Clarification and Codification on Declining Honor Pledge
Presenter:	Bryan Eichhorn, Chair, Senate Educational Affairs Committee
Date of SEC Review:	January 30, 2017
Date of Senate Review:	February 9, 2017
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report 4. For information only
Statement of Issue:	In March 2016, a proposal was submitted to the Senate Executive Committee (SEC) to revise the University of Maryland Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure (V-1.00[A]). The proposal suggested that declining to sign the Honor Pledge be added to the list of issues that can be grieved under existing procedures in order to protect students who choose not to write or sign the Pledge. The SEC voted to charge the Educational Affairs Committee with reviewing the proposal and the University of Maryland *Code of Academic Integrity* (III-1.00[A]), and considering whether changes to University policy are appropriate.
Relevant Policy # & URL:	III-1.00(A) University of Maryland *Code of Academic Integrity*
Recommendations:	• The Educational Affairs Committee recommends that the Office of Student Conduct review and expand its educational efforts regarding the Pledge's relationship to the principles and practices of academic integrity at the University. The Office of Student Conduct should collaborate with other offices as needed—such as the Office of Faculty Affairs, the Teaching and Learning Transformation Center, the Office of Undergraduate Studies, and the Graduate School—to develop a uniform and robust campaign that ensures that faculty and students are informed about the Pledge, its purpose, and its provisions. Outreach efforts should also ensure that the unique needs of international and graduate students are being met. • The Educational Affairs Committee recommends that appropriate revisions be made to the Faculty Handbook, the Undergraduate Catalog, and other resources that discuss the Honor Pledge, in order to align University guidance with the specific language of the Pledge in the *Code of Academic Integrity*.

	• The Educational Affairs Committee recommends that the SEC charge the Senate Student Conduct Committee with conducting a thorough review of the Honor Pledge and its role in fostering a climate of academic integrity on campus. The committee recommends that the charge ask the Student Conduct Committee to consider whether the current language of the Pledge is appropriate and to consult with students during its review.
Committee Work:	The Educational Affairs Committee began work on its charge in September 2016. It reviewed the *Code of Academic Integrity*, the University of Maryland Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure (V-1.00[A]), and the Arbitrary and Capricious Grading Policies (III-1.20[A] and III-1.20[B]), and consulted with the proposer, the Office of Student Conduct (OSC), the Undergraduate and Graduate Student Ombuds Officers, the Office of Undergraduate Studies, the Student Affairs Committee, and the Student Conduct Committee. With the help of the Student Affairs Committee, the Educational Affairs Committee conducted informal surveys of students and faculty to learn more about current perceptions and uses of the Honor Pledge. The committee found no evidence that students are being punished for refusing to sign the Pledge. It did find that some faculty members give points or extra credit for signing the Pledge, which is a clear violation of the *Code*, but University policies on Arbitrary and Capricious Grading already provide students a mechanism for grieving grading decisions that are not based on performance in the course. As such, the committee sees no need to amend University policy. However, the committee's research clearly indicates the need for improved education and outreach efforts, as well as a more comprehensive review of the language of the Pledge and its role in furthering the goals of the *Code*. The Senate Bylaws indicate that a holistic review of the Pledge falls within the purview of the Student Conduct Committee rather than the Educational Affairs Committee, so the committee agreed that further consideration by the Student Conduct Committee would be appropriate. After further consultation with the relevant offices, the committee voted unanimously to approve its recommendations at its meeting on December 6, 2016.
Alternatives:	The Senate could choose not to approve the recommendations of the Educational Affairs Committee calling for expanded educational initiatives and a review of the Honor Pledge.
Risks:	There are no associated risks.
Financial Implications:	There are no financial implications.
Further Approvals Required:	Senate approval, Presidential approval

Senate Educational Affairs Committee

Report on Senate Document #15-16-31

Clarification and Codification on Declining Honor Pledge

January 2017

2016-2017 Educational Affairs Committee Members

Bryan Eichhorn, Chair
Ben Bederson, Ex-Officio Provost's Rep
Fasika Delessa, Ex-Officio SGA Rep
Linda Macri, Ex-Officio Graduate School Rep
Marcio Oliveira, Ex-Officio Division of IT Rep
Doug Roberts, Ex-Officio Associate Dean for General Education
Adria Schwarber, Ex-Officio GSG Rep
Ann Smith, Ex-Officio Undergraduate Studies Rep
Lindsey Anderson, Faculty
John Buchner, Faculty
Vedat Diker, Faculty
Jeffrey Henrikson, Faculty
Celina McDonald, Faculty
Abani Pradhan, Faculty
Kellie Robertson, Faculty
Dylan Selterman, Faculty
Elizabeth Soergel, Faculty
Ji Seung Yang, Faculty
Michelle Brooks, Exempt Staff
Cathy Fisanich, Non-Exempt Staff
Prasoon Gupta, Graduate Student
Anne Tavera, Undergraduate Student

BACKGROUND

In March 2016, a proposal was submitted to the Senate Executive Committee (SEC) requesting revisions to the University of Maryland Undergraduate Student Grievance Procedure (V-1.00[A], which was subsequently revised and renamed the University of Maryland Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure). The proposal noted that students who might be punished for declining to write or sign the Honor Pledge had no recourse under University policy, and suggested that declining to sign the Pledge be added to the list of issues that could be grieved under existing procedures. The SEC voted to charge the Senate Educational Affairs Committee with reviewing both the proposal and the University of Maryland *Code of Academic Integrity* (III-1.00[A]), and considering whether changes to University policy are appropriate (Appendix 3).

COMMITTEE WORK

Overview
The Educational Affairs Committee was charged on May 3, 2016. The committee reviewed the charge later that month, but had insufficient time to take action during the 2015-2016 academic year. Beginning in September 2016, the committee reviewed the *Code of Academic Integrity*, the University of Maryland Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure, and the Arbitrary and Capricious Grading Policies (III-1.20[A] and III-1.20[B]). Additionally, the Educational Affairs Committee consulted with the proposer, the Director of the Office of Student Conduct (OSC), the Undergraduate Ombuds Officer, the Graduate Ombuds Officer, representatives from the Office of Undergraduate Studies, the Senate Student Affairs Committee, and the Senate Student Conduct Committee during its review.

To better assess students' experiences with the Pledge, the Educational Affairs Committee asked the Student Affairs Committee to gather student input on several key questions. The Student Affairs Committee conducted an informal survey of Student Senators and committee members, and received thirty-two responses. It shared its findings in a memo (Appendix 1) and a presentation to the Educational Affairs Committee. Faculty members of the Educational Affairs Committee also informally polled their colleagues about whether and how they incorporated the Pledge in assignments and exams, gathering responses from ninety-six faculty members. The committee discussed the results of both of these undertakings at its November meeting.

Based on its findings, the committee drafted several recommendations, which it shared with the Provost's Office, the Office of Faculty Affairs, the Office of Undergraduate Studies, the Graduate School, and the Office of Student Conduct. The committee voted unanimously to approve its recommendations at its meeting on December 6, 2016.

Pledge Background
The Honor Pledge was incorporated into the *Code of Academic Integrity* (*Code*) in 2001 as part of a student-led effort to promote academic integrity. It was students who first proposed the creation of a Pledge, motivated by a belief that too many of their peers were unaware of the *Code's* existence. The Pledge was designed to be an optional exercise, largely in order to accommodate individuals who are uncomfortable signing pledges for religious or other reasons. While students can refuse to write and sign the Pledge, they must explain such a decision to their instructors. The *Code* is clear, however, that a student's choice regarding signing the Pledge cannot be considered in any grading decision or judicial procedure. While the Pledge may be optional, refusal to write and sign it does not exempt students from the obligations of the *Code* itself and cannot be used as a defense for academic misconduct. The current language in the *Code* addressing the Pledge is quoted below:

HONOR PLEDGE

4.   On every examination, paper or other academic exercise not specifically exempted by the instructor, the student shall write by hand and sign the following pledge:

> *I pledge on my honor that I have not given or received any unauthorized assistance on this examination.*

Failure to sign the pledge is not a violation of the *Code of Academic Integrity*, but neither is it a defense in case of violation of this *Code*. Students who do not sign the pledge will be given the opportunity to do so. Refusal to sign must be explained to the instructor. Signing or non-signing of the pledge will not be considered in grading or judicial procedures. Material submitted electronically should contain the pledge, submission implies signing the pledge.

Committee Findings

Through consultation with the Director of the OSC, the Undergraduate and Graduate Student Ombuds Officers, and student Senators and committee members, the committee found no evidence that students are being punished for refusing to sign the Pledge. No one was able to cite a single, specific instance of a faculty member retaliating against a student who refused to sign. While a grading decision based on a student's decision not to sign the Pledge could be considered a form of punishment, University policies on Arbitrary and Capricious Grading already provide students a mechanism for grieving the assignment of grades based on factors other than performance in the course. As such, the committee sees no need to amend the Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure, as requested in the proposal.

The committee did find that some faculty members consider the Pledge in grading decisions, which is a clear violation of the *Code*. Those consulted by the committee described courses in which signing and returning the Pledge is the semester's first assignment, or instances of faculty who incorporate the Pledge into the point structure of their assignments or provided extra credit for signing the Pledge. While relatively few of the students and faculty who responded to the survey and polls reported having encountered or engaged in such practices themselves, approximately one-third of student respondents expressed concerns that their grades would suffer if they refused to sign. Narrative comments also indicate a significant number of student respondents have feared their assignments would not be graded or would be subjected to a higher level of scrutiny if they refused to sign the Pledge.

The committee's research and the information gathered from the student survey and faculty polls clearly indicate the need for improved education and outreach efforts. The Student Affairs Committee survey indicates that 50 percent of the student respondents believe signing the Pledge is mandatory, with a similar percentage reporting having been told by an instructor it was required on one or more occasions. Feedback from the faculty members consulted by the Educational Affairs Committee similarly suggests that awareness of the Pledge and its function varies significantly. While the number of international graduate student respondents to the survey was too low to draw meaningful conclusions, anecdotal evidence considered by the Educational Affairs Committee suggests that international graduate students in particular may benefit from a more intentional and extensive introduction to the Pledge, given potential language barriers and variations between educational systems.

The committee identified a range of important online resources—among them the Undergraduate and Graduate Catalogs, the Faculty Handbook, and the Course Related Policies page maintained by the Office of Undergraduate Studies—that describe the Pledge in inconsistent language that is either inaccurate or misleading (a partial list of these resources can be found in Appendix 2). These discrepancies, in addition

to the significant confusion regarding whether or not the Pledge is mandatory, indicate a need for a more extensive and sustained educational initiative.

The committee also discussed at length whether the current language describing the Pledge makes it difficult for students to exercise free choice. The committee expressed concern over the use of "shall" within the *Code*, which creates an ambiguous obligation. "Shall" suggests that a refusal to sign is a breach of a requirement, yet the *Code* explicitly states that refusal to sign is not a violation of the *Code*. The committee generally felt that "shall" should be replaced by language that more directly and unambiguously communicates that students are free to make a decision regarding the Pledge without fear of negative repercussions (e.g. "are encouraged to"). More importantly, the committee questioned whether the requirement that students explain a decision not to sign to their instructor is unreasonably coercive, given the fundamentally hierarchical nature of the instructor/student relationship. Finally, the committee questioned whether the stipulation that "submission [of an electronic assignment/exam] implies signing the Pledge" denies students the ability to actively choose whether or not to sign the Pledge.

The committee also identified potential ambiguity regarding the operative step in the Pledging process. While the *Code* initially directs students to "write by hand and sign," all remaining references simply discuss "signing" the Pledge. The committee acknowledged that writing out the text of the Pledge, rather than simply signing, more effectively reminds students of their obligations under the *Code*, a belief shared by those who originally advocated for the Pledge's adoption. However, the committee also recognized that "writing" the Pledge is complicated or even impossible in the case of electronic assignments or exams. The committee generally agreed that the *Code* should be revised to clarify the expectations with respect to writing and signing. Further, members identified a need for greater attention to the mechanics of the Pledging process, with the goal of better accommodating the increasing number and evolving nature of electronic assignments and exams. Finally, the committee discussed whether the Pledge would be less objectionable for some groups if it were instead called a "Promise" or "Statement," as is the case at other universities.

While revisions to the *Code* may be warranted, the Educational Affairs Committee feels that the above concerns exceed the scope of its work under the present charge, as they touch on fundamental aspects of the University's efforts to foster a culture of academic integrity. The committee feels these concerns merit a more sustained and comprehensive review of the Pledge and its role in furthering the goals of the *Code*, but the Bylaws of the University Senate indicate that such a holistic review of the Pledge and academic integrity at the University of Maryland falls within the purview of the Senate Student Conduct Committee rather than the Educational Affairs Committee. After reviewing a draft of the Educational Affairs Committee's recommendations, the Student Conduct Committee agreed that a charge directing it to conduct such a review would be appropriate. The review should involve research into the literature on various approaches to influencing student behavior, as well as current practice at peer institutions. Additionally, the Educational Affairs Committee feels it is essential that any consideration of changes to the Pledge involve students in a significant way, given the central role students played in proposing and advocating for the Pledge's initial adoption.

RECOMMENDATIONS

The Educational Affairs Committee recommends that the Office of Student Conduct review and expand its educational efforts regarding the Pledge's relationship to the principles and practices of academic integrity at the University. The Office of Student Conduct should collaborate with other offices as needed—such as the Office of Faculty Affairs, the Teaching and Learning Transformation Center, the Office of Undergraduate Studies, and the Graduate School—to develop a uniform and robust campaign that ensures that faculty and students are informed about the Pledge, its purpose, and its provisions.

Outreach efforts should also ensure that the unique needs of international and graduate students are being met.

The Educational Affairs Committee recommends that appropriate revisions be made to the Faculty Handbook, the Undergraduate Catalog, and other resources that discuss the Honor Pledge, in order to align University guidance with the specific language of the Pledge in the *Code of Academic Integrity*.

The Educational Affairs Committee recommends that the SEC charge the Senate Student Conduct Committee with conducting a thorough review of the Honor Pledge and its role in fostering a climate of academic integrity on campus. The committee recommends that the charge ask the Student Conduct Committee to consider whether the current language of the Pledge is appropriate and to consult with students during its review.

APPENDICES

Appendix 1 — Student Affairs Committee Memo to the Educational Affairs Committee
Appendix 2 — Preliminary List of Electronic Resources Discussing the Pledge
Appendix 3 — Senate Executive Committee Charge on Clarification on Declining Honor Pledge (Senate Document #15-16-31)

UNIVERSITY OF
MARYLAND
UNIVERSITY SENATE

1100 Marie Mount Hall
College Park, Maryland 20742-7541
Tel: (301) 405-5805   Fax: (301) 405-5749
http://www.senate.umd.edu

Memorandum

To: Bryan Eichhorn, Chair, Senate Educational Affairs Committee

From: Adam Berger, Chair, Senate Student Affairs Committee

Date: November 11, 2016

Re: Request for Assistance with Clarification and Codification on Declining Honor Pledge (Senate
         Document #15-16-31)

I am writing on behalf of the Student Affairs Committee (SAC) to address the questions you posed in your
memorandum of October 6, 2016. After attending the Educational Affairs Committee's (EAC) September
30 meeting, I briefed the SAC on the basic elements of EAC's charge and shared your request. To inform
our response, the SAC drafted an anonymous survey, which it administered to a select group of students
(undergraduate and graduate student Senators and student members of the SAC) between October 24 and
November 2. Additional information about the survey may be found in the Approach & Responses section.
The survey's results are summarized in the committee's answers below, and more extensive data is
contained in the Appendix. Please feel free to contact the Student Affairs Committee with any additional
questions or concerns.

Do students understand that signing the Honor Pledge is optional?

Through its survey and in committee discussions over the course of two meetings, the SAC found
that **a significant number of the students we consulted do not understand that signing the
Honor Pledge is optional**. When asked if signing the Pledge is mandatory, for example, half of the
students surveyed responded that that it was; the other half correctly indicated that it was not.
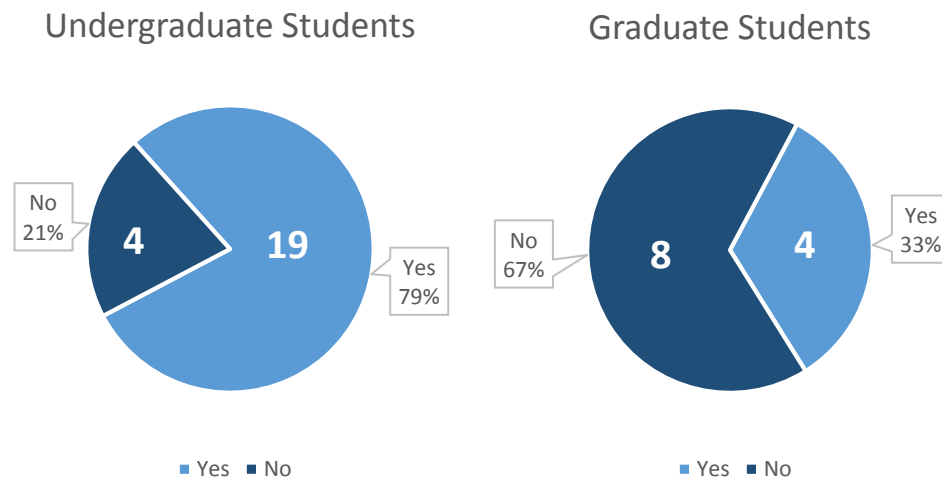
**Additionally, nearly one-half of the respondents reported that they had been told by a
professor in one or more courses that signing the Pledge was mandatory** (see Question 2). One
student, for example, shared that "nearly all of my professors have stated that the pledge is
mandatory," while another related that, "while the word was never used, it was implied that exams
wouldn't be graded unless it was signed." One student even responded that they had been told "we
had to sign or [the professor] would assume we had cheated or received help." **It is important to
note that the narrative responses suggest students who indicated they had been "told" the
Pledge was mandatory are not necessarily distinguishing between an explicit requirement and
one that is strongly implied.**

Do students feel that current outreach and educational efforts regarding the purpose of the Pledge and procedures for declining to sign it are sufficient?

More than 1/3 of the respondents believe that current outreach efforts are insufficient, an assessment also supported by the number of faculty providing incorrect information discussed above. In their narrative comments, some students reported that the Pledge was incorporated in a cursory or pro forma fashion, while one expressed a belief that professors simply assume that students understand the Pledge and its purpose. Two students indicated they only learned of the Pledge outside of a classroom—one from posters near the Office of Student Conduct, another through their SAC work on this survey. One student also observed that some international students might be in need of additional training, as many "do not entirely understand the importance of paraphrasing/citing another person's ideas rather than copying them verbatim." Additional narrative feedback may be found in Question 6.

The adequacy of current outreach efforts is one area where undergraduate and graduate students diverge. **While 15 out of 19 undergraduate students (79%) believe current efforts are sufficient, only 4 of 12 graduate students (33%) do**.

Do you think efforts to educate students about the Honor Pledge are sufficient?

Undergraduate Students

Graduate Students

No 21%   4   19   Yes 79%

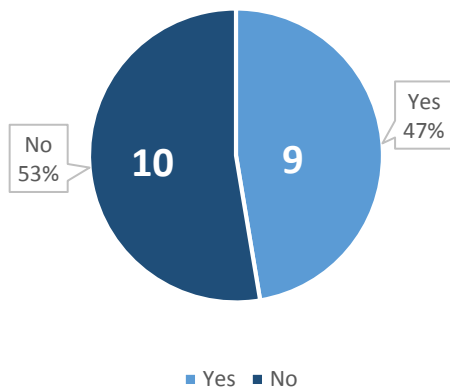No 67%   8   4   Yes 33%

■ Yes ■ No   ■ Yes ■ No

Does student understanding of the Pledge vary by degree type (undergraduate or graduate) or nation of origin?
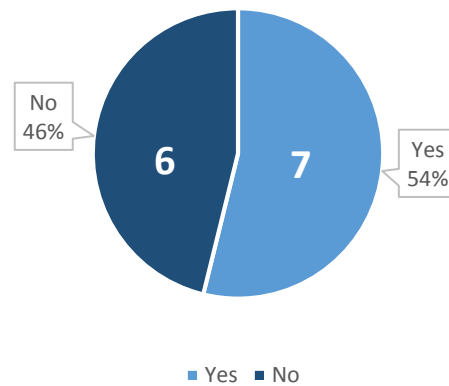
As noted above, the two populations exhibited different conclusions regarding the need for additional outreach and education. And as noted in our response to the first question, both undergraduate and graduate students reported similar levels of understanding, at least with regard to whether or not signing the Pledge is required.

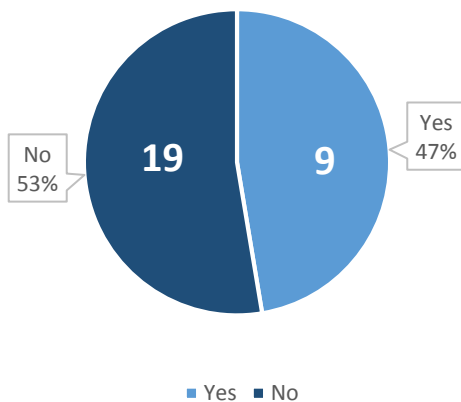**Is it mandatory to sign the Honor Pledge?**

Undergraduate Students

Graduate Students

No 53% — 10 | 9 — Yes 47%
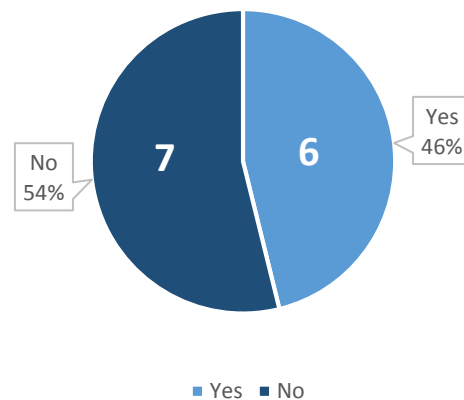■ Yes ■ No

No 46% — 6 | 7 — Yes 54%
■ Yes ■ No

Similarly, roughly half of each category of respondent reported that a professor had told them the Pledge was mandatory.

Have you ever been told by a professor that signing the Honor Pledge was mandatory?

Undergraduate Students

Graduate Students

No 53% — 19 | 9 — Yes 47%
■ Yes ■ No

No 54% — 7 | 6 — Yes 46%
■ Yes ■ No

With regard to **international students, the committee is unable to draw any meaningful conclusions**, given only 3 respondents identified as such. The respondents are originally from Brazil, France, and India. All were graduate students, 2 thought signing the Pledge was mandatory, and 1 reported having been told by a professor it was required.

Have students encountered instances where signing the Pledge was associated with points on an assignment?

Our survey did not find evidence that this is a widespread practice. Only 4 of the 32 students who responded had ever encountered assignments where signing the Pledge was explicitly associated with
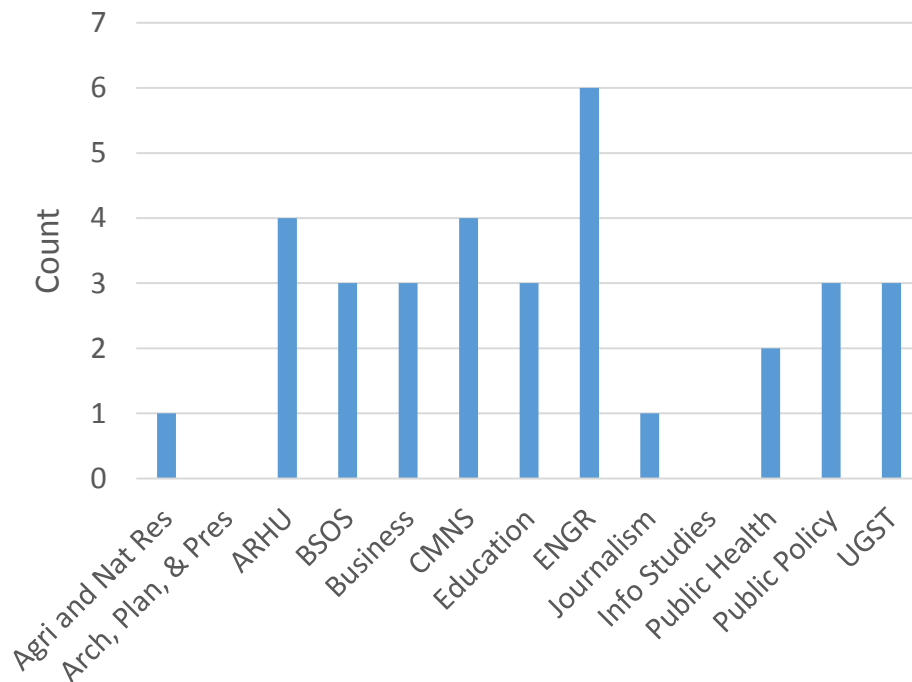
points. One received extra credit for signing, while another was a teaching assistant in a course where it was integrated into an assignment's point distribution. One student also reported that an exam would not be graded if the Pledge was not signed.

However, it is clear from the narrative responses to Question 2 and Question 3 that a number of students have either been told explicitly, or assumed, that assignments would not be graded without a signed Pledge. In this sense, then, there is clearly an impression in a number of students' minds that a decision not to sign could negatively affect their grade. Additionally, **more than one-third of respondents have feared they would be punished for refusing to sign the Pledge** (see Question 4). **Despite this, none of the respondents reported actually having faced repercussions for declining to sign.**

Approach & Responses

The survey was designed and administered using Qualtrics. Responses were completely anonymous. It was distributed to all undergraduate Senators (28), all graduate Senators (11), and the student members of the SAC (9 undergraduates and 5 graduates). Given 5 student members of the SAC are also Senators, the total number of individuals surveyed was 48. No demographic data was captured in this survey, beyond degree type, College, and country of origin.

We received 32 responses (though one participant did not answer every question): 19 from undergraduate students and 13 from graduate students. The distribution by College appears below:
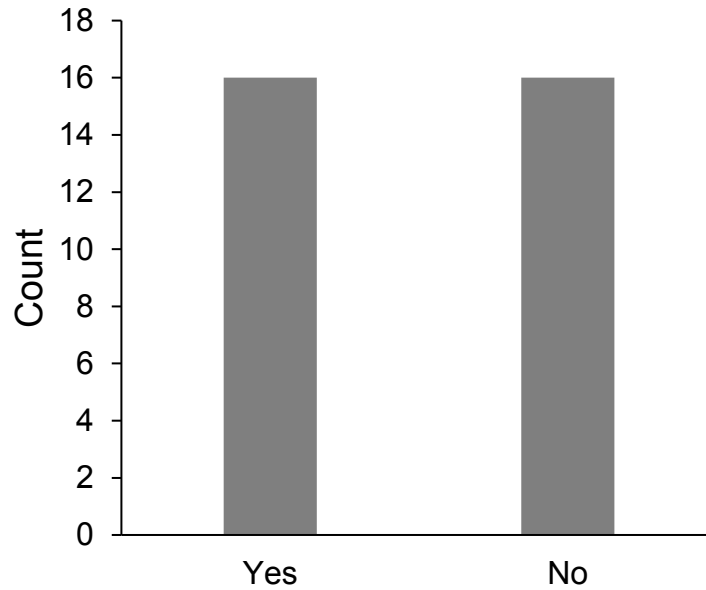

In our discussion of the results, SAC members noted that the group of students surveyed was not necessarily representative of the broader student population, given they are all either student leaders or individuals who have volunteered their service on a Senate committee. Given this sort of student is more likely than their peers to be aware of or interested in University policies, however, the SAC thinks any potential skewing can be accounted for when assessing students' awareness of the Pledge.
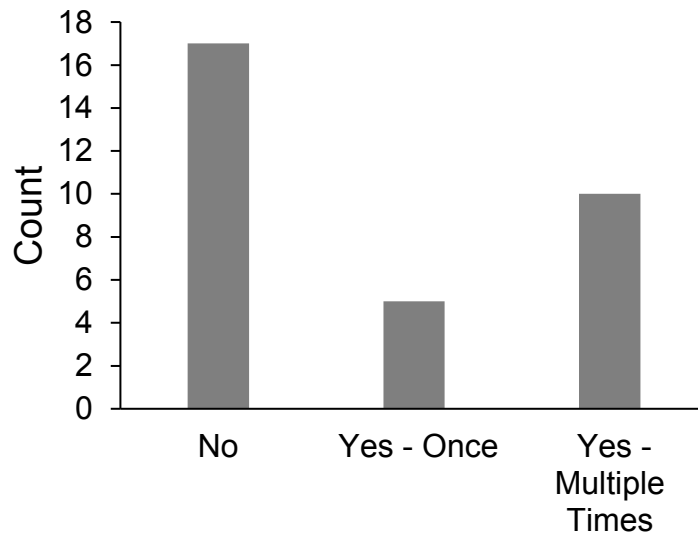
Appendix

Question 1

Is it mandatory to sign the Honor Pledge? (please answer based on your initial thoughts and do not change your answer after going to the next page)

Question 2

Have you ever been told by a professor that signing the Honor Pledge was mandatory?
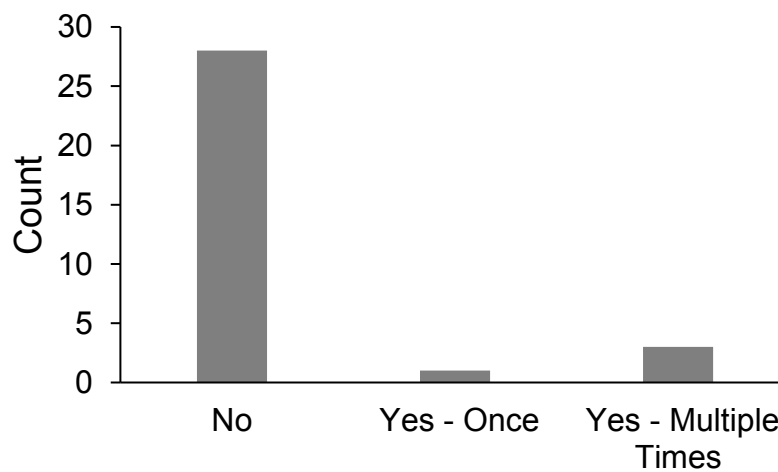

Those who answered "Yes" were asked to elaborate:

- It's always just understood that's what you do
- I remember being asked to sign the honor pledge before an exam in just one of my classes during my first year.

- "Make sure you sign the honor pledge before you hand in your exam," or "Sign the honor pledge on the cover sheet before you begin."

- It was mandatory to sign it on an upper-level (400-level) exam I took.

- Nearly all of my professors have stated that the pledge is mandatory.

- On several occasions it was stated that it must be filled out and signed.

- Before every midterm & final

- While the word was never used, it was implied that exams wouldn't be graded unless it was signed.

- Before you begin your exam, sign the honor pledge.

- We, students are always required to sign the honor pledge and start the test. I remember one professor who once said, if the honor pledge is missing, the answer script would not be evaluated.

- We would not have our exam graded if the pledge was not signed.

- In one of my classes my professor told us we had to sign or he would assume we cheated or received help.

Question 3
Have any of your professors associated signing the Honor Pledge with points (regular or extra credit)?
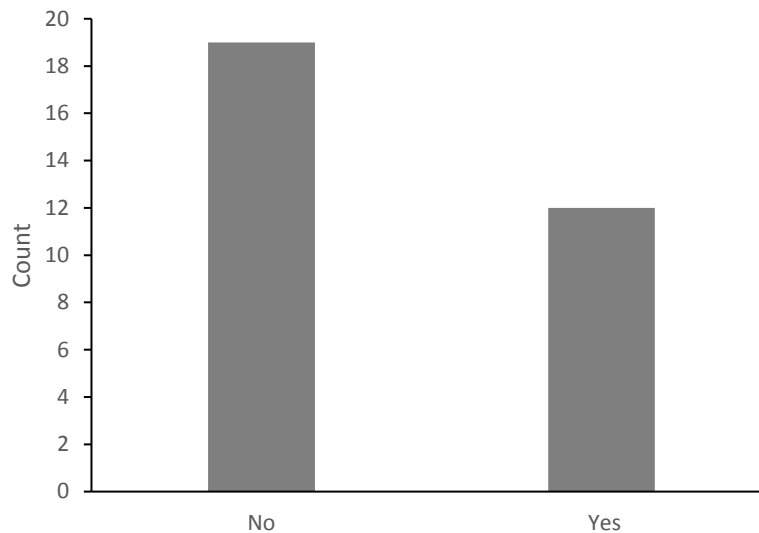

Those who answered "Yes" were asked to elaborate:

- Not in a class I took but in a class I was a TA. The professor assigned one point to students on an essay assignment for writing and the honor pledge on the first page of their assignment.

- Would not have exam graded without the pledge signed.

- I received one extra credit point for signing it.

- CHEM exams

Question 4

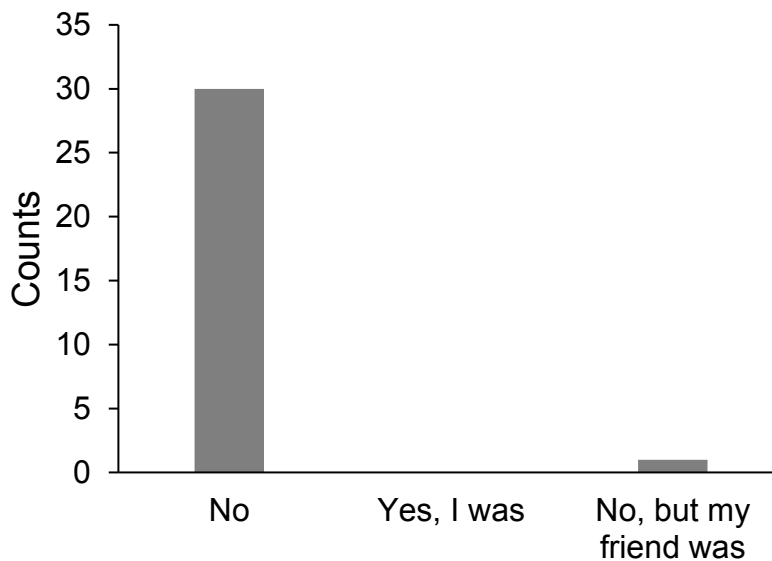Have you ever feared you would be punished if you didn't sign the Honor Pledge?

Those who answered "Yes" were asked to elaborate:

- Its like writing your name on an exam. There are no points for it, but you just have to do it.
- I feel like it would be a slap in the face to not write the honor pledge.
- Since it is written on the front of most test booklets, I have feared that if I chose not to sign it I could be accused of academic dishonesty.
- There's an underlying feeling that if you refuse to sign that you are viewed as guilty.
- They may assume you were cheating.
- While signing the pledge may not technically be mandatory, I am not sure what would happen if you did not sign the pledge.
- I was afraid that professors would scrutinize my work to a far higher degree than the average student if I did not sign it and there
- I assume that in not signing the honor pledge, I am stating that I received unauthorized assistance. I'm sure my professors would then look into the matter.
- I feared my exam score would be disregarded and I would receive a zero if I did not sign.
- Some professors have hinted that it would invalidate your exam
- I think people would assume I'm cheating.

Question 5

Have you ever been punished for not signing the Honor Pledge?

The student who indicated a friend was punished explained that "Points on a paper were associated with signing the Honor Code in a Minority Health class." While this is an important piece of information, this was not the sort of punishment the SAC was intending to investigate, which suggests the question could have been more clearly phrased.

Question 6

Do you think efforts to educate students about the Honor Pledge are sufficient?

Those who answered "No" were asked to elaborate:

- I had never heard of it until I volunteered in the student affairs committee of the university senate and we had to discuss it.

- Most professors do not discuss it and take it for granted that students know what the pledge is and why we have to sign it
- I personally do not know anything about the honor pledge apart from the posters hung outside the Conduct Office in the Mitchell Building
- I believe that international students from different cultures might benefit from a required "academic integrity" crash course. My experiences with international students indicate that the many international students do not entirely understand the importance of paraphrasing/citing another person's ideas rather than copying them verbatim.
- Its more or less an after thought thrown into every syllabus and or pre-test speech. More could be done to speak to its importance.
- not current efforts. At my previous institution our president gave a talk about academic integrity during orientation. that as effective
- I think that simply reading it and signing it on exams and other assignments is enough for students to understand and be aware of the pledge and the weight it holds.
- I did not know this was even a thing. I vaguely remember a professor saying something about it.
- More needs to be said in class.
- No one mentions it until its exam time.

Question 7
In your opinion, why does the University have an Honor Pledge?
- Remind students to abide by standards of honesty and integrity in academic work
- To remind students of the rules of academic integrity
- to prevent cheating
- To keep students accountable. To place values on the degrees that we get from the University.
- To discourage cheating and remind students about plagiarism rules
- It looks nice, makes the university prestigious, and most institutions also have it.
- To remind students what is expected of them and to blatantly set the standards
- While I am unfamiliar with why the honor pledge is in existence at UMD, Texas A&M has a similar code of honor that I have heard is quite successful and very present in the daily happenings of the student body.
- To serve as an active reminder that cheating and plagiarizing are not acceptable under any circumstances.
- I think it is necessary because it speaks to the integrity of the university.
- The honor pledge is a respectable academic standard and encourages students to have integrity in their work.
- To provide grounds of reasonable expectation for charging students with academic dishonesty, if there are any policy infringements. So the university can say "You clearly knew what you were doing was wrong."
- To make students think twice about cheating on an assignment.

- We sign the honor pledge in order to for the University to make certain that we are aware of the rules regarding academic integrity before any assignment/exam.

- The honor pledge is intended to encourage academic integrity. It should be enforced to have the desired affect.

- I think that the honor pledge helps keep students acutely aware of academic integrity, and provides a signed contract which the appropriate governing body can leverage in the event of plagiarism or other academic disshonesty.

- Remind students just before assignments what Honor Code they agreed to.

- For students to acknowledge to themselves that they will not cheat.

- I always assumed it was for legal purposes.

- The University has an honor pledge to ensure that students know that there are consequences if they decide to cheat.

- To minimize cheating in the tests.

- To reduce and prevent plagiarism and other people doing the work for the students.

- To have students acknowledge that there is a code of conduct, which may cause students not to cheat.

- So that students are aware of the consequences of cheating

- To ensure honesty in the students.

Question 8
Please share any additional thoughts or concerns you have about the Honor Pledge or further explanations to any questions above.

- I think the honor pledge is drilled in enough and understood enough that it doesn't need to be rediscussed in every single class by every single teacher.

- We should be given a separate amount of test time to write the pledge. It is really annoying that we get timed on some exams, yet we have to spend about thirty seconds regurgitating the honors pledge. Instead of just being able to sign that we know what it is.

- I think the pledge itself is useful to instill a sense of honesty in students. Education around the pledge and rules surrounding its signage/non-signage should be made clearer to students (although it seems obvious).

- I think it's a normal thing it have. It can be annoying when you have to write it before a test, but that's the worst thing really and that's not even a bad thing

- it should be enforced.

- I'm still not entirely sure what there is to discuss or educate people on (which may just go to show that I am not educated enough on the subject)

- If someone wants to cheat, that person will cheat. It is the fact of dishonesty that signing not to do something dishonest, does not necessarily stop the dishonest act.

- The honor pledge should not be mandatory to sign but should be listed on every course syllabus and mentioned within the first week of class.

Appendix 2: Preliminary List of Electronic Resources Discussing the Pledge

Electronic resources that discuss the Pledge

- Academic Integrity Orientation
- BSOS Academic Integrity page
- Graduate Catalog
- Honors College Academic Integrity page
- Math Department websites (here and here)
- Office of Faculty Affairs Academic Integrity page
- Office of Student Conduct flyer
- Res Life Training Module
- School of Public Health Handout
- Smith School Academic Integrity Page
- Student Honor Council 1 & Student Honor Council 2
- TLTC
- UGST Course Related Policies page
- Undergraduate Catalog

University Senate
CHARGE

Date:	May 3, 2016
To:	Madlen Simon Chair, Educational Affairs Committee
From:	Willie Brown Chair, University Senate
Subject:	Clarification and Codification on Declining Honor Pledge
Senate Document #:	15 16 31
Deadline:	February 15, 2017

The Senate Executive Committee (SEC) requests that the Educational Affairs Committee review the attached proposal that requests that the University of Maryland Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure (V-1.00[A]) be amended to clarify that when evaluating student performances faculty may not take into account whether a student has signed the Student Honor Pledge or has declined to do so.

Specifically, we ask that you:

1. Review the University of Maryland College Park Code of Academic Integrity (III-1.00[A]).

2. Consult with the proposer.

3. Consult with the Director of Student Conduct.

4. Consult with the Undergraduate Ombudsperson.

5. Consult with a representative of the Office of Undergraduate Studies.

6. Consult with the Student Conduct Committee.

7. Consult with the University's Office of General Counsel on any proposed recommendations.

8. If appropriate, recommend changes to current policy.

We ask that you submit your report and recommendations to the Senate Office no later than February 15, 2017. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Attachment

WB/rm

University Senate
PROPOSAL FORM

Name:	Chuck Englehart
Date:	3/24/2016
Title of Proposal:	Clarification and Codification on Declining Honor Pledge
Phone Number:	
Email Address:	chuck@umd.edu
Campus Address:	n/a
Unit/Department/College:	M.S. Telecommunications
Constituency (faculty, staff, undergraduate, graduate):	Part Time Graduate Students
Description of issue/concern/policy in question:	The Honor Pledge is intended to be a requested but optional pledge that students write on different assignments. The Honor Council states: "If a handwritten Honor Pledge and Pledge signature do not appear on a paper or examination, faculty members should ask the student for an explanation. Doing so has the added value of encouraging teachers and students to discuss the importance of academic integrity and the best ways to promote it. Students remain free to decline to write or sign the Pledge and should not be penalized for exercising that right." However, if a student is penalized for not writing the pledge there is currently no recourse.
Description of action/changes you would like to see implemented and why:	I would like to see the "UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT GRIEVANCE PROCEDURE" amended to add a section allowing students to seek recourse in the event they are punished for not writing or signing the pledge. This would show the campus community that the Honor Pledge is not compulsory and that it is a student's decision. This gives more weight to the pledge as it is not simply something that must be signed for course credit.
Suggestions for how your proposal could be put into practice:	This is a very simple change. A statement can be added under section B.I. of the "UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT GRIEVANCE PROCEDURE" to reflect a student's right to recourse if they are punished for not signing the pledge.

Additional Information:	

	● Who would be affected (both positively and negatively) if your proposal was put into action?
	    ○ Students would be positively affected. The would have codified assurances of the implied rights spoken to by the Student Honor Council
	    ○
	● Are there any financial consequences that would result from this proposal?
	    ○ No.

Please send your completed form and any supporting documents to senate-admin@umd.edu
or University of Maryland Senate Office, 1100 Marie Mount Hall,
College Park, MD 20742-7541. Thank you!

University Senate
TRANSMITTAL FORM

Senate Document #:	16-17-22
PCC ID #:	16035
Title:	Establish an Online Offering of the Master of Science in Business Analytics
Presenter:	Andrew Harris, Chair, Senate Programs, Curricula, and Courses Committee
Date of SEC Review:	January 30, 2017
Date of Senate Review:	February 9, 2017
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	The Robert H. Smith School of Business proposes to offer an online version of the existing Master of Science in Business Analytics program. The University System of Maryland and Maryland Higher Education Commission require approval for a new online offering of an existing face-to-face program if more than 50% of the program's courses will be offered online. For this online version of the program, all of the courses will be offered online. The proposed online offering features both synchronous classes and asynchronous materials online. The synchronous component will have regular class sessions with instructors leading student sections using a video conferencing system that features each participant in a separate real-time window on the screen. Asynchronous material consists of video lectures, simulations, problem sets and similar materials that will be available to registered students on a MOOC platform or similar online-learning platform. If Smith chooses to make the asynchronous material available through MOOCs, students in the online degree program will be completely separate from students enrolled in the MOOCs. The existing Master of Science in Business Analytics is a new program, having been approved during the 2015-2016 academic year. Students in the program develop significant mathematical, statistical, and computational capabilities. Graduates will use

	these skills in order to understand, manage, and use large amounts of data for optimal business and organizational decision making. Careers that demand higher level analytics skills are projected to increase, and an online version of this program will help to meet this demand. Offering the online program in conjunction with MOOC offerings could provide multiple benefits. For recruiting purposes, MOOC offerings help to market the degree program throughout the world, and also provide an opportunity to identify strong prospective students for the degree program. MOOCs also provide additional insight into course effectiveness, as data from thousands of MOOC students can be collected and used to improve course materials. As is the case with the existing degree program, the online offering will consist of ten three-credit courses. The content of the online version of the program is very similar to the existing program. The four required core courses are the same; the main difference is that there are more possible electives that will be offered. The program will be offered in 10-week terms (with 4 terms per year). The online version of the program is designed to meet the same learning outcomes as the existing program, with comparable assessment strategies. There are no significant financial implications with this proposal, although some resources will be required to initiate the online offering. The proponents are in discussion with the Provost regarding this funding, which will ultimately be reimbursed. This proposal was approved by the Graduate School Programs, Curricula, and Courses committee on November 30, 2016, and was approved by the Senate Programs, Curricula, and Courses committee at its meeting on December 2, 2016.
Relevant Policy # & URL:	N/A
Recommendation:	The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this new online offering of the existing MS program in Business Analytics.
Committee Work:	The committee considered this proposal at its meeting on December 2, 2016. Judy Frels and Sandra Loughlin of the Robert H. Smith School of Business, and Ben Bederson, Associate Provost for Learning Initiatives, presented the proposal and responded to questions from the committee. After discussion, the committee voted unanimously to recommend the proposal, contingent on the Smith School incorporating committee suggestions into a

	revised proposal. The revised proposal was submitted in January 2017.
Alternatives:	The Senate could decline to approve this online offering of the program.
Risks:	If the Senate declines to approve this new online offering, the university will lose an opportunity to create an online offering of a program that meets a growing need in business analytics.
Financial Implications:	There are no significant financial implications with this proposal, although some resources will be required to initiate the online offering. The proposers are in discussion with the Provost regarding this funding. It is expected that the revenue generated by the program will be enough to sustain the program.
Further Approvals Required:	If the Senate approves this proposal, it would still require further approval by the President, the University System of Maryland, and the Maryland Higher Education Commission.

THE UNIVERSITY OF MARYLAND, COLLEGE PARK
PROGRAM/CURRICULUM/UNIT PROPOSAL

- Please email the rest of the proposal as an MSWord attachment to pcc-submissions@umd.edu.

- Please submit the signed form to the Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus.

PCC LOG NO.
16035

College/School: Robert H. Smith School of Business
Please also add College/School Unit Code-First 8 digits: **01202900**
Unit Codes can be found at: *https://hypprod.umd.edu/Html_Reports/units.htm*

Department/Program: BMGT – Decision, Operations & Information Technologies
Please also add Department/Program Unit Code-Last 7 digits: **1291101**

Type of Action (choose one):
☐ Curriculum change (including informal specializations)
   ☐ Curriculum change for an LEP Program
☐ *Renaming of program or formal Area of Concentration*
☐ *Addition/deletion of formal Area of Concentration*
☐ *Suspend/delete program*

☐ *New academic degree/award program*
☐ New Professional Studies award iteration
☐ New Minor
X Request to create an online version of an existing program

Italics indicate that the proposed program action must be presented to the full University Senate for consideration.

Summary of Proposed Action:
This proposal is for the Robert H. Smith School of Business to offer the existing Master of Science in Business Analytics (MSB in an online format. The proposed program features both asynchronous materials and synchronous classes online. The MSBA i designed to provide students with an understanding of Business Analytics, and its techniques and methods. In the past decade, Business Analytics has gained enormously in prominence with business and government institutions and entities understanding importance and power in forecasting, prediction and managerial decision making. There is a high demand for managers with Business Analytics skills. The Smith School's strategic plan states the goal of "Growing future leaders to address global issues. UMCP's mission statement sets a goal to "continue to build a strong, university-wide culture of graduate and professional education" and to provide knowledge-based programs and services that are responsive to the needs of the citizens of the state an the nation. We believe an online version of our Master of Science in Business Analytics serves to satisfy these goals by produci future leaders skilled in rigorous quantitative analysis and data based managerial decision making.

Departmental/Unit Contact Person for Proposal: _____

===

APPROVAL SIGNATURES - *Please print name, sign, and date. Use additional lines for multi-unit programs.*

1. Department Committee Chair _____

2. Department Chair _____

3. College/School PCC Chair _____

4. Dean **Alexander J. Triantis**_____

5. Dean of the Graduate School (if required) _____

6. Chair, Senate PCC _____ *[signature]* Andrew Harris 12/2/16

7. University Senate Chair (if required)_____

8. Senior Vice President and Provost _____

THE UNIVERSITY OF MARYLAND, COLLEGE PARK
PROGRAM/CURRICULUM/UNIT PROPOSAL

- Please email the rest of the proposal as an MSWord attachment to pcc-submissions@umd.edu.

- Please submit the signed form to the Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus.

College/School: Robert H. Smith School of Business
Please also add College/School Unit Code-First 8 digits: **01202900**
Unit Codes can be found at: https://hvpprod.umd.edu/Html_Reports/units.htm

Department/Program: BMGT – Decision, Operations & Information Technologies
Please also add Department/Program Unit Code-Last 7 digits: **1291101**

Type of Action (choose one):

☐ Curriculum change (including informal specializations)　　☐ *New academic degree/award program*
　☐ Curriculum change for an LEP Program　　　　　　　　☐ New Professional Studies award iteration
☐ *Renaming of program or formal Area of Concentration*　　☐ New Minor
☐ *Addition/deletion of formal Area of Concentration*　　　X Request to create an online version of an existing program
☐ *Suspend/delete program*

Italics indicate that the proposed program action must be presented to the full University Senate for consideration.

Summary of Proposed Action:

This proposal is for the Robert H. Smith School of Business to offer the existing Master of Science in Business Analytics (MSBA) in an online format. The proposed program features both asynchronous materials and synchronous classes online. The MSBA is designed to provide students with an understanding of Business Analytics, and its techniques and methods. In the past decade, Business Analytics has gained enormously in prominence with business and government institutions and entities understanding its importance and power in forecasting, prediction and managerial decision making. There is a high demand for managers with Business Analytics skills. The Smith School's strategic plan states the goal of "Growing future leaders to address global issues." UMCP's mission statement sets a goal to "continue to build a strong, university-wide culture of graduate and professional education" and to provide knowledge-based programs and services that are responsive to the needs of the citizens of the state and the nation. We believe an online version of our Master of Science in Business Analytics serves to satisfy these goals by producing future leaders skilled in rigorous quantitative analysis and data based managerial decision making.

Departmental/Unit Contact Person for Proposal: _____

APPROVAL SIGNATURES - *Please print name, sign, and date. Use additional lines for multi-unit programs.*

1. Department Committee Chair　_Judy K Frels_　_(signature)_　12-9-2016

2. Department Chair　_Henry C. Lucas_　_Henry C. Lucas, Jr._　12-9-2016

3. College/School PCC Chair　_Michael Faulkender_　_(signature)_　12-9-20

4. Dean Alexander J. Triantis　_A. J. Triantis_　12-9-2016

5. Dean of the Graduate School (if required) _____

6. Chair, Senate PCC _____

7. University Senate Chair (if required) _____

8. Senior Vice President and Provost _____

PROPOSAL FOR
NEW INSTRUCTIONAL PROGRAM
UNIVERSITY OF MARYLAND, COLLEGE PARK
Master of Science in Business Analytics
Offered Online on a MOOC Platform
(Massive Open Online Courses)

ROBERT H. SMITH SCHOOL OF BUSINESS

DEAN ALEXANDER J. TRIANTIS

Master of Science in Business Analytics (MSBA)
Award to be offered January 2018

Master of Science in Business Analytics (MSBA)

I. OVERVIEW AND RATIONALE

A. Briefly describe the nature of the proposed program and explain why the institution should offer it.

Goal and Contribution to the Strategic Plan and Market Demand

The Robert H. Smith proposal for a Master of Science in Business Analytics was approved in 2016 and will be offered at the school's College Park campus in the fall of 2017. This proposal is for an online format for the degree. The proposed program features both synchronous classes and asynchronous materials online. The synchronous component will have weekly class sessions with instructors leading student sections using a video conferencing system that features each participant in a separate real-time window on the screen. Asynchronous material consists of video lectures, simulations, problem sets and similar materials that will be available to registered students on a MOOC platform. This will allow us to simultaneously offer this asynchronous material as not-for-credit Massive Open Online Courses (MOOCs). However, this proposal is for the degree program. Students in the degree program would be completely separate from the students enrolled in the MOOCs.

The degree program consists of ten courses of three credits each. The content of the program is very similar to the already approved MS in Business Analytics that will meet in person in a traditional format. The four required core courses are the same; the main difference is that there are more possible electives that will be offered. These new courses

have been developed after the original proposal and will provide more options for students. (At program launch there will only be six electives; additional electives will be developed over time.)

The strategic plan of the Robert H. Smith School of Business states as its first objective the goal of "Growing future leaders to address global issues." The University of Maryland, College Park mission statement sets a goal to "continue to build a strong, university-wide culture of graduate and professional education" and to provide knowledge-based programs and services that are responsive to the needs of the citizens of the state and the nation. We believe an online Master of Science Degree offering in Business Analytics serves to satisfy these goals by producing future leaders skilled in rigorous quantitative analysis and data based managerial decision making. Through the online format we will reach a new audience across the nation, and potentially internationally.

A study of trends in higher education has led us to believe that university courses offered in partnership with MOOC providers will be an important component of university education in the future. At the present time, Georgia Institute of Technology offers a MOOC-based MS degree in Computer Science and the University of Illinois offers an MBA utilizing MOOCs in partnership with Coursera. Additional such programs at other universities are in the planning stages.

In the past decade, Business Analytics has made enormous gains in prominence with business and government institutions and entities understanding its importance and power in forecasting, prediction and managerial decision making. There is a high demand for

managers with Business Analytics skills. A McKinsey report on Business Analytics and Big Data states: "The United States alone faces a shortage of 140,000 to 190,000 people with analytical expertise and 1.5 million managers and analysts with the skills to understand and make decisions based on the analysis of big data." In the past decade, many management professionals with analytics skills have found jobs in a wide range of industries and tasks, including Healthcare Analytics, Fraud Detection, Airline and Transportation Analytics, Operational Analytics, and Purchasing and Procurement Analytics. We anticipate that this demand will grow and continue.

Graduates of the program will have the skills needed to serve for many business analytics and big data related tasks and jobs. Some examples include personnel scheduling (e.g., for hospitals and healthcare organizations, airlines, Transportation Security Administration), data-based disease detection and control, data-mining for fraud detection (e.g., credit card fraud screening for online retailers, claims fraud detection for IRS, selecting audit cases for SEC), data and optimization-based emergency and disaster response (e.g., as employed by FEMA), simulation and optimization based operations planning (e.g., manufacturing, event planning, security screening for transportation), data-mining for Human Resources planning and hiring, optimization-based planning for transportation (e.g., airlines, rail, parcel services), and data and simulation based supply chain and procurement risk management. Notably, the program will aim to train the students for skills and jobs distinctly different than the current MS in Marketing Analytics program offered by the Smith School since the MS in Marketing Analytics program specifically targets marketing tasks and jobs in training and placement.

The Smith School also offers an online version of its Master of Business Administration (MBA), through a partnership with Pearson as a third-party provider of IT and back-end classroom support. The MSBA is a more specialized degree program and will be very different than the MBA degree. The MSBA curriculum is highly oriented towards technical skills in statistics and mathematical and computing applications, and sharply focused on analytics. In contrast, the MBA program aims to give more managerial skills to students and has much less of a focus on in-depth statistical and data analysis knowledge and sophisticated technical applications. The Smith School also offers joint MS-MBA degrees in several fields, and we also seek to offer an option for a joint MSBA- MBA degree. This program is also an ideal path for students who are interested in continuing on to pursue PhD programs in Management Science, Operations Management, and Information Systems.

Graduates from this program will have strong quantitative skills and in-depth knowledge of computational applications and information technology that will position them to meet the increasing need for employees trained in STEM (Science, Technology, Engineering, and Math) disciplines. Modern management professionals and business data analysts increasingly need significant mathematical, statistical and computational knowledge to understand and manage data available to business and government enterprises, and to utilize that understanding in making optimal quantitative decisions using mathematical models. The MSBA program is structured to provide and build not only mathematical and statistical skills such as quantitative modeling, operations management, data mining and simulation, but also technical computational skills such as big data, network and infrastructure management.

II. CURRICULUM

A. Provide a full catalog description of the proposed program, including educational objectives and any areas of concentration.

The Master of Science in Business Analytics (MSBA) degree is a professional degree for students wishing to pursue careers management with a strong quantitative and data analysis training.

The approved MSBA program to be offered by the Robert H. Smith School of Business will provide students with:

a) comprehensive training in foundations and methodology of quantitative managerial analysis;

b) comprehensive training in data analysis and data-based managerial decision making;

c) an in-depth training on methods and tools of contemporary data analytics and big data;

d) strong background on spreadsheet based modeling and optimization fundamentals and techniques;

e) good understanding of modern computational data analysis techniques such as data mining, Monte Carlo and discrete event simulation, and network analytics;

f) strong hands-on training in data handling and data base management;

g) mastery of the contemporary software used for managerial quantitative and data analysis including web based software and tools.

The online version of the MSBA is designed to meet the same outcomes, with comparable assessment strategies.

B.   List the courses (number, title, semester credit hours) that would constitute the

requirements and other components of the proposed program. Provide a catalog description for any courses that will be newly developed or substantially modified for the program.

The online MS BA will be fully online with no residential requirement. The program requires 30 credit hours, with four required core courses (12 credits) and six electives (18 credits total). Once operating at full scale, completion of the degree may be feasible within one year, though many will take two years, and some students may decide to take longer.

The program will be offered in 10-week terms (with 4 terms per year). Each three-credit course will consist of live synchronous video sessions with a faculty member, meeting on average for 90 minutes per week. Courses will be designed to use active learning strategies such as group projects, discussion boards, and simulations, and Smith School faculty will be responsible for regular graded assignments and office hours. Students will be expected to supplement and prepare for their synchronous sessions with asynchronous online learning material consisting of readings, recorded video with short in-video quizzes, longer stand-alone quizzes. Some of the supplementary material may include auto-graded and possibly peer-graded assignments. In total, students are expected to spend ten to twelve hours per week per course over the ten week term.

Students will be provided with a clear path for program completion at the beginning of their engagement with the Smith School. Academic advising on demand is available to all students via phone calls with appropriately trained staff advisors and the academic director of the program as needed. In addition, the Smith School has processes for tracking the

academic progress of students and contacting those students who are not making sufficient progress (e.g., GPA below 3.0) for proactive advising.

Students will be onboarded through a series of "welcome webinars" conducted by staff. These webinars teach students about how to use the technology through which the program will be delivered (for example, for the Online MBA we train students on Adobe Connect and Canvas, the two primary tools we use to conduct our classes.)

Faculty will be trained and sensitized that online students need rapid response through multiple mechanisms that include email, discussion boards, and office hours, in addition to weekly synchronous sessions where students can engage faculty directly.

Required Courses

Course descriptions are provided below. The four core courses are the same as those envisioned for the approved in-person MS BA offering; online versions will be developed.

BUSI 630 Data, Models, and Decisions (3): Introduces students to analytical techniques that establish the optimality of managerial decisions via empirical ("data models") and logical ("decisions") means. The course may be viewed as consisting of two integrated parts. In the first part, various methods of analyzing data, including regression analysis are studied. The second part covers models for making optimal decisions in situations characterized by either an absence of uncertainty or where the uncertainty arises from non-competitive sources.

BUDT 732 Decision Analytics (3): This course explores basic analytical principles that can guide a manager in making complex decisions. It focuses on two advanced analytics techniques: optimization, dealing with design and operating decisions for complex systems, and simulation, dealing with the analysis of operating decisions of complex systems in an uncertain environment. The course provides students with a collection of optimization and simulation modeling and solution tools that can be useful in a variety of industries and functions. The main topics covered are linear, integer, and nonlinear optimization applications in a wide variety of industry segments, and Monte-Carlo Simulation and risk assessment. Application-oriented cases are used for developing modeling and analytical skills, and to simulate decision- making in a real-world environment.

BUDT 733 Data Analytics (3): Increasingly, governments and businesses are collecting more and more data. Examples include the Internet, point-of-sale devices, medical databases, search engines, and social networks. The increased data availability coupled with cheap computing power provides us with an unprecedented opportunity to use sophisticated data-driven mathematical models to achieve many important goals and/or gain a competitive edge. This course gives an overview of the data-mining process, from data collection, through data modeling and analytical algorithms, to data- driven decision making. The focus is on introducing data-mining algorithms such as logistic regression, classification trees and clustering, and their application to real-world data, as well as introducing some of the more recent developments in the field such as ensemble methods.

BUDT 704 Database Management Systems (3): Provides fundamental concepts and skills

necessary for designing, building, and managing business applications which incorporate database management systems as their foundation. Topics covered include the fundamentals of database management (DBMS) technology, alternative methods for modeling organizational data, the application of delivering data through Web-based and other graphical interfaces. Non- majors should review their registration eligibility in the statement preceding the BUDT courses.

Elective Courses

The elective courses will be offered in a manner that will allow students to focus in one particular area (for a depth of knowledge), to take a set of courses that will allow them to broaden their knowledge, or a combination of both.

BUDT 758 Computer Simulation and Analytics (3): This course covers the basic techniques for computer simulation modeling and analysis of discrete-event systems. Course emphasis is on conceptualizing abstract models of real-world systems (for example, inventory and queuing systems), implementing simulations in special purpose software, planning simulation studies, and analyzing simulation output. Some mathematical theory will be covered.

BUDT 706 Social Media and Web Analytics (3): Over the past years, social computing technologies such as online communities, blogs, wikis, and social networking systems have become important tools for individuals to seek information, socialize with others, get support, collaborate on work, and express themselves. Increasingly, businesses are trying to

leverage web 2.0 by using social computing technologies to communicate with customers, employees, and other business partners or to build new business models. This course will review concepts and principles related to web 2.0 and examine issues and strategies associated with business use of social computing technologies.

BUDT 758 Big Data: Strategy, Management and Applications (3): Digitization is occurring in every aspect of business and our daily lives, generating a huge amount of data. Big data represents unprecedented opportunities for companies to generate insights to improve products and services and contribute to the bottom line. At the same time, much of the big data is unstructured, in real time and only loosely connected. It defies the traditional ways of managing databases. This creates challenges even to tech-savvy companies on how to leverage the big data to gain competitive advantage. This course provides cutting edge knowledge about various aspects of big data, including: how to identify strategic values of big data, major types of big data, methods to capture and store big data, analytical tools for big data, and pitfalls to avoid in formulating a big data strategy. In the end of the course, students will have a comprehensive understanding of important business issues related to big data, and be able to successfully design and implement big data strategy.

BUDT 758 Google Online Challenge Analytics (3): This course is a hands-on learning-by-doing course. Students will design, develop, and implement sponsored search strategies for real-world clients are part of the Google Online Challenge. Students will work in teams of 4 or 5, spend real advertising dollars to run a sponsored-search advertising campaign for their client. In conjunction with the client, students will also develop digital and social media

strategies that complement and support their sponsored search advertising campaigns on Google. The teams will also learn to use analytical tools to analyze the performance of their campaigns and provide guidelines to the client for future campaigns. This "real-time, real-business, real-money" challenge provides a valuable opportunity for students to gain a first-hand experience with online advertising and benefit from the immediate campaign performance feedback. At the end of this course, a student should feel comfortable developing and implementing digital strategies and executing online campaigns for firms. They should know all the key terminology and theories of the field and have a good idea of how things work below the surface.

BUDT 758 Healthcare Analytics (3): This class will focus on some of the key aspects of conducting analysis and applying the results in the health care system. The course will a) discuss the business of health care, payment systems and insurance b) discuss health care data, privacy and HIPAA, and c) explore successful implementations of analytics in healthcare settings. Various applications of healthcare analytics will be discussed, focusing on costs, operations, quality, equity, and access.

BUDT 758 Marketing Analytics (3): This class presents basic marketing theory to help students understand key concepts and issues in marketing. The availability of purchase information on the Internet provides "big data" for a variety of marketing studies. The course explores the kinds of data available, the issues in collecting the data, privacy concerns and approaches to analyzing data to inform marketing decisions.

BUDT 758 Financial Analytics (3): The class begins with an overview of corporate finance and financial markets. Students learn about the large number of financial databases available to provide data for analysis. Computational techniques for financial analytics are presented drawing on prior coursework on econometrics and modeling.

BUDT 758 Operations Analytics (3): This course explores analytical methods, tools and strategies that can enable firms to achieve effective and sustainable operations. The course covers a mix of qualitative and quantitative problems and issues confronting operations managers. The first part of the course focuses on analytics that measure the performances of business operations, explaining how to measure key process parameters like capacity and lead time and analyze the impact of variability on business processes. The second part of the course focuses on analytics that improve the performances of business operations, examining analytics in quality management as well as recent moves toward lean operations. The course also includes a module on inventory analytics with applications in pricing and revenue management. Throughout the course various operations analytics applied to real operational challenges are illustrated. The aim is to provide both tactical knowledge and high-level insights of operations analytics needed by general managers and management consultants. It is also demonstrated how companies can use operational principles from to significantly enhance their competitiveness.

B. Scheduling Considerations

Below is a tentative schedule for offering the courses during four 10-week terms per year.   If a student elects to take one course per term it will take 2.5 years to complete the degree. By taking more than one course at a time the student can accelerate and reduce the time to graduation.

Year 1				Year 2				Year 3				Year 4..n			
Term 1-1	Term 1-2	Term 1-3	Term 1-4	Term 2-1	Term 2-2	Term 2-3	Term 2-4	Term 3-1	Term 3-2	Term 3-3	Term 3-4	Term n-1	Term n-2	Term n-3	Term n-4
630	732	733	704	630	732	733	704	630	732	733	704	630	732	733	704
		630	732	733	704	630	732	733	704	630	732	733	704	630	732
				Big Data	Marketing A	Web A	OpsA	Health A	Finance A	Big Data	Marketing A	Web A	OpsA	Health A	Finance A
						Big Data	Marketing A	Web A	OpsA	Health A	Finance A	Big Data	Marketing A	Web A	OpsA

Year 1				Year 2				Year 3			
Term 1-1	Term 1-2	Term 1-3	Term 1-4	Term 2-1	Term 2-2	Term 2-3	Term 2-4	Term 3-1	Term 3-2	Term 3-3	Term 3-4
630	732	733	704	Big Data	Marketing A	Web A	OpsA	Health A	Finance A		
		630	732	733	704	Big Data	Marketing A	Web A	OpsA	Health A	Finance A
				630	732	733	704	Big Data	Marketing A	Web A	OpsA
						630	732	733	704	Big Data	Marketing A
								630	732	733	704
										630	732

C. Describe any selective admissions policy or special criteria for students selecting this field of study.

Applicants to the MSBA program must have completed all of the requirements for a baccalaureate degree prior to their acceptance into the program, with particular emphasis

on the student having strong quantitative background. Recent graduates in quantitative and mathematical fields such as engineering, computer science, mathematics, statistics, physics and physical sciences are ideally suited for the program. All applicants must submit: a) transcripts from all undergraduate and graduate institutions attended; b) official Graduate Record Examination (GRE) scores or the Graduate Management Admissions Test (GMAT) scores; c) a complete online application form that includes a written essay articulating qualifications and motivation for pursuing advanced education as well as their CV (resume); and d) one letter of recommendation from supervisors or from professors competent to judge the applicant's probability of success in graduate school.

Another standardized test in lieu of the GRE or GMAT can be substituted at the discretion of the Academic Director. At the discretion of the faculty, the standardized test may be waived depending upon the strength of the applicant's quantitative ability as demonstrated by professional work experience, previous undergraduate or graduate coursework or special certifications held.

In addition, at the discretion of the faculty, additional information may be requested from the applicant in the form of either a personal video response submission or evaluative interview conducted via in-person or video teleconference. Proof of English language proficiency (TOEFL or IELTS official scores) is also required unless the applicant has received an undergraduate or graduate degree from a select list of countries. Note that because this is an online program of study, it is not eligible for F-1 or J-1 visa issuance.

In addition to Graduate School requirements, admission decisions for the MSBA program

will be based on the quality of previous undergraduate and graduate coursework (if applicable), the strength of Graduate Record Examination scores, the Graduate Management Admissions Test scores, or another standardized test, the relevance of prior work and research experience, and the congruence of professional goals with those of the program. We anticipate an enrollment of 75 students per cohort as we launch the program but we have the ability to accept a lower total in the first year as we begin to market the program. Ultimately we would like to expand the cohort size to 250 but will only do so if we can attract highly qualified students.

III. STUDENT LEARNING OUTCOMES AND ASSESSMENT

The learning outcomes for the MSBA will be the same as the already approved face to face program (**http://www.provost.umd.edu/ProgDocs/15-16/15038_BMGT_AddMSBusinessAnalytics.pdf**). They are provided below. As the learning outcomes for the face to face program are updates, the outcomes for the online version will be as well.

List the program's learning outcomes and explain how they will be measured.

Learning Outcome 1: Students will identify and apply the fundamental concepts of Statistics, Data Analysis, Quantitative Modeling, Simulation, and Optimization to solve novel problems.

Measure: Students will be required to pass a set of classes in each of these areas.

Criterion: At least 90% of students will receive a rating of "Satisfactory" or better

from the Academic Director, who will review their performance in the core classes. The Academic Director will meet with students rated below "Satisfactory" to help improve their performance or determine their continued participation in the program. In addition, students must maintain a 3.0 GPA to remain in good academic standing. Failure to maintain a 3.0 jeopardizes continued enrollment in the program.

Assessment: Every Year, starting in 2018.

Learning Outcome 2: Students will demonstrate proficiency in applying the practical tools and techniques of modern Business Analytics to solve complex business problems.

Measure: Students must take and succeed in classes that teach the practical techniques of Business Analytics and their implementation with contemporary software applications

Criterion: At least 90% of students will receive a rating of "Satisfactory" or better from the course instructor.

Assessment: Every Year, starting in 2018.

Learning Outcome 3: Students will produce professional quality presentations.

Measure: All students must take the required courses that will include oral class presentations to test these skills.

Criterion: At least 90% of students will receive a rating of "Satisfactory" or better from the course instructor.

Assessment: Every Year, starting in 2018.

Learning Outcome 4: Students will demonstrate their ability to foster a constructive

team climate and effectively contribute to team effort.

Measure: Students will conduct peer evaluations of their group member's participation in group projects as part of a class.

Criterion: At least 90% of students will receive a rating of "Satisfactory" or better from their peer evaluations.

Assessment: Every Year, starting in 2018.

Similar rubrics will be used to measure learning outcomes across the online and the face-to-face program to ensure that Further, this program will adhere to the standards of academic integrity set forth by the University of Maryland, College Park Office of Student Conduct. Several tools (such as ProctorU and Examity) exist to validate the identity of course participants and help enforce the integrity of assessment. The budget for this program contains sufficient resources to adopt such a tool.

The student experience will be assessed through multiple methods:

- The recruiting and onboarding experience will be assessed through a survey administered to newly enrolled students, twice per year.

- Each course will be assessed through the Smith School's course evaluation process.

- At least once a year, the program administration will field a student satisfaction survey and hold meetings (online) with student representatives.

- The academic director may choose to meet regularly with students to gain feedback on the program overall.

IV. FACULTY AND ORGANIZATION

A. Who will provide academic direction and oversight for the program? [This might be a department, a departmental subgroup, a list of faculty members, or some other defined group.]

Primary oversight of this program will be provided by a faculty member assigned as the academic director of the program. Program oversight would also include the chair of the Decision, Operations, and Information Technologies Area (DOIT), a DOIT area oversight committee, and the Dean's office.

The DOIT area of the Robert H. Smith School of Business currently has 32 FTE faculty; 22 of these are tenure/tenure track and nine are teaching faculty (full-time lecturers). These 32 full-time equivalent faculty have doctoral degrees in operations management, management science, statistics, information systems, or business. In addition, there are several adjunct instructors currently employed by the department.

<u>DOIT Faculty Expected to Teach in the Proposed MSBA Program</u>

Ritu Agarwal, Ph.D., Professor & Robert H. Smith Dean's Chair of Information Systems

Teaching/research focus: Management of Information Systems, Health Care Information Systems Courses: To be determined

Pamela K. Armstrong, Ph.D., Clinical Associate Professor of Management Science

Teaching/research focus: Service operations, quality, and performance

management

Courses: BUDT 732 Decision Analytics (3), BUDT 758 Operations Analytics (3)

Michael O. Ball, Ph.D., Senior Associate Dean & Dean's Chair in Management Science

Teaching/research focus: Network optimization and integer programming particularly as applied to problems in transportation systems and supply chain management.

Courses: BUDT 758 Pricing and Revenue Management (3)

Sean Barnes, PhD, Assistant Professor of Operations Management

Teaching/research focus: Modeling, simulation, and complex systems

Courses: BUDT 630 Data, Models, and Decisions (3), BUDT 758 Computer Simulation for Business Applications (3) BUDT 758 Healthcare Analytics (3)

Margret Bjarnadottir, Ph.D., Assistant Professor of Management Science and Statistics

Teaching/research focus: Operations research methods using large scale data

Courses: BUDT 733 Data Analytics (3)

Zhi-Long Chen, PhD, Professor of Operations Management

Teaching/research focus: optimization, logistics, scheduling, supply chain management, and operations management

Courses: BUDT 758 Operations Analytics (3), BUDT 758 Capstone Project in

Operations Analytics (3)

Wedad J. Elmaghraby, Ph.D., Associate Professor of Management Science & Operations Management

Teaching/research focus: Design of competitive procurement auctions in business-to-business markets and pricing in markets where buyers behave strategically

Courses: BUDT 758 Operations Analytics (3)

Gordon Gao, Ph.D., Associate Professor of Information Systems

Teaching/research focus: IT's impact on Health care and innovation, and transparency in service quality

Courses: BUDT 758 Big Data: Strategy, Management, and Applications (3), BUDT 758 Healthcare Analytics (3)

Bruce Golden, Ph.D., Frank Merrick Chair in Management Science

Teaching/research focus: Heuristic search, combinatorial optimization, networks, and applied operations research; Healthcare Operations.

Courses: BUDT 758 Healthcare Analytics (3)

Il-Horn Hann, Ph. D., Associate Professor & Co-Director of DIGITS

Teaching/research focus: Price competition in electronic markets, Pricing in

Name-Your-Own-Price markets, online privacy, open-source software.

Courses: BUDT 706 Social Media and Web Analytics (3) BUDT 758 Google Online Challenge Analytics (3)

Sunil Mithas, Ph.D., Professor of Information Systems

Teaching/research focus: Strategies for managing innovation and excellence for corporate transformation, focusing on the role of technology and other intangibles, such as customer satisfaction, human capital, and organizational capabilities.

Course: BUDT 706 Social Media and Web Analytics (3)

Kislaya Prasad, PhD, Director, Center for International Business Education and Research, and Research Professor

Teaching/research focus: Computability and complexity of individual decisions and economic equilibrium, innovation and diffusion of technology, and social influences on economic behavior

Courses: BUDT 630 Data, Models, and Decisions (3), BUDT 733 Data Analytics (3)

Louiqa Raschid, PhD, Professor of Information Systems

Teaching/research focus: Solving the challenges of data management, data integration, and performance for applications in the life sciences, Web data delivery, health information, financial information systems, humanitarian IT

applications and Grid computing

Course: BUDT 704 Database Management (3)

Siva Viswanathan, PhD, Associate Professor of Information Systems and Co-director of DIGITS

Teaching/research focus: emerging issues related to online firms and markets, and on analyzing the competitive and strategic implications of new information and communication technologies

Courses: BUDT 706 Social Media and Web Analytics (3) BUDT 758 Google Online Challenge Analytics (3)

Yi Xu, PhD, Associate Professor of Operations Management

Teaching/research focus: Product assortment optimization, pricing, innovation and new product development, supply chain management, and Marketing and Operations Interface

Courses: BUDT 758 Pricing and Revenue Management (3) BUDT 758 Operations Analytics (3), BUDT 758 Capstone Project in Operations Analytics (3)

In addition to faculty from the DOIT area, Smith School faculty from areas such as Finance and Marketing are also expected to contribute to the teaching of this program. Faculty from other areas of the Smith School anticipated to possibly teach in this proposed program include:

Michael Faulkender, PhD, Associate Professor of Finance and Director of Master of

Finance Program

    Teaching / research focus: Empirical Corporate Finance

    Course: Financial Analytics

Rosellina Ferraro, PhD, Associate Professor of Marketing and Associate Chair

    Teaching / research focus: Marketing Consumer Behavior

    Course: Marketing Analytics

Judy Frels, PhD, Clinical Professor of Marketing and Assistant Dean of Online Programs

    Teaching / research focus: Marketing

    Course: Marketing Analytics

Richmond Mathews, PhD, Associate Professor of Finance

    Teaching / research focus: Theoretical Corporate Finance

    Course: Financial Analytics

Alberto Rossi, PhD, Assistant Professor of Finance

    Teaching / research focus: Financial Econometrics

    Course: Financial Analytics

Michael Trusov, PhD, Associate Professor of Marketing

    Teaching / research focus: Internet marketing

    Course: Marketing Analytics

Michel Wedel, PhD, Distinguished University Professor

    Teaching / research focus: Consumer Science

    Course: Marketing Analytics

Liu Yang, PhD, Associate Professor of Finance

    Teaching / research focus: Empirical Corporate Finance

Course: Financial Analytics

B. If the program is not to be housed and administered within a single academic unit, provide details of its administrative structure.

Not applicable. All classes will be housed and administered within the Robert H. Smith School of Business.

V. OFF CAMPUS PROGRAMS

A. If the program is to be offered to students at an off-campus location, with instructors in classrooms and/or via distance education modalities, indicate how student access to the full range of services (including advising, financial aid, and career services) and facilities (including library and information facilities, and computer and laboratory facilities if needed) will be assured.

All courses are planned to be offered online.

B. If the program is to be offered mostly or completely via distance education, you must describe in detail how the concerns in Principles and Guidelines for Online Programs are to be addressed.

Principles and Guidelines for Online Programs
Our guiding principles in the development of these programs must be the maintenance of academic integrity and of program quality. The programs we offer must be consistent with our mission and must reflect our particular strengths, not simply be opportunities for profit.

They must be developed by, be under the academic control of, and largely be taught by our regular faculty. Only fully qualified students should be admitted, and they should be offered programs that match in depth, breadth, and quality of instruction those offered to traditional on-campus students. The design of programs and their delivery mechanisms, as well as the provision of supporting services, should allow educational outcomes fully consistent with those for on-campus programs.

The courses will be developed by full-time, Ph.D. faculty in the Business School. Admissions standards will be the same as for other MS programs in the Smith School. The academic rigor and content of the program is to be equivalent to the traditional in person MS in Business Analytics.

A number of educational associations (including the Middle States Association and the American Council on Education) have provided guidelines for distance learning programs, and the MHEC has now required that institutions offering distance education within Maryland comply with its Standards for Instruction Delivered by Distance Education. These guidelines and standards reach a consensus on what the critical issues are, and form the basis for the rules and procedures set out below.

Issues identified in the several sets of guidelines include appropriate choice of programs to be offered; faculty control of the curriculum and its presentation; the appropriate training and continuing support of faculty; student access to library and other learning resources; student access to technical support and bookstores, and to student services including advising, financial aid, bursar services, and career services; availability of appropriate facilities for course development; truth in advertising; and intellectual property rights. All proposals to offer a program in this manner must fully address all these issues, as described below. In some cases,

the Office of Continuing and Extended Education (OCEE) can offer services that will facilitate addressing the issues, but use of these services is never required.

This program will adhere to the standards of academic integrity set forth by the University of Maryland, College Park Office of Student Conduct. Several tools exist to validate the identity of course participants and help enforce the integrity of assessment. The budget for this program contains sufficient resources to adopt such a tool.

1. **Program Initiation and Choice: The proposal should initiate with an academic unit, and must have the approval of the appropriate Dean (or Deans). It must develop naturally from the institution's strengths and be consistent with its strategic goals. The proposal should have a clear and well-thought-out financial plan, providing net revenue to the institution over time, and should include a thorough analysis of the potential market.** The program originated with the DO&IT Department in the Business School and has been approved by the department chair, the appropriate curriculum committees and the deans. As outlined above the school has great strengths in the area of business analytics; the proposed program is consistent with the strategic plan of the department, school and university. Coursera, our proposed partner, has surveyed a sample of 15,000 of its 22 million plus learners and business analytics is in the top two programs the students would like to have available as an MS degree from a highly ranked university.

2. **Program Development, Control, and Implementation by Faculty: Although professional help may be used in adapting it to the online medium, the academic**

content of the curriculum must be developed by institutional faculty. The instructional strategy proposed must be appropriate for this content. UMCP faculty must have overall control of the program, and should provide the bulk of the instruction. Appropriate resources, including technical support personnel, must be made available for course development and also for faculty support during the offering of these courses. The business plan for the proposal must spell out the arrangements whereby this will be accomplished. The faculty of the business school will develop the curriculum. Note that most of the courses in the MS program exist already. They will be converted to an online environment with the asynchronous components structured as MOOCs. The budget for the program includes instructional designers, videographers and individuals do work on post-production preparation of videos.

3. **Access to Academic Resources and Student Services: The proposal must indicate how students will have access to needed resources, such as library materials, other information sources, laboratory facilities, and others as appropriate. The arrangements in place for interaction with instructors, for advising, and for help with technical problems must be described. It must be shown how student services such as admissions, enrollment, financial aid, bursar services, career advisement, bookstore, and similar services available to on-campus students will be provided.** The Smith School has a successful online MBA program and will utilize its experience with this program to provide student services such as academic advising and access to the bursar. In the first few years of the program there will be

no financial aid. We also are not planning to provide any placement services. Smith may partner with MOOC providers as described below to market the program and assist in providing non-academic student support. Access to needed library resources are readily available online as are statistical software packages. Students in both the Online MBA and the Part-time MBA (in Baltimore, Shady Grove and Washington, D.C.,) offered by Smith currently access all of these resources remotely.

4. **Intellectual Property Rights: The proposal must clearly delineate ownership and usage rights for materials that may be developed for courses in the program**.

   Intellectual property rights will adhere to UMD guidelines for online courses and programs.

5. **Full Disclosure, Standards, and Evaluation: All published materials describing the program must carefully lay out the instructional methods to be used, the skills and background required for success, and the arrangements in place for access to instructors, to technical help, to academic resources, and to student services. There should be a means available whereby potential students can evaluate their readiness for the special demands of the program. Academic admission standards must be clearly described, and must be consistent with those for the on-campus program. Outcome expectations must also be consistent. The proposal must set out a continuing process of evaluation that will determine if these requirements are being met**. There will be a faculty member designated as Academic Director and a staff member who will be the Director of Operations. These two individuals will review all materials and see that the requirements of the paragraph above are met.

The Smith School has an Assurance of Learning Program as required by its accrediting agency, the AACSB; any MS program will be a part of this program. It assures that outcomes are measured across courses in the program and the results fed back at the program level to maintain and improve quality.

MHEC Standards for Instruction Delivered by Distance Education

COMAR 13b.02.02.16.O(2): An institution delivering instruction in Maryland by distance education shall provide evidence to the Secretary of compliance with the standards of good practice in this section. Standards of good practice for distance education:

A. Curriculum and Instruction.

1. **A program of study shall be developed by a team of faculty, administrators, and technologists.**

2. **A program of study shall result in learning outcomes appropriate to the rigor and breadth of the degree program offered.**

3. **A degree program delivered by distance education shall be coherent and complete.**

4. **A program shall provide for appropriate real-time or delayed interaction between faculty and students.**

5. **Qualified faculty shall provide appropriate oversight of the program offered.**

6. **Faculty members in appropriate disciplines shall participate in the design and planning of programs and courses to be delivered by distance learning.**

Earlier parts of this proposal address these requirements. The faculty will guide the development of the curriculum with help from instructional designers and other staff members. There will be an Academic Director and a Director of Operations. The proposal is for a complete MS program and features synchronous video classes with qualified instructors. The Assurance of Learning Program involves all of the faculty. The business school faculty has the expertise in business analytics to offer the program.

B. Role and Mission.

1. **The program shall be consistent with the institution's mission.**

2. **Review and approval processes shall ensure the appropriateness of the technology being used to meet the program's objectives.**

Please see the introduction: this program is highly consistent with the mission of the department, business school and university. The MS in BA online is at the leading edge of higher education and will be a model for other offerings at UMD. The University will provide a videoconferencing system that allows for faculty student interaction in real time. Further, should the business school partner with a MOOC provider those platforms are continually being upgraded with the latest technology.

C. Faculty Support.

1. **Principles of good practice for teaching in a distance learning format shall be developed and maintained by the faculty.**

2. **The program shall provide faculty support services specifically related to teaching by distance education.**

3. **The program shall provide training for faculty who use technology in instruction**.

   The Smith School faculty is already familiar with distance learning through its successful online MBA program. The school will hire appropriate instructional designers, videographers and post production personnel who will be dedicated to the MS in Business Analytics. Instructional designers will consult with faculty on the best practices in distance education. Faculty will be trained on best pedagogical practices in an online setting and on the technology used to deliver the program.

D. Resources for Learning. The program shall ensure that appropriate learning resources are available to students.

E. Students and Student Services.

1. **The program shall provide students with clear, complete, and timely information on the curriculum, course and degree requirements, nature of faculty/student interaction, assumptions about technology competence and skills, technical equipment requirements, availability of academic support services and financial aid resources, and costs and payment policies.**

2. **Enrolled students shall have reasonable and adequate access to the range of student services to support their learning.**

3. **Accepted students shall have the background, knowledge, and technical skills needed to undertake the program.**

4. **Advertising, recruiting, and admissions materials shall clearly and accurately represent the program and the services available.**

The Academic Director and the Director of Operations are charged with insuring the requirements above are met. We will apply the same admissions criteria to the online as to the on-campus MS program.

F. Commitment to Support.

1. **Policies for faculty evaluation shall include appropriate consideration of teaching and scholarly activities related to programs offered through distance learning.**

2. **The institution shall demonstrate a commitment to ongoing support, both financial and technical, and to a continuation of the program for a period sufficient to enable students to complete a degree/certificate.**

The Provost at UMD has agreed to fund the development of the program for the first three years after which it should be self-sustaining. Surveys of market demand from Coursera, a potential partner, provide assurance that there will be enough students for the program to be viable for a minimum of five years.

G. Evaluation and Assessment.

1. **The Institution shall evaluate the program's educational effectiveness, including assessments of student learning outcomes, student retention, student and faculty satisfaction, and cost effectiveness.**

2. **The Institution shall provide for assessment and documentation of student achievement in each course and at the completion of the program.**

   The Smith School Assurance of Learning Program should meet the two requirements above. Each course is evaluated separately and the results are pooled to provide feedback at the program level. Students complete evaluations of individual courses and section instructors for interactive video classes.

VI. OTHER ISSUES

A. Describe any cooperative arrangements with other institutions or organizations that will be important for the success of this program.

We are currently negotiating with MOOC platform providers. While Coursera is the likely provider, we are also investigating EdX as an alternative. In either case, we will maintain full ownership of the intellectual property of all course materials. A term-limited exclusive relationship with the platform provider is a possibility, and is being negotiated.

In any case, UMD will maintain 100% control over the academic design and offering of the program including admissions.

Finally, any academic technology vendor that we partner with will be analyzed and approved to meet the UMD's privacy, security and legal requirements. We will work with the Division of Information Technology and the Registrar to ensure FERPA compliance in managing privacy of student records and security to ensure that only authorized access to student records is possible. We will work with UMD's office of general counsel to ensure that

the terms of service are acceptable as well.

All academic aspects of the program from admissions to academic programming will be controlled by the Robert H. Smith School of Business.

B. Will the program require or seek accreditation? Is it intended to provide certification or licensure for its graduates? Are there academic or administrative constraints as a consequence?

The University of Maryland's Robert H. Smith School of Business is already accredited by the AACSB (American Association of Collegiate Schools of Business). No additional accreditation is sought for this individual program.

VII. COMMITMENT TO DIVERSITY

Identify specific actions and strategies that will be utilized to recruit and retain a diverse student body.

The Robert H. Smith School of Business community is multifaceted at every level – students, staff and faculty represent the spectrum of diversity. With a large population of international students and a diverse blend of backgrounds, nationalities, ethnicities and experiences, Smith students have an opportunity to make connections with those who share their interests, and to grow and learn by making new friends and sharing new experiences. Coursera will market the program and screen applicants, forwarding qualified applicants to the Smith School for an admissions decision. Coursera currently reaches 22 million learners world-wide so we expect a rich and highly diverse group of students to enroll in the MS program. The School engages in recruiting and outreach

events across the globe to generate a diverse student body.

VIII. REQUIRED PHYSICAL RESOURCES

A. Additional library and other information resources required to support the proposed program. You must include a formal evaluation by Library staff.

No additional library resources will be needed.

B. Additional facilities, facility modifications, and equipment that will be required. This is to include faculty and staff office space, laboratories, special classrooms, computers, etc.

The program is online. There will be a need for a few offices for staff support personnel.

C. Impact, if any, on the use of existing facilities and equipment. Examples are laboratories, computer labs, specially equipped classrooms, and access to computer servers.

None

IX. RESOURCE NEEDS AND SOURCES

Describe the resources that are required to offer this program, and the source of these resources. Project this for five years. In particular:

A. List new courses to be taught and needed additional sections of existing courses. Describe the anticipated advising and administrative loads. Indicate the personnel resources (faculty, staff, and teaching assistants) that will be needed to cover all these

responsibilities.

New courses that will be designed for the MS in Analytics Program are: BUDT 758 Healthcare Analytics (3), BUDT 758 Operations Analytics (3), BUDT 758 Marketing Analytics (3), and BUDT 758 Financial Analytics (3).

The new program will need two sections per year on average for each of these courses. Required and elective courses can be mostly shared with other programs. Overall we expect on average an additional load of 18-21 credits per year to be generated by the new program. This will also bring an additional 18-21 credit hour grading assistance by GAs.

Because the program is online there will be limited advising. Any partner in the program (such as Coursera) will be required to provide some advising for applicants and for the use of their platform. The Academic Director and Operations Director at Smith will provide advising on curriculum issues.

B. List new faculty, staff and teaching assistants needed for the responsibilities in A, and indicate the source of the resources for hiring them.

Two new tenure track faculty in DOIT will be needed to cover additional 18 credits. One part time administrative support staff may be needed to be hired. The investment by the provost as well as the additional tuition revenue generated by the online MS in Business Analytics program are expected to be used to cover the costs for these hires.

C. Some of these teaching, advising, and administrative duties may be covered by existing faculty and staff.

Describe your expectations for this, and indicate how the current duties of these individuals will be covered, and the source of any needed resources.

Some of the expected 30 credit teaching load per year increase can be covered by existing faculty teaching in other programs. As described above, we expect our partner to provide student advising in consultation with Smith School program administrators.

D. Identify the source to pay for the required physical resources identified in Section VIII above.

Funds from the Provost as well as additional tuition generated by the online MS in Business Analytics students are expected to cover these costs.

E. List any other required resources and the anticipated source for them.

There are no other required resources expected at this point.

F. Provide the information requested about peer programs.

See Appendices 1, 2 and 3.

Conclusion about peer Business Analytics Masters programs

Most peer programs appear to offer similar curriculum as proposed in this document, but none is offered online using MOOCs for the asynchronous course materials. Some programs tend to have a stronger focus on theory and less of practically applicable skills. Our proposed program balances between these two dimensions assuring students who complete the program will have the necessary hands on skills sought after by the employers. Regarding other classroom-based programs in Maryland that contain some similar content on data

analytics, the online MS in Marketing Analytics program offered by the Smith School is different in orientation and content, as detailed earlier in this proposal. The College of Information Studies at the University of Maryland has a Masters in Information Management program with a Data Analytics specialization. Appendix 1 details the differences between this program and our proposed MS in Business Analytics program.

Appendix 1: Peer Comparisons - Comparison of the proposed Smith School Master of Science in Business Analytics Program (MSBA) and the University of Maryland iSchool's Master of Information Management (MIM) Program's Data Analytics specialization

The following is a list of courses from the iSchool's webpage on their Masters of Information Management (MIM) program, Data Analytics specialization (one of the eight specializations offered in the MIM program):

- **Four Core courses (12 cr,)** [Required of all MIM students]
  - o INFM 600 Information Environments
  - o INFM 603 Information Technology and Organizational Context
  - o INFM 605 Users and Use Context
  - o INFM 612 Management of Information Programs and Services

- **Two Project courses (6 cr.)** [Required of all MIM students]
  - o INFM 736 Information Management Experience
  - o INFM 737 Information Management Capstone Experience

- **Three Core Specialization Courses (9 cr.)** [Required for MIM Data Analytics students]
  - o INST 733 Database Design
  - o INST 627 Data Analytics for Information Professionals
  - o INST 737 Digging into Data: Data Mining, Machine Learning & Advanced Analytics

- **Two Specialization Electives (6 cr.)**
  - o INST 633 Analyzing Social Networks and Social Media
  - o INFM 714 Principles of Competitive Intelligence
  - o INFM 732 Information Audits and Environmental Scans
  - o INFM 747 Web-Enabled Databases
  - o INFM 750 From Data to Insights
  - o INST 714 Information for Decision Making
  - o INST 760 Data Visualization
  - o INST 767 Big Data Infrastructure
  - o INST 728Q Visual Analytics
  - o INST 728R Data Management
  - o INST 728T Analyzing Social Networks in Times of Crisis (1 credit)

- **One General Elective (3 cr.)**

Below is a list of currently proposed courses for MS in Business Analytics (MSBA) Program:

- **Four Required Courses (12 credits)**
  - o BUSI 630 Data, Models, and Decisions

- o BUDT 732 Decision Analytics
- o BUDT 733 Data Analytics
- o BUDT 704 Database Management Systems

- **Six Electives from the following (18 credits)**
  - o BUDT 758 Computer Simulation for Business Applications
  - o BUDT 706 Social Media and Web Analytics
  - o BUDT 758 Big Data: Strategy, Management and Applications
  - o BUDT 758 Price Optimization and Revenue Management
  - o BUDT 758 Healthcare Analytics
  - o BUDT 758 Marketing Analytics
  - o BUDT 758 Operations Analytics
  - o BUDT 758 Financial Analytics
  - o BUDT 758 Capstone Project in Operations Analytics

The descriptions for these courses are given in the MSBA proposal. The differences in the designs and clienteles for the two programs are described below:

1- **Curriculum differences:** The proposed Smith School Master of Science in Business Analytics program is focused on business strategic and operations applications of data analytics, such as operations management, operations research, applied simulation analysis, price and revenue management, and healthcare analytics. In contrast, the Masters in Information Management specialization in Data Analytics also provides distinct courses in the area of information management, including data visualization, information audits, web-enabled databases, big data infrastructure, management of information programs and services, information environments, and both user and organizational contexts of IT. There are naturally common elements to both programs, including fundamental topics related to statistical analysis, data mining, social media analytics and strategy, database design, decision making and models, and data management.

2- **Differences in Target Student Population and Placement:** The graduates of the MSBA program will be primarily interested in positions as business analysts, business consultants, operations managers, revenue managers, healthcare management consultants and supply chain managers, where they would apply their skills in optimization, simulation, decision modeling, data mining, pricing, and analytics- based business strategy. Graduates of the MIM Data Analytics specialization take positions as data analysts, information analysts, data scientists, consultants, and project managers in a broader set of organizations, including businesses, government agencies, universities, non-profits, and multi-lateral organizations, leveraging their deep knowledge in information management, analytics, and information technology.

Appendix 2: Peer Comparisons - MBA Ranked Peer Schools Offering MS in Business Analytics Programs

School	US News & World Report 2015 MBA Rank
NYU	10
UT Austin	15
Arizona State	27
Minnesota	33
Michigan State	35
Rochester	37
Univ. of Connecticut	52
SMU	55
University of Cincinnati	60
George Washington Univ.	65

Appendix 3: Peer Comparisons - Curriculum Content Comparisons of MS in Business Analytics Programs offered by MBA Ranked Peers

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
New York University #10 **Master of Science in Business Analytics**	Social Media and Digital Marketing Analytics Foundations of Statistics Using R Practical Data Science Prediction Data Mining for Business Analytics Data Driven Decision Making Network Analytics Decision Models Operations Analytics Advanced Decision Models Data Visualization Special Topics in Analytics: Revenue Management & Pricing Strategy, Change and Analytics Market Modeling Strategic Capstone	A bachelor's degree and strong Grade Point Average, demonstrated high aptitude for quantitative analysis and academic success as evidenced by undergraduate and graduate coursework as applicable. A minimum of five years of professional, full-time work experience is required.	One year duration. Five Residential Modules totaling to seven weeks of face-to-face education. Online work supplements traditional classroom work

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
University of Texas at Austin **#15** **Master of Science in Business Analytics**	**Required Courses:** Data Analytics Programming Optimization and Decision Analysis Financial Management Introduction to Data Management Introduction to Business Data Analytics Advanced Data Analytics I: Predictive Modeling Advanced Data Analytics II: Unsupervised Learning and Time Series Business Intelligence Capstone **Electives:** Advanced Data Mining and Web Analytics Marketing Analytics I Computational Finance Data-intensive Computing for Text Analysis Marketing Analytics II Pricing and Revenue Optimization Social Media Analytics Supply Chain Analytics	An undergraduate degree from an accredited institution Mathematical aptitude and quantitative and/or technical training in coursework Strong communication skills and motivation	36 Credits offered completed in 10 months. The program is designed f undergraduate degree holders in business, engineering, mathematics, economics, computer science, and other technica or quantitative areas.

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
Arizona State University #27 **Master of Science in Business Analytics**	**Required (Full lockstep program):** Introduction to Enterprise Analytics Introduction to Applied Analytics Data Mining I Applied Regression Models Data-Driven Quality Management Analytical Decision Making Tools I Data Mining II Analytical Decision Making Tools II Business Analytics Strategy Applied Project	Bachelor's Degree GMAT or GRE	30 Credits Two Options: On Campus: 9 months Online (all online): 16 months Five-week sessions, one course at a time.

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
University of Minnesota #33 **Master of Science in Business Analytics**	**Required Courses (Full lockstep program):** Financial Accounting Introduction to Statistics for Data Scientists Analytics for Competitive Advantage Programming and Application Development Marketing Management Data Management, Databases, and Data Warehousing Harvesting Big Data Project Management, Leadership, Communications, and Team Dynamics Exploratory Data Analytics and Visualization Predictive Analytics Advanced Issues in Business Analytics Data-Driven Experimentation and Measurement Modeling and Heuristics for Decision Making and Support Experiential Learning	At least one-semester college level calculus course with a grade "C" or better GMAT or GRE	45 Credits in 1 Year.

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
Michigan State University **#35** **Master of Science in Business Analytics**	Introduction to Business Analytics Project Management Computational Techniques for Large-Scale Data Analysis Communications Strategies for Analytics Applied Statistics Methods Marketing Technology and Analytics Statistical Problems Data Mining Emerging Topics in Business Capstone: Business Analytics Ethics and Intellectual Property Issues	A completed bachelor's degree from a recognized educational institution. A cumulative grade-point average of at least a 3.00 in undergraduate course work. Completed, with a grade of 3.0 or higher, college-level courses in introductory calculus and statistics. A working knowledge of personal computers. Knowledge of programming languages such as C, C++, Python, Java, HTML, as well as experience in using statistical packages, and use of statistical software programs. GMAT or GRE	31.5 Credits in One Academic Year. Require a strong technical background.

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
University of Rochester #37 **Master of Science in Business Analytics**	**Required Courses:** Data Structures (May be waived out, no credits, charge at review course rate) Information Systems Introduction to Business Analytics Framing and Analyzing Business Problems I Core Economics for MS Students Core Statistics for MS Students	GMAT or GRE	41-42 Credits. Can be finished in 1 year (three quarters). Variety of tracks. Offers a number of "selective" (either-or) course options.

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
University of Connecticut **#52** **Master of Science in Business Analytics and Project Management**	**Required Courses:** Business Process Modeling and Data Management Predictive Modeling Business Decision Modeling Data Mining and Business Intelligence Introduction to Project Management Project Leadership and Communications Project Risk and Cost Management Advanced Business Analytics and Project Management **Other Courses:** Real-time Enterprise Data Integration and Audit Data Analytics with R Adaptive Business Intelligence Big Data Analytics with Hadoop Gamification Ethical and Legal Issues in Project Management Managing International Development Projects Agile Project Management	Completion of a one-semester college-level calculus course with a grade of "C" or better. An undergraduate degree (B.S. or B.A.) from a 4-year program at an accredited university or college. A minimum undergraduate grade-point average (GPA) of 3.0 for either all 4 years or for the last 2 years. GMAT or GRE.	33 Credits A joint degree in Business Analytics and Project Management Allows students to take MBA courses as electives

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
Southern Methodist University **#55** **Master of Science in Business Analytics**	**Required Courses:** Managing Your Career (1 credit) Applied Predictive Analytics I Decision Models Business Process Consulting Business Metrics Database Design for Business Applications Data Mining Applied Predictive Analytics II Web and Social Media Analytics Business Research Methods Data Visualization and Communications **Electives (six courses from the below list):** Consumer Behavior Advanced Decision Models Retailing Analytics Understanding What Customers Value Revenue Management Business Forecasting Operations Analytics Consumer Loyalty Management Database Marketing using Multivariate	At the discretion of the admissions committee, a student may be required to take the following courses before entry: Applied Statistics SAS Training GMAT or GRE.	33 Credits over one year schedule (four half semesters).

	Analysis		
	Pricing Analytics		

	Project Management		
	Managing Big Data		
	Supply Chain Analytics		

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments
University of Cincinnati #60 **Master of Science in Business Analytics**	**Required Courses (21 Credits):** Optimization Simulation Modeling Probability Modeling Statistical Methods Statistical Modeling Research Project In addition **14 credits of electives** from Business Analytics, Information Systems or Operations Management fields.	Before starting the program, students must have completed courses in calculus and linear algebra and demonstrate computer programming skills in a computer language such as Ruby, Python, C++, FORTRAN etc. Basic Business Knowledge Requirement: In addition, students are required to have taken before they start (or take during the program) a course in four of the following seven subjects: Operations management Information systems Finance Accounting Marketing Economics Management Bachelor's Degree and GMAT or GRE are required.	35 Credits Full Time (1 year) or Pa Time (2 year) options available.

University MBA Ranking Degree	Curriculum/ Required Classes	Prerequisites	Comments

George Washington University
#65
 	
Master of Science in Business Analytics
	Required Courses:
	
	Introduction to Business Analytics
	
	Data Warehousing
	
	Computational Analytics
	
	  Stochastic Foundations: Probability Models
	
	  Statistics for Analytics
	
	  Data Mining
	
	  Forecasting for Analytics
	
	  Optimization Methods & Applications
	
	  Decision Analysis
	
	 Risk Analytics
	
	Computational Optimization
	
	Electives:
	
	Marketing Analytics
	
	Supply Chain Analytics
	
	Pricing & Revenue Management Investment
	
	Analysis/Portfolio Management Social
	
	Network Analytics
	
	Healthcare Analytics
	
	Business Process Analytics
	
	Sports Analytics
	
	Visualization for Analytics
		Statistics: applicants should have taken and obtained a B or higher in an undergraduate or graduate statistics within the last 5 years, be able to demonstrate regular use of statistics in a current or past professional position, or be able to demonstrate an adequate understanding of statistics in another way.
		
		Higher Level Mathematics (Calculus and Linear Algebra): applicants should have taken and obtained a B or higher in an undergraduate or graduate higher level math class, such as calculus or linear algebra, within the last 5 years, be able to demonstrate regular use of mathematic principles and methods in a current or past professional position, or be able to demonstrate an adequate understanding of higher level math in another way.
		
		Computer Programming: applicants should be able to demonstrate regular use of computer programming and software skills in a current or past professional position such as with SAS, SPSS, R Language, Python, Java, CPlex, etc., or be able to demonstrate adequate exposure to and understanding of basic
			33 Credits
			
			Can be completed between 10 months and years.

	Business Analytics Skills Workshops	computer programming and software principles. Applicants need not have a	

		specific understanding of multiple analytics-based computer programs and software. Instead, the goal is for applicants to demonstrate that they are capable of learning the specific programs emphasized in the MSBA program. GMAT or GRE.	

DATE: December 6, 2015

TO: Dr. Alexander J. Triantis
               Dean, Robert H. Smith School of Business

FROM: On behalf of the University of Maryland Libraries:

               Zaida M. Díaz, Interim Head, Humanities Social Sciences Librarians and
               Business and Economics Librarian
               Maggie Saponaro, Interim Head of Collection
               Development Daniel Mack, Associate Dean,
               Collection Strategies & Services

RE: Library Collection Assessment

We are providing this assessment in response to a proposal by the Robert H. Smith School of Business to create the Master of Science in Business Analytics (MSBA). The MSBA program asked that we at the University of Maryland Libraries assess our collection resources to determine how well the Libraries support the curriculum of this proposed program.

Serial Publications

The University of Maryland Libraries currently subscribe to a large number of scholarly journals— almost all in online format. Many of these are top ranked journals by the **Social Science Citation Index,* in terms of impact and are widely recognized in the fields of strategy, management, organization theory, computation, etc., which would be relevant to the subject or program areas within business analytics, and the intersection of operations research, computing and data analysis. Among these, 14 scholarly journals published by the highly regarded Institute for Operations Research and the Management Sciences (INFORMS) that cover the latest research in Operations Research (O.R.) and analytics methods and applications, including: *INFORMS Transactions on Education* (an Open Access peer-reviewed journal), *Decision Analysis, Information Systems Research* (ISR), *INFORMS Journal on Computing*, *Interfaces*, *Management Science*, *Operations Research*, *Manufacturing & Service Operations Management* (M&SOM), *Marketing Science*, *Mathematics of Operations Research*, *Organization Science* and *Transportation Science*.

In cases in which the Libraries do not subscribe to highly ranked journals, for example: *Service Science* and *Strategy Science* (new in 2015), both also published by the INFORMS, or any other articles in journals that we do not own, they likely will be available through Interlibrary Loan/Document Delivery.

*Note: *Journal Citation Reports* is a tool for evaluating scholarly journals. It computes these evaluations from the relative number of citations compiled in the *Science Citation*

Index and *Social Sciences Citation Index* database tools.

Databases

The Libraries' *Database Finder* (http://www.lib.umd.edu/dbfinder) resource offers online access to databases that provide indexing and access to scholarly journal articles and other information sources. Many of these databases cover subject areas that would be relevant to proposed Master of Science in Business Analytics (MSBA) program. Among the core databases to find business literature review statistics and data analysis that would be useful in the study and research areas covered by the MSBA program are:

1. Business Source Complete (EBSCO) – Major scholarly business database providing a collection of bibliographic and full text content in all disciplines of business, including marketing, management, MIS, POM, accounting, finance, economics, including business analytics topics, etc. Additional full text, non-journal content includes financial data, books, monographs, major reference works, book digests, conference proceedings, case studies, investment research reports, industry reports, market research reports, country reports, company profiles, and SWOT analyses. Indexing and abstracts for scholarly business journals back to 1886 are included.
2. IBIS World – Database that provides research, statistics and analysis reports on industries in the United States, the United Kingdom, Australia and China.
3. Passport – Provides global statistics for 205 countries on economic indicators, health, foreign trade, environment, lifestyle, industrial and agriculture output, communications and more. It also includes market size data for over 300 consumer products and services, including reports covering analysis of drivers of the industry, industry risk, market data and segments, competitors and industry performance. It provides demographic trends, economic indicators, finance, foreign trade, health, labor force, industrial and agricultural production, environmental data, consumer expenditure patterns, retail sales, advertising and media patterns, consumer prices, household patterns, literacy rates, telecommunications, automotive and transport figures, travel and tourism, income and earnings potential.
4. Data-Planet Statistical Datasets (formerly Statistical Datasets (Proquest) – Provides easy access to statistics produced by the U.S. government, major international and intergovernmental organizations, professional and trade organizations, state government agencies, and universities.

Some of the other subject databases that would be relevant to this curriculum include:

1. Science Direct (Elsevier) – Peer-reviewed, full text database containing electronic book and journal titles covering the fields of science, technology and medicine. In addition to keyword searches, the image search and value added content associated with the publication can be found in the form of audio, video and datasets.

2. Computers & Applied Sciences Complete – Covers the research and development spectrum of the computing and applied sciences disciplines. CASC provides indexing and abstracts for nearly 2,200 academic journals, professional publications, and other reference sources from a diverse collection. Full text is also available for more than 1,000 periodicals.
3. MathSciNet via EBSCOhost – An electronic publication of the American Mathematical Society (AMS) offering access to a carefully maintained and easily searchable database of reviews, abstracts and bibliographic information for much of the mathematical sciences literature. Over 100,000 new items are added each year, most of them classified according to the Mathematics Subject Classification.
4. Scopus (Elsevier) – Largest abstract and citation database of peer-reviewed literature and quality web sources with smart tools to track, analyze, and visualize research from your region and from the rest of world. It contains more than 18,000+ titles from more than 5,000 international publishers; over 1,200 Open Access journals; 520 conference proceedings; over 650 trade publications; 315 book series; 33 million abstracts; results from 386 million scientific web pages;

23 million patent records from 5 patent offices; 37 million records—of which 18 million records include references going back to 1996 and 19 million pre-1996 records go back as far as 1823.

5. IEEE Xplore (IEEE) – Provides full-text access to IEEE transactions, journals, magazines and conference proceedings published since 1988 and all current IEEE Standards. Includes access to Bell Labs Technical journal Archive (BLTJA) 1922-2015.

6. Inspec Archive – Science Abstracts 1898-1968 – Created by the Institution of Engineering and Technology, is the leading bibliographic database providing abstracts and indexing to the world's scientific and technical papers in physics, electrical engineering, electronics, and computing and control engineering.

Also there are some general/multidisciplinary databases, such as: Academic Search Premier, MasterFILE Premier, JSTOR and ProjectMUSE that are good sources of articles relevant to for this new program.

In many, likely in most cases, these indexes offer full text copies of the relevant journal articles. In those instances in which the journal articles are available only in print format, the Libraries can make copies available to graduate students through either the Libraries' Article Express Program (http://www.lib.umd.edu/access/article-express) or via Interlibrary Loan. (Note: see below.)

Monographs

The Libraries regularly acquire scholarly monographs in business and related subject disciplines. Monographs not already part of the collection can usually be added upon request.

Even though most library research for this course/program likely will rely upon online journal articles, students may wish to supplement this research with monographs. Fortunately, more and more monographs are available as e-books. Even in instances when the books are only available in print, graduate students will be able to request specific chapters for online delivery through the Libraries' Article Express service.

A search of the University of Maryland Libraries' WorldCat UMD catalog was conducted, using a variety of relevant subject terms. This investigation yielded sizable lists of citations of books that we own. Searching *business analytics* as a topic, resulted in 114,491 titles, among them:

- Advanced business analytics creating business value from your data (2013)
- Big data, big innovation: enabling competitive differentiation through business analytics (2014)
- Predictive business analytics: forward looking capabilities to improve business

performance (2014)
- RapidMiner : data mining use cases and business analytics applications (2014)
- Business analytics : data analysis and decision making (2015)
- Modern analytics methodologies : driving business value with analytics (2015)
- Business intelligence and analytics : systems for decision support (2015)

A further similar search revealed that the Libraries' membership in the Committee on Institutional Cooperation (CIC) dramatically increases these holdings and citations with additional new 44,015 titles. As with our own materials, graduate students can request that chapters be copied from these CIC books if the books are not available electronically.

Article Express and Interlibrary Loan

These services offer online delivery of bibliographic materials that otherwise would not be available online. As a result, remote users who take online courses may find these services to be helpful. Article Express and Interlibrary Loan are available free of charge.

A special amenity for graduate students and faculty, the Article Express service scans and delivers journal articles and book chapters within three business days of the request--provided that the items are available in print on the UM Libraries' shelves or in microform. In the event that the requested article or chapter is not available on campus, Article Express will automatically refer the request to Interlibrary Loan (ILL). Interlibrary Loan is a service that enables borrowers to obtain online articles and book chapters from materials not held in the University System of Maryland.

Additional Materials and Resources

In addition to serials, monographs and databases available through the University Libraries, students in the proposed MSBA program will have access to a wide range of media, datasets, software, and technology. Library Media Services (http://www.lib.umd.edu/lms) houses media in a variety of formats that can be utilized both on-site and via ELMS/Canvas course media. GIS Datasets are available through the GIS Data Repository (http://www.lib.umd.edu/gis/dataset) while Statistical consulting and additional research support is available through the Research Commons (http://www.lib.umd.edu/rc) while technology support and services are available through the Terrapin Learning Commons (http://www.lib.umd.edu/tlc) .

The subject specialist librarian/s for business, Zaida Díaz zdiaz@umd.edu and Lily Griner griner@umd.edu serve as important resource to the MSBA program with their extensive experience in business research, which includes access to the Virtual Business Information Center (VBIC) portal https://www.lib.umd.edu/vbic/, a collection of electronic and print business resources intended to provide research assistance to the Robert H. Smith School of Business and general users seeking authoritative business information. Additionally, the business school can also rely on their own Financial Markets and Research Labs., where a wide variety of highly specialized financial and statistical analysis resources and datasets area available to their students and faculty, including personalized consultant services for data and research analysis for faculty and students from Charles Lahaie clahaie@rhsmith,umd.edu, Assistant Director, Financial Markets and Research Labs, as part of the Smith IT.

Other Research Collections

Because of the University's unique physical location near Washington D.C., Baltimore and Annapolis, University of Maryland students and faculty have access to some of the finest

libraries, archives and research centers, including major trade organizations and associations in the country vitally important for researchers in business and subject areas.

Conclusion

With our substantial journals holdings and index databases, as well as additional support services and resources, the University of Maryland Libraries have resources to support teaching and learning in business. These materials are supplemented by a strong monograph collection. Additionally, the Libraries Article Express and Interlibrary Loan services make materials that otherwise would not be available online, accessible to remote users in online courses. As a result, our assessment is that the University of Maryland Libraries are able to meet the curricular and research needs of the proposed Master of Science in Business Analytics (MSBA) program.

University Senate
TRANSMITTAL FORM

Senate Document #:	16-17-06
Title:	Restricted Research
Presenter:	Keith Marzullo, Chair, Restricted Research Subcommittee
Date of SEC Review:	January 30, 2017
Date of Senate Review:	February 9, 2017
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	Restricted Research is currently conducted via an exception from the USM Policy. However, it is unclear what criteria are used to grant such exceptions. Without guidelines or criteria for researchers and administrators on how to proceed, there can be frustration, unwarranted delays, and a lack of transparency.
Relevant Policy # & URL:	USM Policy IV-2.20 on Classified and Proprietary Workhttp://www.usmd.edu/regents/bylaws/SectionIV/IV220.html
Recommendation:	We recommend that UMD continue to permit restricted research on a limited case-by-case basis after a careful analysis of the benefits, costs, risks, and impact on the UMD values of having an open academic environment. 1) We recommend that UMD adopt a transparent process by which PIs can apply for the waiver referenced in Paragraph 8 of the USM Policy on Classified and Proprietary Work. Section 3 presents our suggested guidelines. 2) The University should remain committed to disclosing as much information as legally permissible, to the extent permitted by statutory, regulatory, and contractual obligations. In light of these contractual obligations, the Division of Research should continue its practice of negotiating with research sponsors to obtain the least restrictive terms possible in research awards. 3) We recommend that the Division of Research adopt a checklist of terms and conditions to assist PIs in evaluating restricted research opportunities, and maintain a list of best practices based

	on the experiences of previous restricted research projects.

4) We recommend that training should be made available through the Division of Research and be mandatory before a researcher can be a PI on a restricted research project.

5) We recommend that costs of Restricted Research should, as much as possible, be built into the proposal budgets. If there is a significant growth in restricted research, then other solutions can be considered, such as converting space in an existing building into controlled space.

6) We also recommend that the Division of Research debrief PIs at the end of a restricted research project to capture their experiences and to develop best practices.

7) We recommend that the Division of Research create a quarterly report, for internal use, on the University's restricted research activity.

8) We recommend that unit heads should advise faculty considering engaging in restricted research, especially pre-tenure faculty, that the criteria for promotion and tenure do not account for unpublished or otherwise undisclosed research activity.

9) We recommend that if the VPR makes any changes to the guidelines proposed herein, these changes should be reported to the Research Council as soon as practicable.

10) We recommend an initial review of activity, practices, guidelines and reporting of Restricted Research by the Research Council one year after these new guidelines are implemented and every three years after.

11) We recommend that once a year, in a University Senate meeting, the Research Council should report the contents of the four quarterly reports generated over the last year. |
| **Committee Work:** | The Research Council developed a restricted research subcommittee to review the specific elements of the charge and make recommendations to the Council as a whole. The subcommittee met periodically throughout the course of the Fall 2016 and Winter 2017 semesters. The subcommittee reviewed the existing University System of Maryland Policy on Classified and Proprietary Work (IV- 2.20), and surveyed Big10 and peer institution best practices. The subcommittee also held a campus- |

	wide open forum on September 7, 2017 to solicit input from the campus community and consulted with the Office of General Counsel before finalizing its recommendations and presenting them to the Research Council. The Research Council approved the recommendations on January 26, 2017.
Alternatives:	Continue with status quo of *ad hoc* approval of projects
Risks:	Risks: There are a variety of risks related to any change in University practice that are outlined in detail in Section 5 of the report but the committee recommendations provide guidance for mitigating these risks. Some of the potential risks include: 1) Significant reputational and legal risks that arise from major mishandling of sensitive data or results, including those that arise from export control issues. 2) Reputational risks from actual or perceived research bias that favors the agenda of sponsoring agencies. 3) The careers of individual students, pre-tenure professors, and research staff could be placed at a disadvantage if they are not allowed to publish their research results in a timely manner. 4) The sense of academic freedom, including the open exchange of ideas and open access to facilities and people could be negatively affected. 5) A potential loss of leverage in contract negotiations should UMD appear to be more open in allowing restricted research. 6) A risk to students who need to publish their work in the open literature.
Financial Implications:	Financial Implications: There will be increased costs associated with an increase in restricted research. These costs will be incurred by the Department performing the research, by the Division of Research, and by the UMD Office of General Counsel. Some potential costs include: • Staffing - both faculty and administrative - associated with restricted research proposal review, negotiation, and monitoring/auditing; • Required training for faculty, researchers, and administrators involved in restricted research; • Increased physical security and network security for

	performing restricted research
	It is anticipated that most new costs will be borne by the associated restricted research project. However, it is likely that some initial infrastructure investment would be required on the part of the University. A more detailed analysis of the potential costs is outlined in Sec. 5 and 6 of the report while specific approaches to covering additional costs are specified in Sec. 3.
Further Approvals Required:	Senate approval, Presidential approval

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On August 5, 2016, Provost Mary Ann Rankin and The Senate Executive Committee asked the Research Council to conduct a review of the implications for conducting restricted research at the University of Maryland. The charge asked the Research Council to:

1. Review the University System of Maryland Policy on Classified and Proprietary Work (IV- 2.20).
2. Consider the scope of restrictions on publications and nationality that would ensue were this policy to be changed.
3. Identify potential costs, benefits, and risks (e.g., legal, reputational) to the university community associated with pursuing a more flexible policy to conduct research with publication and citizenship restrictions.
4. Identify potential risks and benefits to the various members of the university community (students, post-docs, junior and senior faculty) associated with conducting research with publication and citizenship restrictions (academic and career implications, legal risks, etc.).
5. Identify the costs and benefits of conducting restricted research on campus versus in University facilities off campus.
6. Review involvement in restricted research at peer and other Big Ten Academic Alliance institutions. If restricted research is conducted, investigate if limitations are imposed and in what context(s).
7. Actively seek input and recommendations from the broader University of Maryland community about whether, under what conditions, and through what processes the University should permit faculty to engage in restricted research.
8. Consult with the University's Office of General Counsel on any proposed recommendations.
9. If the recommendation is to proceed, produce a draft policy that is concise and clear (2-3 pages) and briefly recommend next steps toward the development of implementation procedures.

The Research Council created the following subcommittee to execute this charge. The subcommittee members were:

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- Michael O. Ball, Smith School of Business / ISR (faculty)
- C. Scott Dempwolf, Urban Studies and Planning Program (faculty)
- Jen Gartner, Office of General Counsel (administrative staff)
- Adam Grant, Export Compliance Officer, Div. of Research (administrative staff)
- Reggie Harrell, Environmental Science and Technology (faculty)
- William Idsardi, Linguistics (faculty)
- Christian Johnson, Computer Science (student)
- Daniel P. Lathrop, Physics / Geology / IPST / IREAP (faculty)
- Keith Marzullo, iSchool (faculty, subcommittee chair)
- Donald Milton, Applied Environmental Health (faculty)
- Amy Mullin, Chemistry and Biochemistry (faculty)
- Thomas Murphy, ECE / IREAP (faculty, chair University Research Council)
- Deborah Nelson, Journalism (faculty)
- Ray Sedwick, Aerospace Engineering (faculty)
- Elizabeth Tennyson, Materials Science and Engineering / IREAP (student)
- Jonathan Wilkenfeld, Government and Politics (faculty)

Section 1: Review the University System of Maryland Policy on Classified and Proprietary Work (IV-2.20).

The USM policy on classified and proprietary work (IV-2.20, approved by the Board of Regents on 4/25/1991), states clearly that "Instruction, research, and services will be accomplished openly and without prohibitions on the publication and dissemination of the results of academic and research activities". There are eight main sections to the 1991 USM policy, summarized below:

1. Federal classified work cannot be done on campus nor can classified research be done using University facilities or resources;

2. USM will not enter any contractual agreement that restrains it from disclosing the existence of the agreement, the nature of the work, and the identity of the sponsor;

3. USM will enter into no agreement that bars investigators from publishing or otherwise disclosing findings publicly;

4. While research may make use of sponsor's proprietary information, and the University and investigators may agree to use reasonable efforts to protect such information or materials from disclosure, they cannot accept liability if such effort fail;

5. No graduate theses or dissertations can have restrictions on being made public;

6. Consulting and other off-campus activities are not covered by this policy;

7. This policy does not require disclosure of the identity of human-research subjects, confidential student, patient, or employee records protected by federal, state or university policies or information protected by professional ethics;

8. Under highly unusual circumstances, exceptions to **sections 1-4** may be granted by the Chancellor of the USM on the recommendation of the appropriate President or Director.

Exceptions under clause 8 have been granted for UMD, such as for the Center for Advanced Study on Language (CASL) and for the Unmanned Aircraft Systems Test Site (UAS). *__However, it is unclear what criteria are used to grant such exceptions. Without guidelines or criteria for researchers and administrators on how to proceed, there can be frustration, unwarranted delays, and a lack of transparency__*.

The majority of Big 10 and other universities consulted by the Committee have policies or guidelines that contain processes by which the universities can accept restricted research when certain criteria are met. The Committee thus recommends a set of guidelines that will allow the appropriate offices within the university to make recommendations to the President and Chancellor in a fair and efficient matter. These guidelines should remain true to the general principles of IV-2.20:

● The research will be consistent with UMD's mission to generate and disseminate knowledge.

- The research will advance knowledge in a particular scholarly arena and/or it will lead to an enhancement in our national security.
- The faculty and students participating on restricted research teams will derive scholarly benefit from the research.
- Participating students are not adversely impacted in terms of opportunity, education, or graduation.

It should not be the case that an exemption would be granted solely because the project is likely to enhance university revenue.

Section 2: Subcommittee Observations and Recommendations

After reviewing the material discussed in this report, the Committee makes the following observations and recommendations:

1. Restricted research has value for UMD, including giving access to specialized equipment and data, and providing specialized training opportunities for students but carries risk. We recommend that UMD continue to permit restricted research on a limited case-by-case basis after a careful analysis of the benefits, costs, risks, and impact on the UMD values of having an open academic environment.

2. While waivers for restricted research have been granted, and the research has been valuable and impactful, PIs currently have no guidelines to follow when considering seeking restricted research funding, and the university community has no understanding of the process nor the reasons through which waivers have been granted in the past. We recommend that UMD adopt a transparent process by which PIs can apply for the waiver referenced in Paragraph 8 of the USM Policy on Classified and Proprietary Work. Section 3 presents our suggested guidelines.

3. In the course of engaging in research and scholarly activities, the University is committed to maintaining an open environment and retaining its independence and ability to publicly disclose research results. We recognize that in rare instances, such as when performing certain restricted research, legal obligations may require the University to limit access to such projects and may require that legally protected information and results not be publicly disclosed. The University should remain committed to disclosing as much information as legally permissible, to the extent permitted by statutory, regulatory, and contractual obligations. In light of these contractual obligations, the Division of Research should continue its practice of negotiating with research sponsors to obtain the least restrictive terms possible in research awards.

4. When restricted research is allowed, the PI, Office of Research Administration, and other applicable campus units must carefully review the terms of the solicitation before proposing and, if the proposal is successful, review the terms of the award before accepting a grant/contract/cooperative agreement. Carefully reviewed Technology Control Plans (detailed in Section 3: Draft Guidelines), and negotiation with research sponsors are all important to ensure that institutional standards are met and potential negative impacts are reduced or eliminated. We recommend that the Division of Research adopt a checklist of terms and conditions to assist PIs in evaluating restricted research opportunities, and maintain a list of best practices based on the experiences of previous restricted research projects.

5. Training is important for administrators, PIs, and researchers to reduce the risk incurred by restricted research. We recommend that training should be made available through the Division of Research and be mandatory before a researcher can be a PI on a restricted research project.

6. We expect that adopting guidelines like these may result in a modest growth in restricted research done at UMD. Based on the experiences of other Big

Ten Academic Alliance institutions, we expect that that the number of requests for restricted project waivers could eventually grow to 5-10 a year, and with very few at most in the classified space. We found from talking with other Big 10 Academic Alliance Universities that providing for the oversight and controls needed for a modest amount of restricted research is manageable.

7. There will be increased costs associated with an increase in restricted research. These costs will be incurred by the Department performing the research, by the Division of Research, and by the UMD Office of General Counsel. We anticipate these costs to be relatively small but they will be ongoing. Other costs will arise from implementing physical controls, separate data storage, and other similar isolation control. We recommend that such costs should, as much as possible, be built into the proposal budgets. If there is a significant growth in restricted research, then other solutions can be considered, such as converting space in an existing building into controlled space.

8. For purposes of evaluation, it will be important for the Division of Research to maintain information on the restricted research applications and grants/contracts/cooperative agreements made under new guidelines. We also recommend that the Division of Research debrief PIs at the end of a restricted research project to capture their experiences and to develop best practices.

9. We recommend that the Division of Research create a quarterly report, for internal use, on the University's restricted research activity. The report should be a spreadsheet that lists the funding amount, sponsor, project title, period of performance, name of the Principal Investigator, and the applicable restrictions (e.g., publication approval, restrictions on nationality) for each restricted research award to the extent permitted by the University's statutory, regulatory, and contractual obligations. Additionally, the Division should work with the Office of General Counsel to ensure that this quarterly report (1) is made available to members of the University senate, and (2) is available at no cost pursuant to a request submitted under the Maryland Public Information Act.

10. We recommend that unit heads should advise faculty considering engaging in restricted research, especially pre-tenure faculty, that the criteria for promotion and tenure do not account for unpublished or otherwise undisclosed research activity.

11. We recommend that if the VPR makes any changes to the guidelines proposed herein, these changes should be reported to the Research Council as soon as practicable. In addition, a review of the activity, practices, guidelines and reporting of restricted research should be undertaken periodically by the Research Council. We recommend an initial review one year after these new guidelines are implemented and every three years thereafter.

12. We recommend that once a year, in a University Senate meeting, the Research Council should report the contents of the four quarterly reports generated over the last year.

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Section 3: Suggested Guidelines

Guidelines and Process for Requests for Restricted Research Projects

The majority of research projects on campus occur with the intent to publish in the open literature without review or approval by research sponsors[1]. USM Policy 106.0 IV-2.20, Policy on Classified and Proprietary Research, prohibits the University from accepting sponsored research with publication restrictions or restrictions on the University's ability to disclose the identity of the research sponsor, existence of agreement, or nature of work ("restricted research") unless a waiver is granted. These guidelines establish criteria for a waiver and the procedures for University of Maryland at College Park faculty and staff to request a waiver. These guidelines focus on federal and corporate funded research and service projects that involve publication restrictions. The guidelines apply where the restricted research sponsor requires review and approval to publish the results of restricted research. Waiver requests can be a part of the normal proposal routing process.

Under current USM Policy, a waiver must be approved by the USM Chancellor and UMD President. The guidelines here also require written approvals from the Department Chair/Unit Head, the Dean, and the Vice President for Research before the waiver request is sent to the President and Chancellor.

Additional requirements to the Restricted Research Project request include: (1) a written rationale for the research addressing the criteria below, (2) if needed, a proposed Technology Control Plan approved by the Export Compliance Officer (ECO), and (3) a narrative addressing the special considerations (section 3 below). Applicants are encouraged to consult the ECO early in the process. When necessary, the Vice President for Research will have the Restricted Research request reviewed by the campus Export Control Committee, IRB, or other relevant committees. These guidelines may be amended over time by the Office of the Vice President for Research after review of Restricted Research project outcomes and practices.

(1) Criteria for Restricted Research: Requests to perform restricted research require a rationale that describes benefit to the researchers and/or campus. In general, financial considerations alone are not an adequate rationale for accepting a restricted research award. A rationale may address one or more of the below reasons as well as other reasons to warrant accepting a restricted research project:

- Career / professional growth for students
- Career / professional growth for faculty
- Benefit to Campus
- Benefit to the State of Maryland
- Benefit to the Nation
- Opportunity to use a unique data set or unique research equipment or technologies that are not otherwise available

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[1] Sponsors always have the right to request review to ensure that a publication doesn't contain any information confidential to the sponsor.

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- Participation in a broader range of the business development cycle

The PI is responsible for articulating the rationale in writing as part of the approval process.

(2) Adequate security protocols: Restricted research projects involving sensitive technologies can be subject to export control laws (ITAR and EAR) or involve proprietary materials requiring special controls in order to protect from access by unauthorized individuals. The controls necessary for individual projects will vary based on factors including but not limited to: 1) sensitivity of the technology, 2) length of the project, 3) number of researchers involved, 4) location of the research, 5) equipment/materials used, and 6) use of proprietary materials or data sets. The PI, with the support of the Unit/Department, College, and Export Compliance Office, is responsible for ensuring that adequate controls are in place to protect the researchers and institution from the legal liability associated with a breach of export control laws or the release of sensitive or proprietary information. The proposed controls will be identified in a Technology Control Plan (TCP). Prior to approving a request for waiver, the Export Compliance Officer will review the draft TCP for adequacy. The following are items that should be addressed by the PI when preparing the draft TCP:

- What are the sensitive technologies or information and what laws are applicable (e.g. export control, HIPAA, FERPA, etc.)? The ECO can review and provide assistance identifying the applicable laws.

- Who will have access to the research? In addition to the researchers, will other faculty or staff need to handle the research data? Will any portion of the project require the use of a subcontractor, consultant, or other external party? Are nondisclosure or other protective agreements required and, if so, with whom?

- Where will the research be located and, if required, how will physical access be limited to researchers who are authorized under the TCP?

- Where will the research data be stored and what IT security controls will be used to prevent unauthorized access?

- Who will be responsible for monitoring and enforcing the controls in the TCP?

- What is the process for requesting sponsor approval for public release (i.e. publications)?

- What training will be required for individuals under the TCP? Faculty, staff, and students who plan to work on a restricted research project may require specialized training as determined by the Export Control Officer or the Department of Environmental Safety, Sustainability and Risk. This training must be completed prior to the start of the restricted research project.

(3) **Special considerations for Restricted Research projects:**

The use of students in restricted research projects: Special care must be undertaken that restricted research projects do not interfere with progress toward graduation. In particular, student research in support of their thesis or dissertation is limited to aspects

of the research projects that do not include publication restrictions except for up to a 90+90 day delay for review by the sponsor already imposed by existing USM policy.

<u>Approaches to cover any added costs of Restricted Research projects:</u> In general, all additional costs associated with restricted research projects will be borne by the project budget as a direct cost or otherwise supported by the Department/Institute or College where the research is conducted. Costs could include physical security, information technology in support of data security, and possible necessary staff. The PI is responsible for including these costs in the proposal budget.

<u>Program assessment, benchmarking, and public access:</u> In the course of engaging in research and scholarly activities, the University is committed to maintaining an open environment and retaining its independence and ability to publicly disclose research results. We recognize that in rare instances, such as when performing certain restricted research, legal obligations may require the University to limit access to such projects and may require that legally-protected information and results not be publicly disclosed. The University should remain committed to disclosing as much information as legally permissible, to the extent permitted by statutory, regulatory, and contractual obligations. In light of these contractual obligations, the Division of Research should continue its practice of negotiating with research sponsors to obtain the least restrictive terms possible in research awards.

In addition, information about Restricted Research awards will be collected for campus benchmarking and review in a report from ORA that will be released quarterly. Subject to the University's contractual, statutory, and other legal obligations, the report would include the funding amount and sponsor, the project title, the period of performance, and the name of the Principal Investigator. Consistent with current practice, when required by the award terms, campus will seek preapproval from the sponsors so this report can be made available to the public pursuant to the Maryland Public Information Act. Any Public Information Act request for this quarterly report should be responded to in a timely manner, as required by the Act, and at no cost to the requestor.

<u>Sponsor review of publications:</u> Many Restricted Research projects include review of publications by the sponsor, for instance to prevent release of proprietary information or data, sensitive technology, or other confidential information. In no case should the sponsors have the ability to prevent publication due to the outcomes and conclusions of the research unless required by law. Proposers should indicate why the sponsor is seeking restrictions.

(4) **Approval Process for Restricted Research Projects:**

Approval to engage in restricted research should be part of the routing process currently in use for sponsored research proposals and awards, when known at the proposal stage or completed prior to acceptance of an award. A letter addressing the criteria identified in these guidelines should be forwarded to the Director of the Office of Research Administration once it has been signed off by the approving parties (e.g. PI, Chair, Dean). Approvals are needed from the Unit Head, College Dean, Vice President for Research, and President. Once all required UMD approvals are obtained, the VPR and President can request a waiver of USM policy from the Chancellor.

Section 4: Scope of Restrictions on Publication and Nationality

<u>Background:</u>

The Committee reviewed the following kinds of research that can have publication restrictions: classified research, unclassified federal research with publication restrictions, corporate proprietary research, and service research/testing including examples of restricted clauses. The Committee also reviewed the associated Federal export laws (International Traffic in Arms Regulations – ITAR – and Export Administration Regulations – EAR) and newer Federal policies emerging in research (Dual Use Research of Concern, Gain of Function research) that impact research, including publication.

Some types of research contain restrictions, mandated by the funding agreement, prohibiting the release of information until the sponsor has provided approval. Such restrictions, referred to as "publication restrictions" or "restricted research," are the subjects of this Committee's review. Note that under current policy, sponsors can review to ensure no sponsor proprietary information is revealed; the publication restrictions considered here can restrict publishing any information pertaining to the contract or any program related to the contract funding the research.

For the most part, publication restrictions ask for a review from a representative of the sponsor's organization. This review is done to ensure that no proprietary or sensitive information is made public. An example of such a restriction is the following, from the Department of Defense Federal Acquisition Regulation (DFAR) Clause 252.204-7000 :

> *(a) The Contractor shall not release to anyone outside the Contractor's organization any unclassified information, regardless of medium (e.g., film, tape, document), pertaining to any part of this contract or any program related to this contract, unless—*
> > *(1) The Contracting Officer has given prior written approval;*
> > *(2) The information is otherwise in the public domain before the date of* release; or
> > *(3) The information results from or arises during the performance of a project that has been scoped and negotiated by the contracting activity with the contractor and research performer and determined in writing by the contracting officer to be fundamental research in accordance with National Security Decision Directive 189, National Policy on the Transfer of Scientific, Technical and Engineering Information, in effect on the date of contract award and the USD (AT&L) memorandum on Fundamental Research, dated May 24, 2010, and on Contracted Fundamental Research, dated June 26, 2008, (available at DFARS PGI 204.4 (DFARS/PGI view)).*
> *(b) Requests for approval under paragraph (a)(1) shall identify the specific information to be released, the medium to be used, and the purpose for the release. The Contractor shall submit its request to the Contracting Officer at least 10 business days before the proposed date for release.*

(c) The Contractor agrees to include a similar requirement, including this paragraph (c), in each subcontract under this contract. Subcontractors shall submit requests for authorization to release through the prime contractor to the Contracting Officer.

Another is the following, from DARPA:

As of the date of publication of this BAA, the Government expects that program goals as described herein either cannot be met by proposers intending to perform fundamental research or the proposed research is anticipated to present a high likelihood of disclosing performance characteristics of military systems or manufacturing technologies that are unique and critical to defense. Therefore, the Government anticipates restrictions on the resultant research that will require the contractor to seek DARPA permission before publishing any information or results relative to the program.

The following is an example of a clause from an agreement to use proprietary non-technical data:

Recipient shall retain all intellectual property rights, rights, title, and interest in Recipient's proprietary findings, and the Research and the Research Publication, provided however that first publication by Recipient of the Research Publication, and of substantive revisions thereto, shall be subject to review, comments, and written approval by Company.

We have been told that in practice - in almost all cases - such reviews result in requests for no change, or for small and localized changes that do not affect the research results that are published.

Publication restriction can also restrict the nationalities of the involved researchers by virtue of nullifying the fundamental research exception and invoking export control laws. US export laws, intended to promote national security, govern the release of physical items and their associated technical information to non-US locations and persons. For example, a high powered infrared laser would require an export license from US Department of State to export out of the US. Similarly, the technical information that could show how the laser is designed, constructed, and operated would also require a license to release to a non-US person. Fortunately, most technical information generated during university research is exempt from export laws due to an exception written into the laws that allows for research intended for public release (i.e. via open conferences, scientific journals, etc.) to be considered "publicly available" even before it has been published. This "publicly available" status allows for universities to conduct technical research freely in open labs without having to restrict the data to US persons only. This exception is frequently referred to as the "fundamental research exception".

Only restricted research that falls under export control laws or regulation requires foreign national restrictions. The consequences of not complying with these rules are

severe, including serious accrual of fines, increased external audits, imprisonment, and serious damage to public reputation.

ITAR and EAR rules are complex, and so oversight by both the university and individual researcher requires training and legal support. For example, involvement of non-US persons in research is proscribed differently for persons of different countries depending on the nature of the reason of control: e.g., each of Australia, Austria, Aruba and Armenia has a distinct set of restrictions under EAR.

Section 5: Potential Costs, Benefits, and Risks

Items 3 and 4 in the Committee's charge specified that the committee should investigate benefits, costs and risks to the University community (item 3) and its community members (item 4). This section addresses both of these items.

Benefits

We anticipate benefits to the campus and state from enhanced research, student training, and prestige. Individual faculty should be able to enrich their own research portfolio, not just in terms of a specific restricted research project, but also in terms of strengthening the impact of related fundamental research and in generating new basic research ideas. It is also the case that by not taking on certain types of restricted research projects the University may put itself at a competitive disadvantage in certain disciplines such as the life sciences and aerospace engineering. Allowing restricted research would introduce the campus community to a richer set of real-world problems, advanced technology, and data for faculty, researchers, and students. It also would help the State of Maryland by providing additional kinds of real world training. Specifically, students and other research personnel, who are US persons (citizens or permanent residents) could gain access to a broader set of research experiences, which can lead to enhanced job prospects.

A major aspect of the committee's recommendation is to provide more clarity and transparency so that PIs may can become more efficient in deciding on which projects to pursue and on developing proposals and gaining approvals for projects with restrictions. It is hoped that it will be possible to more efficiently process requests.

Costs

There are several costs associated with performing more restricted research. There is staffing - both faculty and administrative - associated with restricted research proposal review, negotiation, and monitoring/auditing. There are costs associated with the required training for faculty, researchers, and administrators involved in restricted research. There will also be costs associated with the increased physical security and network security for performing restricted research. Finally, Google mail services are currently not authorized to transmit (i.e., neither send nor receive) export controlled technical data or controlled unclassified information. Other data transmittal services will need to be utilized for sharing sensitive data.

The set of committee recommendations discuss the extent of these costs and generally present ways to mitigate their direct burden to the University. For example, it is anticipated that most new costs will be borne by the associated restricted research project. However, it is likely that some initial infrastructure investment would be required on the part of the University, i.e. certain costs would likely not be chargeable to the grant or contract. The extent of the costs depends on the specific approach. However, opening new research revenue streams that were previously not accessible should generate overhead that would mitigate new expenses. A more detailed analysis of the necessary research volume to justify a capital investment could be conducted.

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Risks

There are significant reputational and legal risks that arise from major mishandling of sensitive data or results, including those that arise from export control issues. Less tangible reputational risks are from actual or perceived research bias that favors the agenda of sponsoring agencies. Such legal and reputational risks are potentially borne both by the university and individual researchers. Certain kinds of (restricted) research sponsors could place individual researchers in ethical dilemmas and moral hazard related to balancing desires of sponsors and responsibility to truthfully report research results. The careers of individual students, pre-tenure professors, and research staff could be placed at a disadvantage if they are not allowed to publish their research results in a timely manner. To the extent that discussion of results and ideas associated with restricted research projects must be limited in certain ways the University could suffer an unspecific reduction in the sense of academic freedom, including the open exchange of ideas and open access to facilities and people. It is also possible there could be loss of leverage in contract negotiations should UMD appear to be more open in allowing restricted research.

These risks are real and any change in University practice should ensure they are adequately addressed. The Committee's recommendations as well as its report on the practices at other universities provide guidelines and ideas for mitigating these risks. Of particular importance is to protect students who need to publish their work in the open literature. Key elements for risk minimization are proper proposal review and contract negotiation, and also enhanced training of research personnel.

Specific UMD Examples

We give two examples of restricted research to make these issues more concrete. The first example is about an existing project where the scholarly benefits are clear and the risks and costs have been carefully managed. The second example highlights the diverse parts of campus that would benefit from the new process.

1. The University of Maryland Center for Advanced Study of Language (CASL) was established in 2003 in response to the 9/11/2001 terrorist attacks on the United States of America. CASL is one of 13 Department of Defense University Affiliated Research Centers (UARCs), and is a partnership between the University of Maryland, the Department of Defense, and the U.S. Intelligence Community. Although the majority of CASL's research is unclassified and has been published in peer-reviewed articles, CASL also conducts classified research under the waiver process of USM Policy IV-2.20. CASL has become a preeminent national research center for world languages and dialects, human-augmented cognition, accelerated learning, and workforce optimization. CASL's scientists conduct human-centered social science, computer science, and education research to advance national security and global understanding. The ability to access classified information has enabled CASL's researchers to work alongside government analysts in operational settings to bring innovative solutions to problems affecting language, cyber, intelligence, and information analytics, assisting individuals, teams, and organizations to maximize their strengths and accomplish their missions. More than 30 UMD professors from many

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departments and schools are affiliated with CASL. Over a dozen graduate students have received support from CASL through mentored research assistantships and fellowships. In addition, over 40 undergraduate students have come through CASL over the last five years via their undergraduate summer program.

2. The University often sees agreements for data sets that have restrictions on publications resulting from use of the data. For example, a data use agreement from a multicenter health study may contain requirements for publication approval to ensure that the sample data is used in accordance with the terms and scope of the study. The Smith School of Business very often desires access to corporate data or financial data from Federal entities that require a data use agreement, which may contain terms requiring approval of publication to ensure no proprietary information, trade secrets, or other information is released that could negatively impact the company. In some cases such agreements are never signed, and in others they are signed after long negotiation periods. The University should rightly refuse certain of these agreements and should accept others, however, it is hoped that new policies can make the process of reaching a decision more efficient.

Observation

The University of Maryland's geographic location gives it a distinct competitive advantage. It is adjacent to the myriad Federal agencies located in the Washington, DC metropolitan area. It seems likely that a more thoughtful policy regarding restricted research would enable the University to better capitalize on its location. This could significantly enhance the job prospects of its students. Further, individual faculty, the University and the State of Maryland could play a very strong role in addressing critical challenges of national importance.

Section 6: Issues of Conducting Restricted Research On vs. Off Campus

Restricted research may place restrictions on public dissemination of knowledge and on allowing access to technology, hardware or information by non-US persons. The former is not a driver with regard to whether restricted research is carried out on or off the university campus. However, the access restriction to certain individuals has space implications. Should restricted research be conducted in controlled space on campus, or in University facilities off campus? Many universities have constructed centers off campus, such as the Georgia Tech Research Institute, John Hopkins Advanced Physics Laboratory, and MIT Lincoln Labs. At other universities, such as Purdue University and the University of Massachusetts Amherst, access restrictions are added to rooms in existing on-campus buildings.

On-campus: Benefits
The primary benefit of on-campus restricted research is access to existing facilities and infrastructure. This is particularly important in the case of experimental research, where a laboratory may contain specialized equipment (vacuum chambers, clean rooms) that might be prohibitively expensive to duplicate. To a lesser extent is the benefit of leveraging other existing infrastructure (physical and information technology) that is already maintained by the university. More intangible is the proximity of the space to the principle investigator, and in the event of student involvement, to their offices (if distinct from the restricted work space) and to other on-campus facilities, such as classrooms, dining and housing.

On-campus: Costs
The costs associated with establishing the capability to regularly conduct restricted research, whether on or off campus, will involve an initial cost to implement a Technology Control Plan and the necessary physical and information technology (IT) infrastructure. There will then be a recurring cost of maintaining the IT system and any additional personnel necessary to support the restriction of access to facilities or information. The specific costs will depend on the nature of the area in which the restricted research will take place, which may be best described by way of examples.

One example of a space that is already set up for restricted research is the Glenn L. Martin Wind Tunnel (GLMWT). While the main entrance and access to the second floor is currently unrestricted, access to the GLMWT personnel office space, control room and the tunnel itself is restricted by a single door via a keypad. The restricted access at GLMWT is due primarily to the proprietary technology that is tested for a variety of companies, but the process is the same as with access restriction for other purposes. All staff are US citizens or permanent residents. However, the Technology Control Plan only calls for restricting the space to US persons when a restricted project is underway or ITAR equipment is mounted in the wind tunnel. Since the test equipment that the tunnel can accommodate is relatively small, it can be secured in a locked space, allowing the lab to be open to a broader population between restricted projects.
A second example of a more common situation can be found in the same building on the second floor. The UMD Space Power and Propulsion Laboratory (SPPL) is composed of a single laboratory research space and two separate student office spaces. The lab space

is keycard accessed, the installation of which cost approximately $5k. This already restricts access, but only based on lab affiliation. If the entire lab was designated as an ITAR restricted area, this could be done at no financial cost, however it would come at the more intangible cost of not allowing non-US students to participate in research in the lab. If both restricted and unrestricted research were to be conducted within the lab (i.e. allowing regular foreign access), methods of safely storing test articles when not under test and procedures limiting the times during which non-US persons could access the lab would need to be put into place. Regarding the office space, since two separate student office spaces currently exist, separation of the spaces by US and non-US persons could be done, with the appropriate training and understanding for the students to regulate access to the space.

While the previous example imposes little financial cost, there is the cost of constant diligence to allow non-US persons to coexist within the space. This particular cost could over time drive any particular lab in question toward a state of choosing only to conduct unrestricted research, or only to employ US persons. While the latter may not be a direction that the University would choose to go in a general sense, the choice to do so on a lab by lab basis should be a decision left to the laboratory director or supervising faculty.

An alternative is to establish dedicated restricted research space on campus. Under this model, principle investigators (PIs) could have their own dedicated research space, or common space and facilities could be allocated. The cost of establishing such facilities up-front in a coordinated manner would require a significant capital investment. However, should such space be made available, the onus could be placed on the PIs to populate the space with the necessary equipment, either from their current labs or via new research contracts.

Off-Campus: Benefits
The primary benefits of choosing to establish restricted research off-campus are the availability of space, and the somewhat greater ease with which access to this space can be controlled. All else being equal, if a new laboratory space (single PI) with the express purpose of conducting restricted research were already planned, it would be equally easy to establish this lab in an off-campus building as it would on-campus – although some of the less tangible benefits of having the space on-campus would be lost.

Off-Campus: Costs
The cost of establishing a dedicated off-campus restricted research area is similar to establishing a dedicated on-campus area, under the assumption that a building space supporting the infrastructure needs of the research already exists. Such university-owned buildings do exist off-campus. For an individual PI to establish space off-campus, the cost would depend on the nature of the research, again making the distinction of requiring laboratory space versus office space and IT infrastructure.

Summary
Restricted research can be conducted in an on-campus space by securing the space. Depending on the nature of the research, securing the space may not cost much. If there

is a significant growth in the amount of restricted research, then economy of scale may be obtained by securing a larger space, such as the floor of an existing University building or an entire building. At large scale, a separate building could be the more economical approach or needed to provide stringent physical separation. An example of this is the off-campus CASL facility, which has a large amount of SCIF space. A prudent approach would be to use individually secured in-building space until scale makes it economical to secure a larger space.

Appendix 1: Restricted Research Charge

University Senate
CHARGE

Date:	August 5, 2016
To:	Thomas Murphy Chair, Research Council
From:	Mary Ann Rankin Senior Vice President & Provost Jordan Goodman Chair, University Senate
Subject:	Restricted Research
Senate Document #:	16-17-06
Deadline:	January 17, 2017

Provost Rankin and the Senate Executive Committee (SEC) request that the Research Council conduct a review of the implications for conducting restricted research at the University of Maryland.

For the Research Council's benefit, a "Restricted Research Discussion Document" is attached that contains an excerpt of the relevant policy, provides working definitions of pertinent terms, and will serve to seed conversation on the topic.

Specifically, the Research Council is being asked to address the following:

1) Review the University System of Maryland Policy on Classified and Proprietary Work (IV-2.20).

2) Consider the scope of restrictions on publications and nationality that would ensue were this policy to be changed.

3) Identify potential costs, benefits, and risks (e.g., legal, reputational) to the university community associated with pursuing a more flexible policy to conduct research with publication and citizenship restrictions.

4) Identify potential risks and benefits to the various members of the university community (students, post-docs, junior and senior faculty) associated with conducting research with publication and citizenship restrictions (academic and career implications, legal risks, etc.).

5) Identify the costs and benefits of conducting restricted research on campus versus in University facilities off campus.

6) Review involvement in restricted research at peer and other Big Ten Academic Alliance institutions. If restricted research is conducted, investigate if limitations are imposed and in what context(s).

7) Actively seek input and recommendations from the broader University of Maryland community about whether, under what conditions, and through what processes the University should permit faculty to engage in restricted research.

8) Consult with the University's Office of General Counsel on any proposed recommendations.

9) If the recommendation is to proceed, produce a draft policy that is concise and clear (2-3 pages) and briefly recommend next steps toward the development of implementation procedures.

We ask that you submit your report and recommendations to the Senate Office no later than January 17, 2017.

If you have questions or need assistance, please contact Reka Montfort in the Senate Office at reka@umd.edu or 5-5804.

Appendix 2: Big 10 Academic Alliance Review

The Big Ten Academic Alliance comprises 14 institutions: Illinois (UIUC), Indiana, Iowa, Maryland (College Park), Michigan, Michigan State, Minnesota, Nebraska, Northwestern, Ohio State, Penn State, Purdue, Rutgers, and Wisconsin.

Illinois: **Restricted research is allowed**. https://research.illinois.edu/regulatory-compliance-safety/export-control

> **Where can it be conducted?** A: Wherever possible, we try to use only dedicated spaces for conducting controlled research and storing controlled items. In some cases we may also allow shared labs to close off for certain hours dedicated to controlled work, while remaining open at other times. Some controlled spaces are located off campus.

> **How many requests are made to allow a project with restrictions, and how many are approved?** A: Requests proprietary type is ~10 per month, routinely approved. National security type ~24 Active projects over 2-3 years. ½ per month. All are approved.

> **What are the effects of publication restriction - how often are changes requested, and how severe? Is publication ever denied?** A: Works with project managers runs smoothly, DFARS 252.204-7000 clause causes some issues/complications/challenge – treated as a national security control. They have a waiver process for the sponsor to request a waiver from the 10-day publication review. We shared information from Ohio State on how to work with that waiver process.

> **What is the training provided to faculty, and to students?** A: Working to formulate that. One export-control officer (ECO), meets with the PI and research team. Discusses project, rules, law, and consequences. Annual training for departmental admins. Periodic training for the big departments.

> **What restrictions, if any, are placed on students being involved in restricted research? In untenured faculty? Other categories?** A: No additional restrictions, except which faculty titles can be PI. Normal US persons restriction on national security control projects.

> **Do requests for classified projects (TS, SCI) follow the same path? If not, what path is used, if such projects can be approved?** A: Classified handled by similar path but different office. Director of sponsored programs. Dedicated facility built around June 2016. Company in research park 10 years ago had SCIF that was move-in ready.

> **Who approves or denies projects?** A: Vice Chancellor for Research

> **What have been the stumbling blocks in your process?** A: National Energy Technology Lab (NETL DOE) querying about foreign nationals denying projects even when fundamental research. Occasional verbal additional terms from DOE program officer (no specific nationalities). Purchasing not on board in

checking export control. I understand from Adam we have the same issues here at UMD from NETL.

Does your campus provide physical and/or IT infrastructure that can restrict access to US citizens? (And if so, how?) A: ECO works with campus wide IT team to have a campus policy on high risk category and what types of resources and firewalls are needed. Later they will think about how to implement that. For now project by project handles that. Want more uniform process.

Indiana: Restricted research is allowed. http://researchcompliance.iu.edu/cs-exportcont.html

We don't typically accept restrictions. An investigator would have to go through a review committee to determine if the university is willing to accept those restrictions and at that time it would be determined what measures would need to be taken. To date **none** of our investigators have gone through the review process to request publication restrictions.

Foreign National participation: This process is similar to the publication restriction process and to date no one has put something in front of the review committee for foreign national restrictions.

Iowa: Restricted research is allowed. http://dsp.research.uiowa.edu/export-controls-home

The basic process: A process is in place which requires higher level review and approval for accepting publication restrictions. When accepted, there is review for export control issues, if the project is subject to export controls, a Technology Control Plan (TCP) must be in place before any contracts are signed with publication restrictions. In the case of a Grant (which I do not think has ever happened) we would at the least not award the money until a TCP was in place.

Foreign National participation: We accept these restrictions if we accept an export controlled project.

Michigan: Restricted research is allowed. http://research-compliance.umich.edu/export-controls

The basic process: Analyzed on a case by case basis, but publication restrictions (such as approval clauses) have to be signed off by the investigator's **Department Chair** and **Dean** before they are accepted. Export control implications are then analyzed and a TCP may be put in place to manage the project if needed.

Foreign National participation: These are analyzed on a case by case basis, but a TCP would be put in place. Across the board, we do not physically segregate restricted research into different spaces on campus.

How many requests are made to allow a project with restrictions, and how many are approved? Proposal Approval Form-Restricted (PAF-R, which is a supplementary Proposal Approval form for review of restrictions on

publication or dissemination of research requests in the last 5 years: <u>24</u>. All PAF-R requests were approved. In several cases, the PI was asked to change participants or develop other research avenues for graduate students. Generally, graduate students did not participate in the restricted research unless there were clear 'carve-outs' for fundamental and/or publishable research, or the project was very short term. In all cases, there had to be clear benefits to the student in participating. Technology Control Plans (TCP): 96 (many are for equipment, software, and other items with export controls, not for export controlled research projects per se.) TCPs are tracked and stored in U-M eResearch as Unfunded Agreements (UFA). The Associate Dean for Research currently reviews and approves TCPs; many of these TCPs were grandfathered in when the U-M Office of Research and Sponsored Projects (ORSP) did not require college and department approvals. Active projects with export controls: 39 projects in 9 departments.

What are the effects of publication restriction - how often are changes requested, and how severe? Is publication ever denied? Good question, we have not tracked this. I will send out a quick survey to our PIs. Anecdotally, we have heard concerns about contracting officers who are considerably more restrictive than the terms of the contract, or a sponsor who states mid-project that a project is not fundamental research and is more restrictive in publication reviews that the terms of the contract. I have not been contacted by a PI about a sponsor who refused to allow publication. Best practice: For Department of Defense contracts, the PI/ORSP should receive a Distribution Statement A from the sponsor for full release.

http://www.dtic.mil/dtic/pdf/distribution_statements_and_reasons.pdf

What is the training provided to faculty, and to students? Faculty and students involved in export controlled research must complete the UMOR-required CITI training. We are currently working on training to increase faculty and student awareness about restricted research (including industry proprietary data/publication reviews).

What restrictions, if any, are placed on students being involved in restricted research? In untenured faculty? Other categories? Graduate students must have an option for other research opportunities if they do not wish to participate in restricted research. In general, graduate students may participate if they are protected from the publication restrictions: e.g., the project is short term and provides a valuable learning experience or training, or if there is a clear path for them to complete their dissertation without publication restrictions. We do not have a restriction on faculty. We have had one assistant professor, one assistant research scientist, and one staff scientist as PI on restricted research projects in the last 5 years. There have also been research scientists and postdoctoral research fellows on projects led by tenured faculty.

Do requests for classified projects (TS, SCI) follow the same path? If not, what path is used, if such projects can be approved? We do not accept classified research. U-M is not currently licensed to participate in

classified research, but has applied to be able to do so. Curt Smitka is in training to be the U-M Facilities Security Officer; I recommend that you contact him or Sharyn Sivyer for more information.

What benchmarking does your campus use in evaluating your process for approving restricted research? We have informal benchmarking, through discussions with peer institutions. We also participate in the Association of University Export Control Officers listserv and conferences. The U-M Export Controls office has set up processes and policy, and CoE participates in the Export Controls Review Committee to help develop, assess and evaluate these processes. Other resources are conferences by federal agencies (such as BIS), and other university consortiums (COGR, Educause).

Who approves or denies projects? The Associate Dean for Research.

What have been the stumbling blocks in your process? 1. General lack of awareness/need for outreach and training about federal requirements for restricted research (e.g., the campus switch to Google mail was made despite strenuously voiced concerns about security) Who handles what, and when? Partnering with UMOR, ORSP, and IIA as we develop awareness and processes has been fruitful overall but there have been missteps and confusion as we all negotiate how to tackle restricted research. 3. An increasingly restrictive Federal regulatory environment. 4. Reducing faculty administrative burden: while we are now coming to the faculty member's office door with one-on-one support to help her/him meet federal/sponsor requirements, there are still multiple assessments and processes (via ORSP/UMOR) before we get there. 5. Lack of resources/personnel

Does your campus provide physical and/or IT infrastructure that can restrict access to US citizens? (And if so, how?) To some degree...this is done on a project basis. There are several U-M CoE labs that are secure enclaves such as the Space Physics Research Laboratory. For new export controlled research, research with DFARS or FARS security clauses, and other sensitive data, I typically set up a meeting with key players (at the time of award) to understand the scope of the requirements and scale of work needed to meet them, and then work with the local units and IIA to develop the needed security. The team can include the PI, our CoE ITS executive team, the department IT lead, and Information and Infrastructure Assurance (IIA) in U-M ITS. We also work with the department administrator and facilities to review the physical infrastructure. If a project is export controlled, the U-M Export Control office will help the PI to develop a technology control plan. Planning and setting up infrastructures is costly both in time and funds, and we generally prefer to let the PI know about the requirements at the proposal stage, and then wait to the time of award to develop the security systems. IIA is developing secure enclaves at the University level, but we will still need to work with IIA and the PIs to develop secure means for faculty to interact across campuses/departments, and with external collaborators. I would be happy to meet with you to talk about general concerns and requirements. For an idea of the scope and current federal controls, here is the latest definitions:

The following is a Q & A to two graduate students (A1 and A2) who have participated / are currently participating in restricted research at the University of Michigan:

1. Did you know what you were getting involved in when you decided to start the restricted research project? i.e. was there some sort of waiver you had to sign?

> A1: I had previously done a 9 month internship program with GE aviation while I was an undergraduate so when I was talking to my advisor on my visit weekend about potentially coming onto this project I knew a little bit about what I was getting into. For our group we made a blanket NDA for the University of Michigan and the PI has to apply it to new people who join the project and then GE has to approve it. We also have to get approval before we do any new testing on the material (but this has never been a problem for me)

> A2: I was informed of the restrictions at the beginning. At the time, I did understand the impact that it might have on my publishing capability. It was something that was relatively new, and the entire team (3 faculty and 4 grad students) were told by the corporation that we would be encouraged to publish.

2. What types of training did you have to do before starting the research, if any?

> A1: I didn't really have to do any training other than just being briefed about the policy.

> A2: The only training that I received was training on some of the equipment. I received no training on how to work on a restricted project. This became an issue later when we found out we were not securing our data correctly and that we were using emails inappropriately.

3. What are the effects of publication restriction that you encountered?

> A1: I'm currently the 5th Ph.D. student to be working on this project and I think I can say that as the years (or in this case the students) have gone by, GE has become more understanding when it comes to publishing. I just started in January so I haven't published yet but I'm currently working on a paper and so far I haven't had too many restrictions. They will definitely review the paper and get it approved before being published but I think any company would do that. I do know that it was a problem for the first couple of students who were on this project. Also I think a big thing that changed when it came to publishing is that these CMCs had never been used on engines before and GE just put out a new fleet of engines (in January of this year) that had CMCs on it and so I think their mentality is

that yes we still want to keep our research a secret but now that the material is out there for the world to see/use it will eventually get into competitors hands and so they are less worried about it

A2: I, fortunately, did not run into any publication issues. The only boundary that I found was that the company required at minimum of 8 weeks to review the document before I was allowed to release to anyone outside of my committee. There were other students on my team that had much a much harder time as their projects had to do with failure mechanisms in the material.

4. What have been the stumbling blocks in your process?

A1: The stumbling blocks haven't been that bad in my process. There are some little things that I had to deal with in the beginning. Such as the university automatically gives every student here a gmail account but because gmail doesn't promise that all of their servers are in the U.S. I had to get a special outlook account set up. I also have to put all of my data on an encrypted hard drive with a passcode. I also have to be aware of where I'm doing work because foreign nationals are not supposed to be working with CMCs and I also have to keep all of my physical samples kept in a locked cabinet. (although honestly none of this is too difficult to deal with)

A2: My process was very painless. My advisor was very good at not letting the issues get to me and taking care of things.

5. What aspects did you find advantageous?

A1: The main advantage I find on this project is that I love working with CMCs and GE is definitely leading in the innovation of this technology.

A2: During my time working with this company, I was able to not only learn about the company sponsoring me, but also about the its competitors. I am actually working with a competitor now. It was great for networking to an industrial job, and it was very nice to see how research is done outside of a university.

6. Do you feel like there is some sort of segregation in your lab due to the fact that you involved in ITAR restricted research?

A1: My group is small and everyone is approved to be working on these materials so there really isn't any segregation. If there were a wider variety of us I still don't think it would be too segregated in the lab environment unless there were foreign nationals or non-US citizens in the group.

A2: I got lucky on this one. I was the last student for my advisor. I know that other students had to be more secure about things in their labs. We all had a locking cabinet in our labs where we kept restricted materials and data. It was not a big deal keep things separated.

7. Do you have a specific location away from other students in your group where you perform the research?

A1: I usually just work at my desk (which is in a room full of a variety of other graduate students). If I'm looking at something on the material (aka high resolution images, or specific data about the material) on my computer then I'll just make sure to lock my computer before I get up from my desk.

A2: I was able to use any equipment that I wanted even with ITAR, Export controlled, and proprietary restrictions. I had to perform the tests myself and make sure that the material was in my possession at all times, but as a grad student, I didn't find it cumbersome.

8. Really any overall feelings or things you'd like to add, things I might have missed. I am just getting started learning about the topic so any insight / suggestions from you would be great!

A1: Actually, you cover almost everything I would mention when it comes to restricted research haha. One thing I will definitely say is that if a professor is doing restricted research of any kind I do think it is important to stress the restrictions to an incoming student as they probably won't know too much about it. Like I said since I had previously worked for GE I knew what I was getting into but some of the earlier students who had problems publishing didn't know that was going to happen when they originally joined the group.

A2: The largest issue that we had was actually with the funding cycles. Corporates don't work on the same cycles as universities. We had a year or two where the funding became an issue. Other than that, I found it to be a great experience. The networking was better than any of my colleagues experienced, the real world experience was incredible, and being able to work with a diverse team across multiple disciplines was the best. I strongly support industry and academia working together even with restrictions in place.

Michigan State: Restricted research is allowed, but rarely
https://exportcontrols.msu.edu/

The basic process: PI's and Graduate students are advised and must agree to the restrictions. Those projects with export control concerns are administered thru MSU (not by an off-campus organization) but are conducted at an off-campus MSU controlled facility. In the case of one-of-a-kind, immobile research equipment, we sometimes control on-campus space access during utilization for these purposes.

Foreign National Participation: Same answer as (a) except these extra precautions are triggered by current citizenship, not national origin.

Minnesota: Does not allow restricted research except in extremely rare cases. http://www.ospa.umn.edu/export_controls.html

When a rare case arises, we take case-specific steps to ensure that controlled data are safeguarded while research can still happen. At a minimum, we implement a TCP that includes data storage, handling, and marking requirements, as well as semi-annual reviews from my office. We have an Openness in Research Policy that establishes a default of not accepting support for research if there are substantive publication restrictions (unrelated to sponsor IP) or personnel access/participation restrictions.

There is an exception process, but it is not for the faint of heart. We've only gone through it once since I started here in January 2013, and it took about six weeks. The players included my office, Legal, the AVP for Sponsored Research Administration, the Faculty Senate Research subcommittee, and our VP for Research.

Nebraska: Restricted research is allowed.

http://research.unl.edu/researchresponsibility/export-control/

The basic process: We segregate by utilizing controlled spaces via largely key card access. Any access to pass through doors (connected labs etc) are thoroughly reviewed for limiting access and appropriate Export Control training completed with employees. We also have a building with major renovations being completed with the intent to house the majority of our ITAR controlled research. Some restricted research is conducted off campus through our University Affiliated Research Center (UARC).

Foreign National participation: Same answer as (a), we segregate via the use of controlled spaces and limit who has access/screen each person appropriately through Visual Compliance/training.

Northwestern: **Restricted research is NOT allowed.**

Ohio State: Restricted research is allowed. http://orc.osu.edu/regulations-policies/exportcontrol/

The basic process: Onus is placed on researcher to prevent unauthorized access. For some areas, this may require controlled access to the space. For others, this is temporary controls (such as computer screens, etc.).

Penn State: **Restricted research is allowed.**

http://www.universityethics.psu.edu/UniversityEthics/Units/ExportControl/index.cfm

The basic process: All such projects result in a written TCP specifying access, security and data protection measures applicable to the project. All such project participants are required to complete online export compliance training and signoff on the project specific TCP. Some such research is performed in our classified facilities. All restricted research requires signoff from Director of OSP and, if graduate students are involved, approval of the Dean of the Graduate School. The ECO serves as final signatory of all TCPs and project awards cannot be accepted nor work commence until I execute the final TCP (previously signed

by all project staff, Department Representatives (Dean/IT Admin) and Associate Dean for Research for the impacted College).

Purdue: Restricted Research is allowed.
https://www.purdue.edu/research/research-compliance/export-control/overview.php

Among the big-10 peer Universities considered, Purdue University is notable because it is nearly identical in age, enrollment, tuition, and national ranking to UMD.   Like UMD, Purdue is a state university that does not have a major off-campus affiliated research laboratory or institute that undertakes restricted or classified research.

The committee interviewed faculty members at Purdue who are engaged in restricted research, and also spoke with campus-level representatives in their office of export control who oversee compliance and manage training for students and faculty who are engaged in restricted research.

Restricted research is permitted at Purdue University, although it remains a small portion of their overall funded research program. Purdue can (and has) accepted and negotiated funded research projects that include restrictions on citizenship and publication, and has at times even permitted classified research on campus.

The basic process: The negotiation and management of restrictions is handled exclusively by the office of research compliance. When applying for funding that carries restrictions on citizenship, publication, or disclosure, PIs must apply for approval by completing a form explaining the nature of the restrictions, specifying the location of the proposed research and explaining how the work will be segregated:

http://www.purdue.edu/business/sps/pdf/restrictedprojectapproval_option2.pdf

http://www.purdue.edu/business/sps/pdf/restrictedprojectapproval_option3.pdf

The export control compliance officer consults with and advises the faculty on a case-by-case basis, negotiates the terms of the restrictions with the sponsor where necessary, and assists with composing and implementing a technology control plan. All students and faculty working on restricted projects must undergo online and in-person training. Care is taken to ensure that the work is not benefiting from tax-exempt financing.

Foreign National participants: Any projects with restrictions subject to export control are routed to our Export Control office and a plan is developed to manage each activity.

Rutgers: Restricted Research is allowed. http://ored.rutgers.edu/export

The basic process: Training, TCP, detailed security controls, without too much detail the TCP will define access which in most cases will include a controlled space. We currently run very few of these restricted contracts/grants programs at this time.

Wisconsin: **Restricted Research is allowed under very, very limited circumstances.**   https://research.wisc.edu/respolcomp/exportcontrol/

> **The basic process:** The Vice Chancellor for Research Policy may waive our open research policy and allow a publication restriction. These are very infrequent. When this occurs, the Export Control Office will get together with the PI, develop a TCP and make sure appropriate controls are in place for the research. I should emphasize, this answer is much more of a "no" than a "yes", but it is not 100% "no".

> **Foreign National Participants:** Again, our institutional policy is to not restrict foreign persons from working on research. However, if we are presented with a restriction on use of foreign persons in a research project, our first step will be to contact the PI and ask if he/she will be using any foreign persons (as stipulated in the award) on the research. If they state they will only use US Persons, the research will likely be accepted. If they have foreign persons in their lab that they wish to have work on the project or could have access to the project and we cannot have the foreign person restriction removed from the award, then the award will be rejected. Of course, if we are working with ITAR or EAR controlled equipment, we may need to get a license to allow foreign persons to work with these items.

Appendix 3: Input and Recommendations from UMD Community

Once the subcommittee was charged, it made a presentation during the University Senate meeting held on September 7, 2016. In this presentation, the makeup of the subcommittee was shared with the meeting and attendees were encouraged to contact their college's representative – or, indeed, any representative – at their convenience. There were three comments made after the presentation:

1.   There is a difference between restrictions on publication placed because of national security and those placed because the results might be embarrassing to the sponsors. The speaker raised the example of "Big Tobacco" funding research.

> *The conditions under which we should consider doing restricted research should exclude accepting such kinds of restrictions. The conditions on publication restriction will be included in the waiver request, which will be reviewed by the department, college, and VPR.*

2.   In noting that we are starting with USM policy, we were asked if we were charged, or did we intend, to propose changes that should be adopted by all USM universities. We are looking at USM policy - are we proposing changes that should be adopted by all USM universities?

> *We were not charged, nor did we take on the task, of proposing changes that should be adopted by all USM universities.*

3.   We should look at the policies of universities we aspire to be rather than just the universities in the Big 10 Academic Alliance. UC Berkeley was given as a potential exemplar.

> *While UC Berkeley, as the flagship of the UC System, is indeed a great public university, we did not include any UC system campus (or UCOP policy) in our discussions.*

On November 2, the subcommittee held a town hall meeting. This meeting, which immediately followed a University Senate meeting, was well attended. After a brief update on the charge and progress that the subcommittee had made, the floor was opened for questions and comments. For the most part, the (few) comments were supportive of the goals of the subcommittee and encouraged progress. Two commenters questioned the values behind the campus allowing restricted research to be done. One observed that one of our goals is making what we learn publicly available, and the other questioner asked whether we were a public institution seeking the truth or a consulting firm doing work for clients.

The following questions were asked:

1. Will projects that are restricted impose any difficulties on lab safety? For example, if a restricted project uses some equipment that has access restricted to it, how will its continued safety be ascertained.

> *We noted that any such issues would need to be addressed in the technology control plan.*

2. Will allowing restricted research have a negative impact on graduate students who have poor English skills and on International students who, because of ITAR/EAR/security issues, cannot be involved in the research?

> *We noted that this has not been a problem at our peer institutions because (1) restricted projects make up a very small percentage of the research efforts, and so having such projects has not reduced or otherwise limited the opportunities for all students, and (2) post-award structuring of the research can, in many cases, limit the impact on citizenship restrictions.*

3. Because there are publication restrictions, will allowing restricted research have a negative impact on promotion and tenure cases?

> *Despite the overwhelming experiences of our peer institutions (and our own experiences) that imposed publication restrictions are rare and even more rarely substantial, this is an issue that should be considered (as would having students unable to publish research central to their dissertation or thesis). In all cases, these are issues that should be considered when deciding whether to accept a restricted project. Under our proposed framework, this would need to be considered by the department chair, dean, and VPR.*

4. What if faculty member feel that their results must be published, even if told otherwise by the research sponsor, due to ethical reasons?

> *There could be serious legal ramifications. PIs would be informed of these consequences through the mandatory export control training.*

5. Has the committee also considered the issues Dual Usage Research of Concern and Gain of Function research, and the Federal regulations arising concerning them?

> *We had not, and have subsequently met with the Department of Environmental Sustainability, Safety and Risk (ESSR). These are areas of increasing concern and already having an impact on how some research is being done (or even if it is done) at the University of Maryland. We identified no immediate action for our committee to take up, but ESSR should work, with the Division of Research, in ensuring any policy and framework put in place will accommodate existing and possible new regulations.*

6. If we accept such funding, how can we ensure that there is not undue influence? For example, a very wealthy corporation or individual might wish to advance a political agenda, and wishes to use the university as a lobbying mouthpiece.

    This would create substantial institutional risk. In all cases, the VPR would need to take such risks into account when deciding whether or not to accept a specific award.

7. Will there be any evaluation process?

    Yes, as described in the Suggested Guidelines in Section 3.

8. What issues is the subcommittee considering with respect to IP?

    We were not charged to consider issues related to Intellectual Property – this is the charge of another subcommittee.

A senator sent the following comment via Slack:

> *I will be unable to attend the town hall meeting and welcome the chance to express my concerns about this topic in advance of the meeting. I see a difference between restricted publication of research in the aid national security and in the aid of a corporation, even though the national security matters at hand would need clarifying as to the parameters of how they were restricted. I also see a difference in embargoing the results of research for a corporation and being unable to publish it at all. In both of these cases, I support the former when necessary but not the latter. I believe our role as an academic institution should be paramount in the research we perform and that it should not bend to external pressures or have the appearance of doing so. I understand the financial pressures that could make a person consider doing restricted research but still think we need to carefully consider the prime function of a university.*

We received four comments after the meeting. Three argued for developing a path forward for conducting restricted research. The fourth, from International Student and Scholar Services, raised the following questions:

1. How will foreign nationals be screened on restricted research?

    They will be screened during the development of the Technology Control Plan. Please see the suggested guidelines (Section 2), part (2): Adequate Security Protocols.

2. Currently all prospective foreign nationals who will be hired on the H-1B employment visa are required to go through ORAA screening. Prospective foreign nationals who will participate in the University of Maryland J-1 exchange visitor

program and who will conduct research in a STEM field are also required to go through ORAA screening. Does the ORAA screening process include review of the project/grant to flag the research is restricted?

Yes, at the time of proposal submission.

3.   If foreign nationals will not be able to work on a restricted research, who will be responsible for making sure foreign nationals have been screened properly at the department level? Our office works with visa point people who hold Coordinator title. Some of the Coordinators do not have access to PHR and have no access to details of a grant.

The PI will be responsible for knowing the visa status of the researchers. Access control will be developed as part of the technology control plan.

4.   Will there be any circumstances that foreign nationals will be allowed to work on restricted research and how will that work?

If a project does not trigger export control restrictions, then a foreign national can work on a project with restricted publication restrictions. Understanding whether this is the case or not will be clarified in the development of the technology control plan and its review by the campus Export Control Board.

5.   If a foreign national is currently employed by a department and if the PI is awarded a restricted research grant, how will this impact the foreign national?

This will depend on the details of the restrictions and how the research project is structured. We have been told that negotiations after the grant is awarded can result in minimal impact. In any case, any impact and mitigation of its effects will be part of the review done by the department, dean, and VPR.

University Senate
TRANSMITTAL FORM

Senate Document #:	15-16-17
Title:	Use of Visiting Faculty Titles for Professional Track Faculty Appointments
Presenter:	KerryAnn O'Meara, Chair, Faculty Affairs Committee
Date of SEC Review:	January 30, 2017
Date of Senate Review:	February 9, 2017
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	In February 2016, the Senate Elections, Representation, & Governance (ERG) Committee reported to the Senate Executive Committee (SEC) on irregularities with the use of visiting faculty titles at the University of Maryland (UMD). Though the University System of Maryland (USM) policy specifies that the appointment term for any faculty member with a visiting title should not typically exceed a total of three years, the ERG Committee found multiple instances of these titles being used for a much longer period of time. The SEC determined that further review was needed, and charged the Senate Faculty Affairs Committee with reviewing the policies and the use of visiting titles at UMD.
Relevant Policy # & URL:	II-1.00 University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty II-1.00(A) University of Maryland, College Park Policy on Appointment, Promotion, and Tenure of Faculty
Recommendation:	The Faculty Affairs Committee recommends that the University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty (II-1.00[A]) be amended to revise the requirements for Visiting Faculty titles as shown in the policy document immediately following the report. Section I.F.11 to be amended as follows: Visiting Appointments The prefix Visiting before an academic title, e.g., Visiting Professor, shall be used to designate a short-term professorial appointment without tenure. **Visiting faculty appointments are**

	usually made for one academic year or less. Only in unusual circumstances shall a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a process consistent with the University's Search & Selection Guidelines, including adherence to affirmative action obligations. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as the probationary year for purposes of considerations for tenure. The Faculty Affairs Committee recommends that situations of non-paid arrangements with prominent individuals from outside organizations and issues faced by international faculty on specific visa categories be considered by the Office of the Senior Vice President and Provost as likely candidates for exceptions to the policy due to unusual circumstances.
Committee Work:	The Faculty Affairs Committee (FAC) began its review in May 2016. The FAC consulted with the Office of Faculty Affairs, the Office of the President, the Office of General Counsel, and the Office of International Student & Scholar Services (ISSS), and met with representatives from the College of Computer, Mathematical, & Natural Sciences (CMNS) and the College of Arts & Humanities (ARHU), as Colleges with many visiting faculty. UMD policy and practice must be in compliance with USM policy, which clearly outlines a one-to-three year appointment term for visiting faculty. However, the current UMD policy and guidance are lacking, as they do not clearly indicate a three-year limit. The FAC agreed revisions to the UMD policy would be necessary. The FAC learned that the University uses visiting titles to maintain long-term connections with prominent scholars and practitioners from government agencies or industry. In these cases, a visiting title creates an affiliation with the University that allows them to work with UMD faculty and staff on initiatives that require their expertise. The FAC could find no other existing title that would be appropriate in these cases and not cause negative unintended consequences and high administrative burdens. The FAC also learned that the visiting title is sometimes used beyond three years for international visiting faculty. The U.S. Department of State offers visas to allow for academic and cultural exchanges. These visas have specific parameters, which typically include a five-year term even though UMD's available visiting titles only allow a three-year term. In some cases, the unit may need for the

| | faculty member to stay for the remaining two years allowed by the visa. There is currently no appropriate title to ensure that the faculty member would be able to remain at UMD for the additional two years.

The USM language allows for exceptions to the three year appointment term "in unusual circumstances." The FAC feels that instances of non-paid visiting appointments and personnel needs for international visiting faculty beyond three years qualify as unusual, in that they are non-routine and are based on the personnel, research, or other needs of a unit. After consideration, the FAC developed a recommendation to suggest that these specific situations be considered as exceptions to the policy. |
|---|---|
| **Alternatives:** | The Senate could reject the revisions to the policy. However, the Senate would lose the opportunity to provide clear guidance in policy language on the appointment term for visiting faculty. |
| **Risks:** | There are no associated risks. |
| **Financial Implications:** | There are no known financial implications. |
| **Further Approvals Required:** | Senate approval, Presidential approval. |

Senate Faculty Affairs Committee

Report on Senate Document # 15-16-17

Use of Visiting Faculty Titles for Professional Track Faculty Appointments

January 2017

2016-2017 Faculty Affairs Committee Members

KerryAnn O'Meara, Chair
John Bertot, Ex-Officio Provost's Rep
Michele Eastman, Ex-Officio President's Rep
Madlen Simon, Ex-Officio CUSF Rep
Jewel Washington, Ex-Officio Director of Human Resources Rep
Leigh Ann DePope, Faculty
Devin Ellis, Faculty
Katie King, Faculty
Patricio Korzeniewicz, Faculty
Stefanie Kuchinsky, Faculty
Brook Liu, Faculty
James McKinney, Faculty
Shirley Micallef, Faculty
Larry Witzleben, Faculty
Jianhua Zhu, Faculty
Errica Philpott, Exempt Staff
Lu Liu, Graduate Student
Deirdre Quinn, Graduate Student
Christian Knapp, Undergraduate Student

BACKGROUND

During the 2015-2016 academic year, the Senate Elections, Representation, & Governance (ERG) Committee conducted a reapportionment of the University Senate (Senate Document #14-15-35). In the course of its review, the ERG Committee found irregularities with the use of visiting faculty titles at the University of Maryland (UMD). Though the University System of Maryland (USM) policy specifies that the appointment term for any faculty member with a visiting title should not exceed a total of three years, the ERG Committee found multiple instances of these titles being used for a much longer period of time. In February 2016, the ERG Committee sent a memo to the Senate Executive Committee (SEC) outlining its concerns and recommending that University administrators take appropriate steps to correct the use of the visiting title at the University of Maryland. The SEC determined that further review of the concerns raised by the ERG Committee was needed, and voted to charge the Senate Faculty Affairs Committee with reviewing the relevant policies and the use of visiting titles at UMD and making any appropriate recommendations (Appendix 1).

CURRENT PRACTICE

The use of visiting faculty titles is guided by the University of Maryland, College Park Policy on Appointment, Promotion, and Tenure of Faculty (II-1.00[A]), UMD's Faculty Handbook, and the University System of Maryland (USM) Policy on Appointment, Rank, and Tenure of Faculty (II-1.00). UMD's Faculty Handbook and section I.F.11 of the APT policy indicate that "The prefix Visiting before an academic title, e.g., Visiting Professor, shall be used to designate a short-term professorial appointment without tenure." The USM policy includes similar language, and explicitly states in section I.A.2. that visiting appointments should be limited to a total of three years, unless there are unusual circumstances that merit an exception.

Although both the UMD and USM policy indicate that visiting faculty titles are to be used for short-term appointments, the UMD policy lacks any guidance on the definition of "short-term." The USM policy is clear that appointments should typically be for three years or less. Since there is little guidance on use of visiting titles given to those granting and facilitating appointments at UMD, there have been several cases in which visiting titles have been utilized for appointments extending well beyond three years.

COMMITTEE WORK

The Faculty Affairs Committee was charged with reviewing the use of visiting faculty titles at the University in February 2016. However, due to other pressing agenda items, the committee was unable to consider the charge in detail during spring 2016. The committee began considering the charge in May 2016 and continued its review throughout the fall 2016 semester. In the course of its review, the FAC reviewed existing language in the UMD and USM APT policies, considered guidance available in the Faculty Handbook, and reviewed past Senate action related to this topic. The FAC considered peer institution information and researched the common uses of visiting titles at UMD. It met with representatives of the Office of Faculty Affairs, the Office of the President, the Office of General Counsel, and the Office of International Student & Scholar Services (ISSS) during its review. The FAC also met with representatives from the College of Computer, Mathematical, & Natural Sciences (CMNS) and the College of Arts & Humanities (ARHU), as two Colleges with high numbers of visiting faculty.

The FAC reviewed the ERG Committee's previous research on the use of visiting faculty titles as an introduction to its work. The ERG Committee first discussed visiting titles as it conducted a reapportionment of the Senate, which involved reviewing how specific faculty titles correspond to Senate constituency groups. The ERG Committee learned that while "visiting" indicates a non-permanent attachment to the University, there are several cases of permanent faculty members who have had a

visiting title for much longer than three years, some for a lengthy period of time. The ERG Committee recommended to the SEC that steps should be taken to either align current practices with the timelines set forth in the USM policy or to amend the UMD policy to accommodate longer use of the title.

Early in its deliberations, the FAC acknowledged that the University must be in compliance with USM policy to avoid putting the University at risk. Since the USM policy clearly outlines a one-to-three year appointment term for visiting faculty, it would not be possible to amend the UMD APT policy to routinely allow for appointment terms of longer than three years unless the University President were to ask the USM for a formal policy exception to be made for UMD. However, the FAC also recognized that the current language of the APT policy and the guidance given by the Faculty Handbook are lacking, in that they do not indicate to departments and Colleges that there should be a three-year limit on the use of the title in order to be in compliance with the System.

The FAC considered the impact of prolonged use of visiting titles on the faculty members themselves and found potential negative effects for faculty who are truly permanent members of the campus community but do not have a title that appropriately reflects that connection. The FAC's primary concern is that visiting faculty are not routinely incorporated into any University processes for recognition or advancement. If faculty with visiting titles were to transition to a professional track (PTK) faculty or tenured/tenure-track (T/TT) faculty appointment, they would be incorporated into existing processes that have been established to address the needs of PTK or T/TT faculty. However, the FAC also noted that there may be cases in which a visiting faculty title is beneficial for the faculty member, and in some cases, visiting titles are used because the title Visiting Professor is more preferable to the faculty member than the appropriate PTK faculty title.

To better understand the scope of the problem, the Faculty Affairs Committee reviewed data collected by the Office of Faculty Affairs on the number of visiting faculty currently employed on a paid appointment in each College and School. The data showed a relatively small number of visiting faculty on campus, but approximately 35% of existing visiting faculty have been employed for longer than three years. Based on the data reviewed by the committee, the FAC decided to meet with representatives from ARHU and CMNS, since these Colleges employ the largest numbers of visiting faculty compared to other Colleges and represent both the humanities and the sciences.

Through its research, the FAC found that there are multiple different short-term uses for visiting titles. The most common use is for faculty who are employed by another institution and visit UMD to study or teach while on sabbatical; these faculty are truly visitors, since they will return to their home institution after a brief visit at UMD. The title is also often used to expedite the hiring process, in cases where faculty need to join a unit quickly but the unit needs time to go through the formal appointment process. In these cases, faculty can be appointed temporarily as visiting faculty while the College goes through the full APT process to make a permanent appointment.

In consultation with CMNS and ARHU, the FAC learned that the University also uses visiting titles to maintain long-term connections with prominent scholars and practitioners from government agencies or industry. These individuals are not permanent members of the campus community and are typically employed elsewhere, but their expertise in a particular field is critical to the University's activities in some way. A visiting title granted on a non-paid basis does not confer a salary or any monetary benefit, but grants an affiliation with the University that allows these individuals to work with faculty on research or collaborate on initiatives that require their expertise. The title gives these individuals a formal connection with the University, which allows them to work with researchers, interact with graduate students, and have access to certain privileges such as parking, University email, and library resources.

The expertise and prestige these individuals bring to the University is an important component of many of UMD's scientific and artistic endeavors, and collaboration with such individuals is critical to the University's success. Representatives from CMNS stressed the importance of allowing these relationships to continue, and raised concerns that the three-year limit would harm these relationships either in practice or in perception. In practice, the limit could cause significant unintended consequences by preventing these relationships from continuing, since these individuals may not be able to be appointed to any other title at the University due to limits set by their employer. In some cases, the home agency or industry prohibits employees from being employed by a second organization, but allows affiliate arrangements such as non-paid appointments with a visiting title, since the arrangement is clearly not permanent. In perception, the limit could harm the personal relationship they have with the University, since terminating the visiting arrangement may be seen by some as not holding in high regard the value they bring to the University. Representatives also raised concerns about potential administrative burdens of moving such non-paid visiting faculty into PTK faculty roles as well. For instance, conferring a PTK faculty title would require the individual to go through the appointment, evaluation, and promotion (AEP) process for PTK faculty, even though these individuals are on non-paid appointments. In consulting with the Colleges and with the Office of Faculty Affairs, the FAC could find no other title existing at the University that would be appropriate and not affect PTK personnel processes.

In addition, the FAC also learned that the visiting title is sometimes used beyond the three-year limit for international faculty who are at the University on a five-year visa. In these cases, the international faculty member typically comes to the University to work on a specific initiative and applies for a visa through a U.S. Department of State program. The Department of State offers visas to allow for academic and cultural exchanges between governments and institutions. These visas have set terms and parameters that need to be followed; at UMD, the Office of International Student & Scholar Services (ISSS) works with faculty and units to ensure that the parameters of the visa are followed. The parameters of the visa do not necessarily align with the University's appointment system; for instance, the parameters of the visa only allow certain titles to be used, of which the visiting title is the most appropriate, but UMD's visiting title is limited by the one-to-three year stipulation while the most common visa used in these cases would allow for a five-year visit. In some cases, the unit may determine that after three years, a faculty member's work is not done and as a personnel matter, the unit may need for the faculty member to stay for the remaining two years allowed by the visa. However, since the parameters of the visa specify a narrow list of titles that may be used and since UMD and the USM limit the visiting title to three years, there is currently no appropriate option to ensure that the faculty member would be able to remain at UMD for the additional two years.

After due diligence in seeking information on the problems associated with the visiting faculty title, the FAC sought to find a solution that ensures compliance with the USM policy and provides needed guidance on the one-to-three year term while still avoiding administrative burdens, unintended consequences, or losing faculty who are critical to the University's work. The FAC found that the most straightforward way to ensure better compliance with System policy and provide needed guidance to departments and Colleges would be to revise the UMD APT policy to include the same language as what is currently found in the USM policy related to visiting faculty. The FAC consulted with the Office of General Counsel on proposed revisions to the policy, and voted to recommend new language mirroring the USM policy at its meeting on December 5, 2016.

In reviewing the USM language, the FAC found that it allows for exceptions to the three year appointment term "in unusual circumstances." The FAC feels that instances of non-paid visiting appointments and personnel needs for international visiting faculty beyond three years qualify as unusual, in that they occur in a non-routine manner and are based on the personnel, research, or other needs of a unit. Affiliate arrangements with prestigious scholars and practitioners are indeed unusual, in that these arrangements allow for those at the highest level of their field to work collaboratively with University

faculty, staff, and students towards the success of a research or artistic goal. After consideration, the FAC developed a recommendation to suggest that these specific situations be considered as exceptions to the policy.

The FAC consulted with the Office of the President and the Office of Faculty Affairs on how an exception would be granted using the "unusual circumstances" language in the policy. The University has similar exception language in other policies and procedures as well. Typically, requests would be made to the Senior Vice President and Provost, who in some cases choose to delegate authority to another office or administrator, such as the Associate Provost for Faculty Affairs, and a decision would be made after reviewing the intent of the policy and the cause for the request.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty (II-1.00[A]) be amended to revise the requirements for Visiting Faculty titles as shown in the policy document immediately following the report.

The Faculty Affairs Committee recommends that situations of non-paid arrangements with prominent individuals from outside organizations and issues faced by international faculty on specific visa categories be considered by the Office of the Senior Vice President and Provost as likely candidates for exceptions to the policy due to unusual circumstances.

APPENDICES

Appendix 1 – Senate Executive Committee Charge on the Use of Visiting Faculty Titles for Professional Track Faculty Appointments (Senate Document #15-16-17)

II-1.00(A)   UNIVERSITY OF MARYLAND POLICY & PROCEDURES ON APPOINTMENT, PROMOTION, AND TENURE OF FACULTY

(Approved by the President, February 16, 1993; approved by the Chancellor, March 26, 1993; text on Distinguished University Professor approved by the Chancellor on April 15, 1994; text on Emeritus Status added 1995; text on mandatory retirement at age 70 removed March, 1996; text on term of service for APT committee members amended February 1998; text on Professor of Practice amended 1998; text on Senior Lecturer added November 2002; text on appeals process amended August 2003; text on Field Faculty added October 2003; text on Librarians added April, 2004; approved by the President and the Chancellor, December 2004, effective August 23, 2005; text on College Park Professor added June 2005, continuing through May 2012; text on Librarian Emerita /Emeritus status added April 2006; text on faculty with split appointments on APT committees added April 2006; text on Faculty Extension Agent and Associate Agent amended December 15, 2006; text on composition of third or campus-level review committee amended November 23, 2010; text on Clinical Faculty titles added March 13, 2012; text on Clinical Faculty titles amended May 9, 2012; technical changes September 17, 2012; text on University of Maryland Professor added November 15, 2012; text on non-tenure track faculty titles amended October 7, 2014; text on emeritus status amended, text on Post-Doctoral Scholar added, revised policy approved by the President and the Chancellor June 8, 2015.)

This policy complements the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty, adapting that policy in accordance with the institutional mission of the University of Maryland at College Park. Within the framework of the System Policy, it specifies the criteria and procedures related to faculty personnel actions, which shall apply to the University of Maryland at College Park.

Subject to the provisions of paragraphs I.C.14 through I.C.16 of the University System of Maryland Policy on Appointment, Rank and Tenure of Faculty (1989), the provisions of paragraph III.C of this University of Maryland at College Park Policy on Appointment, Promotion and Tenure of Faculty shall be published in the Faculty Handbook and shall constitute part of the contractually binding agreement between the university and the faculty member. Any proposed changes to this University of Maryland at College Park Policy on Appointment, Promotion and Tenure of Faculty shall be submitted for initial review and endorsement by the College Park Campus Senate.

TERMINOLOGICAL NOTE

The procedures spelled out in this document for tenure and promotion review specify three levels of review below the President's office. For most faculty members these are the department, the college, and the campus levels. However, some faculty members are appointed in colleges and schools that are not departmentalized and that conduct the initial review at the college or school level. For uniform terminology the initial review, whether conducted by a department or a non-departmentalized school or college, is referred to as a "first-level review," and "department" is usually replaced by "first-level unit." First-level units thus comprise departments, non-departmentalized schools, and non-departmentalized colleges. Higher levels of review are referred to as "second-level" and "third-level."

 For the purpose of this policy, the term "university" and the term "institution" shall be synonymous and shall mean the University of Maryland at College Park. For the purpose of this policy, the word "days" shall refer to calendar days.

PURPOSE OF THIS POLICY

The University of Maryland is dedicated to the discovery and the transmission of knowledge and to the achievement of excellence in all academic disciplines, and to the growth and development of our society. To achieve this, the University is committed to developing and sustaining an excellent and diverse faculty. A fair, unbiased, and impartial appointment, tenure, and promotion process is essential to this goal. Each faculty member has a personal responsibility for contributing to the achievement of excellence in his or her own academic discipline and for exercising the best judgment in advancing the department, the college, and the University. Those faculty members holding the rank of Professor have the greatest responsibility for establishing and maintaining the highest standards of academic performance within the University. This Policy on the Appointment, Promotion, and Tenure of Faculty exists to set the standards for appointment and promotion to the various faculty ranks and to recognize and to encourage the achievement of excellence on the part of the faculty members through the awarding of tenure and through promotion within the faculty ranks.

I.   MINIMUM QUALIFICATIONS FOR APPOINTMENT OR PROMOTION TO THE ACADEMIC AND ACADEMIC ADMINISTRATIVE RANKS

The only faculty ranks which may involve a tenure commitment are: Professor, Associate Professor, Assistant Professor, Principal Agent, Senior Agent, and Agent, and such other ranks as the Board of Regents may approve. Effective April 5, 1989, appointments to all other ranks, including any qualified rank, other than an honorific qualification, in which an additional adjective is introduced, are for a definite term and do not involve a tenure commitment. Those granted tenure in such a rank before April 5, 1989, shall continue to hold tenure in that rank.

The following shall be the minimum qualifications for appointment or promotion to the academic ranks in use by the University of Maryland at College Park.

A.   Faculty with Duties in Teaching and Research

1.   Instructor[1]

An appointee to the rank of Instructor ordinarily shall hold the highest earned degree in his or her field of specialization. There shall be evidence also of potential for excellence in teaching and for a successful academic career. The rank does not carry tenure.

2.   Assistant Professor

The appointee shall have qualities suggesting a high level of teaching ability in the relevant academic field, and shall provide evidence of potential for superior research, scholarship, or artistic creativity in the field. Because this is a tenure-track position, the appointee shall at the time of appointment show promise of

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[1] As of November 14, 1995, this title may NOT be used for new appointments.

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having, at such time as he or she is to be reviewed for tenure and promotion in accordance with paragraph I.C.3 of the University System of Maryland Policy and paragraph III.C.3 of this policy, the qualities described under "Associate Professor" below. In most fields the doctorate shall be a requirement for appointment to an assistant professorship. Although the rank normally leads to review for tenure and promotion, persons appointed to the rank of Assistant Professor after the effective date of this policy shall not be granted tenure in this rank.

3.   <u>Associate Professor</u>

In addition to having the qualifications of an Assistant Professor, the appointee shall have a high level of competence in teaching and advisement in the relevant academic field, shall have demonstrated significant research, scholarship, or artistic creativity in the field and shall have shown promise of continued productivity, shall be competent to direct work of major subdivisions of the primary academic unit and to offer graduate instruction and direct graduate research, and shall have served the campus, the profession, or the community in some useful way in addition to teaching and research. Promotion to the rank from within confers tenure; appointment to the rank from without may confer tenure.

4.   <u>Professor</u>

In addition to having the qualifications of an Associate Professor, the appointee shall have established a national and, where appropriate, international reputation for outstanding research, scholarship or artistic creativity, and a distinguished record of teaching. There also must be a record of continuing evidence of relevant and effective professional service. The rank carries tenure.

B.   <u>Faculty with Duties Primarily in Research, Scholarship, or Artistic Creativity</u>

Appointments with these faculty titles do not carry tenure.

1.   <u>Faculty Assistant</u>

The appointee shall be capable of assisting faculty in any dimension of academic activity and shall have ability and training adequate to the carrying out of the particular techniques required, the assembling of data, and the use and care of any specialized apparatus. A baccalaureate degree shall be the minimum requirement. Appointments to this rank are typically for terms of one to three years and are renewable for up to three years. After three years in rank, appointees who have performed satisfactorily should be eligible for

appointment to an appropriate faculty position or encouraged to apply for a staff position.

2. <u>Post-Doctoral Scholar</u>

    The appointee generally shall hold a doctorate in a field of specialization earned within three (3) years of initial appointment to this rank. An exception to the time from degree requirement must be approved by the Office of the Provost. Appointment to this rank shall allow for continued training to acquire discipline-specific independent research skills under the direction of a faculty mentor. Appointments are typically for one (1) to three (3) years and are renewable, provided no appointee serves in this rank for more than three (3) years. After three (3) years in this rank, appointees who have performed satisfactorily are eligible for appointment to the rank of Post-Doctoral Associate.

3. <u>Post-Doctoral Associate</u>

    The appointee generally shall hold a doctorate in a field of specialization earned within five (5) years of initial appointment or shall have satisfactorily completed an appointment to the rank of Post-Doctoral Scholar. An exception to the time from degree requirement must be approved by the Office of the Provost. The appointee shall have training in research procedures, be capable of carrying out individual research or collaborating in group research at the advanced level, and have the experience and specialized training necessary for success in such research projects as may be undertaken. Appointments are typically for one (1) to three (3) years and are renewable, provided the maximum consecutive length of service in both post-doctoral ranks shall not exceed 6 years. Exceptions may be approved by the Office of the Provost. After six years in the post-doctoral ranks, appointees who have performed satisfactorily are eligible for appointment to an appropriate faculty position other than in the post-doctoral series.

4. <u>Assistant Research Faculty Ranks</u>

    a. <u>Assistant Research Professor</u>

    This rank is generally parallel to Assistant Professor. Appointees shall have demonstrated superior research ability and potential for contributing to the educational mission through teaching or service. Appointees should be qualified and competent to direct the work of others (such as technicians, graduate students, other research personnel). An earned doctoral degree will be a normal minimum requirement for appointment at this rank. Appointments to this rank are typically one to three years and are renewable.

b. Assistant Research Scientist

This rank is generally parallel to Assistant Professor. Appointees shall have demonstrated superior scientific research ability. Appointees should be qualified and competent to direct the work of others (such as technicians, graduate students, other research personnel). An earned doctoral degree will be a normal minimum requirement for appointment at this rank. Appointments to this rank are typically one to three years and are renewable.

c. Assistant Research Scholar

This rank is generally parallel to Assistant Professor. Appointees to this rank shall have demonstrated superior scholarly research ability and be qualified and competent to direct the work of others (such as technicians, graduate students, other research personnel). An earned doctoral degree will be a normal minimum requirement for appointment at this rank. Appointments to this rank are typically one to three years and are renewable.

d. Assistant Research Engineer

This rank is generally parallel to Assistant Professor. Appointees shall have a demonstrated record of superior engineering practice, design, and development. Appointees should be qualified and competent to direct the work of others (such as technicians, graduate students, other engineering personnel). An earned doctoral degree will be a normal minimum requirement for appointment at this rank. Appointments to this rank are typically one to three years and are renewable.

5. Associate Research Faculty Ranks

a. Associate Research Professor

This rank is generally parallel to Associate Professor. In addition to the qualifications required of the Assistant Research Professor, appointees shall have extensive successful experience in scholarly or creative endeavors, the ability to propose, develop, and manage major research projects, and proven contributions to the educational mission through teaching or service. Appointments to this rank are typically one to five years and are renewable.

b. Associate Research Scientist

This rank is generally parallel to Associate Professor. In addition to having the qualifications required of the Assistant Research Scientist, appointees shall have significant scientific research accomplishments, show promise of continued productivity, and have the ability to propose, develop, and manage research

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projects. Appointments to this rank are typically one to five years and are renewable.

c. Associate Research Scholar

This rank is generally parallel to Associate Professor. In addition to the qualifications required of the Assistant Research Scholar, appointees shall have extensive successful experience in scholarly or creative endeavors sufficient to have established a regional and national reputation among colleagues, and where appropriate, the ability to propose, develop, and manage research projects. Appointees should provide tangible evidence of sound scholarly production in research, publications, professional achievements, or other distinguished and creative activities. Appointments to this rank are typically one to five years and are renewable.

d. Associate Research Engineer

This rank is generally parallel to Associate Professor. In addition to having the qualifications required of the Assistant Research Engineer, appointees shall have a record of significant engineering achievement, show promise of continued productivity, and have the ability to propose, develop, and manage engineering projects. Appointments to this rank are typically one to five years and are renewable.

6. Research Faculty Ranks

a. Research Professor

This rank is generally parallel to Professor. In addition to the qualifications required of the Associate Research Professor, appointees shall have demonstrated a degree of proficiency sufficient to establish an excellent reputation among regional and national colleagues. Appointees should have a record of outstanding scholarly production in research, publications, professional achievements or other distinguished and creative activity, and exhibit excellence in contributing to the educational mission through teaching or service.   Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

b. Research Scientist

This rank is generally parallel to Professor. In addition to having the qualifications required of the Associate Research Scientist, appointees shall have established a national and, where appropriate, international reputation for outstanding scientific research. Appointees should provide tangible evidence of

sound scholarly production in research, publications, professional achievements, or other distinguished and creative activity. Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

c. Research Scholar

This rank is generally parallel to Professor. In addition to having the qualifications required of the Associate Research Scholar, appointees shall have demonstrated a degree of proficiency sufficient to establish an excellent reputation among national and international colleagues. Appointees should provide tangible evidence of an extensive, respected record of scholarly production in research, publications, professional achievements, or other distinguished and creative activity. Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

d. Research Engineer

This rank is generally parallel to Professor. In addition to having the qualifications required of the Associate Research Engineer, appointees shall have established a national and, where appropriate, international reputation for outstanding engineering practice, design, and development. Appointees should provide tangible evidence of sound scholarly production in research, publications, professional achievements, or other distinguished and creative activity. Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

7. Artist-in-Residence Ranks

a. Assistant Artist-in-Residence

This title, generally parallel to Assistant Professor, is intended for those persons whose professional activities are of a creative or performance nature, including but not limited to theatre, dance, music, and art. Normally, appointees to this rank shall hold the terminal degree in the field and/or have demonstrated superior ability in professional activities. Appointments to this rank are typically one to three years and are renewable.

b. Associate Artist-in-Residence

This title is generally parallel to Associate Professor. In addition to the qualifications of the Assistant Artist-in-Residence, the appointee's record of professional activities shall demonstrate a national reputation among

colleagues. Appointments to this rank are typically one to five years and are renewable.

c.   Artist-in-Residence

This title is generally parallel to Professor. In addition to the qualifications of the Associate Artist-in-Residence, appointees shall demonstrate a sustained record of superior proficiency and excellence, and an international reputation among colleagues in the field.   Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

C.   Field Faculty

1.   Agent Associate

Appointees shall be able to: teach research-based subject matter from the University for community residents based on local issues and needs; assume leadership for educational development plans; deliver educational programs directly to clientele, peers, and/or volunteers through train-the-trainer or other similar venues in order to extend programming efforts throughout the state. An earned Bachelor's degree will be a normal minimum requirement for appointment at this rank. Appointments to this rank are typically one to three years and are renewable.

2.   Senior Agent Associate

In addition to the qualifications of the Agent Associate, appointees shall show evidence of superior ability in establishing the foundation of a successful University of Maryland Extension program. An earned Master's degree or 3 years' full-time experience as an Agent Associate will be a normal minimum requirement for appointment at this rank. Appointments to this rank are typically one to five years and are renewable.

3.   Principal Agent Associate

In addition to the qualifications of the Senior Agent Associate, appointees shall show evidence of excellence in establishing and expanding successful UME programs through mentoring, scholarship, and service. An earned PhD or five years' full-time experience as a Senior Agent Associate will be a normal minimum requirement for appointment at this rank.   Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

4.   Agent (parallel to the rank of Assistant Professor)

The appointee must hold a master's degree in an appropriate discipline and show evidence of academic ability and leadership skills. The appointee shall have an educational background related to the specific position.

5. <u>Senior Agent (parallel to the rank of Associate Professor)</u>

In addition to the qualifications of an Agent, the appointee must have demonstrated achievement in program development and must have shown originality and creative ability in designing new programs, teaching effectiveness, and evidence of service to the community, institution, and profession. Appointment to this rank may carry tenure.

6. <u>Principal Agent (parallel to the rank of Professor)</u>

In addition to the qualifications of a Senior Agent, the appointee must have demonstrated leadership ability and evidence of service to the community, institution, and profession. The appointee must also have received recognition for contributions to the Cooperative Extension Service sufficient to establish a reputation among State, regional and/or national colleagues, and should have demonstrated evidence of distinguished achievement in creative program development. Appointment to this rank carried tenure.

D. <u>Faculty Engaged Exclusively or Primarily in Clinical Teaching</u>

All appointments in the following titles are renewable. Appointments with these faculty titles do not carry tenure.

1. <u>Assistant Clinical Professor</u>

The appointee shall hold, as a minimum, the terminal professional degree in the field, with training and experience in an area of clinical specialization, and professional or board certification, when appropriate. There shall be clear evidence of a high level of ability in clinical practice and teaching in the departmental field. The appointee shall also have demonstrated scholarly and/or administrative ability. Appointments to this rank are typically for one to three years and are renewable.

2. <u>Associate Clinical Professor</u>

In addition to the qualifications required of an Assistant Clinical Professor, the appointee shall ordinarily have had extensive successful experience in clinical or professional practice in the departmental field, and in working with and/or directing others (such as professionals, faculty members, graduate students, fellows, and residents or interns) in clinical activities in the field. The appointee shall also have demonstrated superior teaching ability and scholarly or

administrative accomplishments and have a reputation of respect among colleagues in the region. Appointments to this rank are typically for one to five years and are renewable.

3. Clinical Professor

In addition to the qualifications required of an Associate Clinical Professor, the appointee shall have demonstrated a degree of excellence in clinical practice and teaching sufficient to establish an outstanding regional and national reputation among colleagues. The appointee shall also have demonstrated extraordinary scholarly competence and leadership in the profession. Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

E. Faculty Engaged Exclusively or Primarily in Library Services

Library faculty hold the ranks of Librarian I-IV. Each rank requires a master's degree from an American Library Association accredited program or a graduate degree in another field where appropriate. The master's degree is considered the terminal degree. Appointments to these ranks are for 12 months with leave and other benefits provided to twelve-month tenured/tenure track faculty members with the exception of terminal leave, sabbatical leave, and non-creditable sick leave (collegially supported).

Permanent status is an institutional commitment to permanent and continuous employment to be terminated only for adequate cause (for example, professional or scholarly misconduct; incompetence; moral turpitude; or willful neglect of duty) and only after due process in accordance with relevant USM and campus policies. Librarians at the rank of Librarian I and Librarian II are not eligible for permanent status. Permanent status is available for library faculty holding the rank of Librarian III and Librarian IV. Those candidates without permanent status applying for the rank of Librarian III and Librarian IV shall be considered concurrently for permanent status.

1. Librarian I

This is an entry-level rank, assigned to librarians with little or no professional library experience. This rank does not carry permanent status.

2. Librarian II

Librarians at this rank have demonstrated professional development evidenced by achievement of a specialization in a subject, service, technical, administrative, or other area of value to the library. This rank does not carry permanent status.

3. <u>Librarian III</u>

Librarians at this rank have a high level of competence in performing professional duties requiring specialized knowledge or experience. They shall have served the Libraries, the campus, or the community in some significant way; have shown evidence of creative or scholarly contribution; and have been involved in mentoring and providing developmental opportunities for their colleagues. They shall have shown promise of continued productivity in librarianship, service, and scholarship or creativity. Promotion to this rank from within the Libraries confers permanent status; appointment to this rank from outside the Libraries may confer permanent status.

4. <u>Librarian IV</u>

Librarians at this rank show evidence of superior performance at the highest levels of specialized work and professional responsibility. They have shown evidence of and demonstrate promise for continued contribution in valuable service and significant creative or scholarly contribution. Such achievement must include leadership roles and have resulted in the attainment of Libraries, campus, state, regional, national, or international recognition. This rank carries permanent status.

F. <u>Additional Faculty Ranks</u>

Appointments with these faculty titles do not carry tenure.

1. <u>Assistant Instructor</u>

The appointee shall be competent to fill a specific position in an acceptable manner, but he or she is not required to meet all the requirements for an Instructor. He or she shall hold the appropriate baccalaureate degree or possess equivalent experience.

2. <u>Junior Lecturer</u>

In instances when a graduate student is given a faculty appointment to teach, the title Junior Lecturer shall be used. Upon completion of the graduate program, Junior Lecturers are eligible for promotion to Lecturer. Appointments to this rank are typically for terms of up to one year and are renewable for up to six years.

3. <u>Lecturer</u>

The title Lecturer will ordinarily be used to designate appointments of persons who are serving in a teaching capacity for a limited time or part-time. The

normal requirement is a Master's degree in the field of instruction or a related field, or equivalent professional experience in the field of instruction. Appointments to this rank are typically one to three years and are renewable.

4.   Senior Lecturer

In addition to having the qualifications of a Lecturer, the appointee shall have an exemplary teaching record over the course of at least five years of full-time instruction or its equivalent as a Lecturer (or similar appointment at another institution) and shall exhibit promise in developing additional skills in the areas of research, service, mentoring, or program development. Appointments to this rank are typically one to five years and are renewable.

5.   Principal Lecturer

In addition to the qualifications required of the Senior Lecturer, appointees to this rank shall have an exemplary teaching record over the course of at least 5 years full-time service or its equivalent as a Senior Lecturer (or similar appointment at another institution) and/or the equivalent of 5 years full-time professional experience as well as demonstrated excellence in the areas of research, service, mentoring, or program development. Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

6.   Faculty Specialist

The appointee shall hold a Bachelor's degree in a relevant area and show potential for excellence in the administration and/or management of academic or research programs. Faculty Specialists are expected to engage in activities such as developing curriculum and/or innovative means for delivering curriculum, supervising the non-research activities of graduate or post-doctoral students, serving as grant writers or authors of other publications for an academic or research program, conducting specialized research duties or other such duties that would generate intellectual property to which the faculty member shall retain the rights. Appointments to this rank are typically one to three years and are renewable.

7.   Senior Faculty Specialist

In addition to showing superior ability to administer academic or research programs, as evidenced by successfully discharging responsibilities such as those of the Faculty Specialist, the appointee shall hold a Master's degree or have at least 3 years full-time experience as a Faculty Specialist (or similar appointment

at another institution), or its equivalent. Appointments to this rank are typically one to five years and are renewable.

8.   Principal Faculty Specialist

In addition to a proven record of excellence in managing and directing an academic or research program, the appointee shall hold a Ph.D. or have at least 5 years of full-time experience as a Senior Faculty Specialist, or its equivalent. Appointments are typically made as five-year contracts. Appointments for additional five-year terms can be renewed as early as the third year of any given five-year contract.

9.   Adjunct Assistant Professor, Adjunct Associate Professor, Adjunct Professor

The appointee shall be associated with the faculty of a department or non-departmentalized school or college, but shall not be essential to the development of that unit's program. The titles do not carry tenure. The appointee may be paid or unpaid. The appointee may be employed outside the University, but shall not hold another paid appointment at the University of Maryland at College Park. The appointee shall have such expertise in his or her discipline and be so well regarded that his or her appointment will have the endorsement of the majority of the members of the professorial faculty of the academic unit. Any academic unit may recommend to the administration persons of these ranks; normally, the number of adjunct appointments shall comprise no more than a small percentage of the faculty in an academic unit. Appointments to these ranks shall not extend beyond the end of the fiscal year during which the appointment becomes effective and may be renewed.

10.   Affiliate Assistant Professor, Affiliate Associate Professor, Affiliate Professor, Affiliate Librarian II, Affiliate Librarian III, and Affiliate Librarian IV

These titles shall be used to recognize the affiliation of a faculty member or other university employee with an academic unit other than that to which his or her appointment and salary are formally linked. The nature of the affiliation shall be specified in writing, and the appointment shall be made upon the recommendation of the faculty of the department with which the appointee is to be affiliated and with the consent of the faculty of his or her primary department. The rank of affiliation shall be commensurate with the appointee's qualifications.

11.   Visiting Appointments

The prefix Visiting before an academic title, e.g., Visiting Professor, shall be used to designate a short-term professorial appointment without tenure. **Visiting**

faculty appointments are usually made for one academic year or less. Only in unusual circumstances shall a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a process consistent with the University's Search & Selection Guidelines, including adherence to affirmative action obligations. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as the probationary year for purposes of considerations for tenure.

12. <u>Emerita, Emeritus</u>

The word emerita or emeritus after an academic title shall designate a faculty member who has retired from full-time employment in the University of Maryland at College Park after meritorious service to the University in the areas of teaching, research, or service. Emerita or emeritus status may be conferred on Associate Professors, Professors, Distinguished University Professors, Senior Agents, Principal Agents, Librarians III, Librarians IV, Professors of the Practice, Research Professors, Research Scientists, Research Scholars, Research Engineers, Artists-in-Residence, Principal Agent Associates, Clinical Professors, Principal Lecturers, and Principal Faculty Specialists.

13. <u>Distinguished University Professor</u>

The title Distinguished University Professor will be conferred by the President upon a limited number of members of the faculty of the University of Maryland at College Park in recognition of distinguished achievement in teaching; research or creative activities; and service to the University, the profession, and the community. College Park faculty who, at the time of approval of this title, carry the title of Distinguished Professor, will be permitted to retain their present title or to change to the title of Distinguished University Professor. Designation as Distinguished University Professor shall include an annual allocation of funds to support his or her professional activities, to be expended in accordance with applicable University policies.

14. <u>Professor of the Practice</u>

This title may be used to appoint individuals who have demonstrated excellence in the practice as well as leadership in specific fields. The appointee shall have attained regional and national prominence and, when appropriate, international recognition of outstanding achievement. Additionally, the appointee shall have demonstrated superior teaching ability appropriate to assigned responsibilities. As a minimum, the appointee shall hold the terminal professional degree in the field or equivalent stature by virtue of experience. Appointees will hold the rank of Professor but, while having the stature, will not have rights that are

limited to tenured faculty. Initial appointment is for periods up to five years, and reappointment is possible. This title does not carry tenure, nor does time served as a Professor of the Practice count toward achieving tenure in another title.

15. <u>College Park Professor</u>

This title may be used for nationally distinguished scholars, creative or performing artists, or researchers who would qualify for appointment at the University of Maryland at College Park at the level of Professor but who normally hold full-time positions outside the University. Holders of this title may provide graduate student supervision, serve as principal investigators, and participate in departmental and college shared governance. Initial appointment is for three years and is renewable every three years upon recommendation to the Provost by the unit head and Dean. Appointment as a College Park Professor does not carry tenure or expectation of salary.

16. <u>University of Maryland Professor</u>

This title may be used for nationally distinguished scholars, creative or performing artists, or researchers who have qualified for full-time appointments at the University of Maryland, Baltimore at the level of Professor, who are active in MPowering the State programs, and who also qualify for full-time appointment at the University of Maryland, College Park at the level of Professor. Holders of this title may provide graduate student supervision, serve as principal investigators, and participate in departmental and shared governance. Initial appointments are for three years and are renewable every three years upon recommendation to the Provost by the unit head and Dean. This is a non-paid, non-tenure track title but initial appointments must follow the procedures for appointment as a new tenured Professor.

17. <u>Other Titles</u>

No new faculty titles or designations shall be created by the University of Maryland at College Park for appointees to faculty status without approval by the Campus Senate and the President.

II.   CRITERIA FOR APPOINTMENT AND PROMOTION

The criteria for appointment, tenure, and promotion shall reflect the educational mission of the University of Maryland at College Park: to provide an undergraduate education ranked among the best in the nation; to provide a nationally and internationally renowned program of graduate education and research, making significant contributions to the arts, the humanities, the professions, and the sciences; to provide every student with an education that incorporates

the values of diversity and inclusion; and to provide public service to the state and the nation embodying the best tradition of outstanding land-grant colleges and universities.

In the case of both appointments and promotions every effort shall be made to fill positions with persons of the highest qualifications. Search, appointment, and promotion procedures shall be fair, unbiased, and impartial, and comply with institutional policies that are widely publicized and published in the Faculty Handbook.

It is the special responsibility of those in charge of recommending appointments to make a thorough search of available talent before recommending appointees. At a minimum, the search for full-time tenure-track or tenured faculty and academic administrators shall include the advertisement of available positions in the appropriate media.

Decisions on tenure-track appointments must also take account of the academic needs of the department, school, college, and institution at the time of appointment and the projected needs at the time of consideration for tenure. This is both an element of sound academic planning and an essential element of fairness to candidates for tenure-track positions. Academic units shall select for initial appointment those candidates who, at the time of consideration for tenure, are most likely to merit tenure and also whose areas of expertise are most likely to be compatible with the unit's projected programmatic needs. The same concern shall be shown in the renewal of tenure-track appointments.

Each college, school, and department shall develop brief, general, written Criteria for Tenure and/or Promotion. The criteria should be reviewed periodically by the unit, as deemed necessary, but no less frequently than once every five (5) years. This review should include consideration of the unit's progress toward increasing the diversity of its tenured faculty. The criteria to be considered in appointments and promotions fall into three general categories: (1) performance in teaching, advising, and mentoring of students; (2) performance in research, scholarship, creative and/or professional activity; (3) performance of professional service to the university, the profession, or the community. The relative importance of these criteria may vary among different academic units, but each of the categories shall be considered in every decision. The criteria for appointment to a faculty rank or tenure shall be the same as for promotion to that rank (or for tenuring at the rank of Associate Professor), whether or not the individual is being considered for an administrative appointment. An academic unit's general Criteria for Tenure and/or Promotion must receive the approval of the next level administrator. Any exceptional arrangement that requires a modification of criteria for tenure and/or promotion shall be specified in a written agreement from the time of appointment up to the third-year review for untenured candidates, or at any time following the award of tenure, and shall be approved by the faculty and administrator of the first-level unit, by the Dean of the school or college, and by the Provost.

Upon appointment, each new faculty member shall be given by his or her Chair or Dean a copy of the unit's Criteria for Tenure and/or Promotion and the Chair or Dean shall discuss the

Criteria with the faculty member. Each faculty member shall be notified promptly in writing by his or her Chair or Dean of any changes in the unit's Criteria for Tenure and/or Promotion.

Decisions on promotion of tenured faculty members shall be based on the academic merit of the candidate as evaluated using the relevant Criteria. Decisions on the renewal of untenured appointments and on promotion decisions involving the granting of tenure shall be based on the academic merit of the candidate as evaluated using the relevant Criteria and on the academic needs of the department, school, college, and institution. Considerations relating to the present or future programmatic value of the candidate's particular field of expertise, or other larger institutional objectives, may be legitimately considered in the context of a tenure decision. In no case, however, may programmatic considerations affecting a particular candidate be changed following the first renewal of the faculty contract of that candidate. It is essential that academic units develop long-range projections of programmatic needs in order that decisions on tenure and tenure-track appointments and promotions to tenure ranks be made on a rational basis.

A.   Teaching and Advisement

Superior teaching and academic advisement at all instructional levels (or reasonable promise thereof in the case of initial appointments) are essential criteria in appointment and promotion. Every effort shall be made to recognize and emphasize excellence in teaching and advisement. The general test to be applied is that the faculty member be engaged regularly and effectively in teaching and advisement activities of high quality and significance.

The responsibility for the evaluation of teaching performance rests on the academic unit of the faculty member. Each academic unit shall develop and disseminate the criteria to be used in the evaluation of the teaching performance of its members. The evaluation must include opinions of students, colleagues, and the materials contained in the teaching portfolio.

B.   Research, Scholarship, and Artistic Creativity

Research, scholarship and artistic creativity are among the primary functions of the university. A faculty member's contributions will vary from one academic or professional field to another, but the general test to be applied is that the faculty member be engaged continually and effectively in creative activities of distinction. Each academic unit shall develop and disseminate the criteria for evaluating scholarly and creative activity in that unit.

Research, scholarship, creative and/or professional activities include the discovery, integration, transmission and engagement of knowledge through systematic inquiry that advances specific fields/disciplines and contributes to the public good.

Scholarship includes original contributions to relevant disciplines, and may include newer forms such as engaged scholarship, public scholarship, entrepreneurial projects, and interdisciplinary research, regardless of the medium of publication or execution. Scholarship may also include work in fields that are not yet fully formed, such as attention to populations that have not been previously investigated or previously unexplored phenomena. For all research, scholarship, creative and/or professional activities, the work must call upon the faculty member's academic and/or professional expertise, and will be evaluated based on the unit's criteria for excellence, including: peer review, impact, and significance and/or innovation.

Research or other activity of a classified or proprietary nature shall not be considered in weighing an individual's case for appointment or promotion.

C.   Service

In addition to a demonstrated excellence in teaching and in research, scholarship and artistic creativity, a candidate for promotion should have established a commitment to the University and the profession through participation in service activities. Such participation may take several different forms: service to the university; to the profession and higher education; and to the community, school systems, and governmental agencies. Service activity is expected of the faculty member, but service shall not substitute for teaching and advisement or for achievement in research, scholarship, or artistic creativity. Service activity shall not be expected or required of junior faculty to the point that it interferes with the development of their teaching and research.

III.   APPOINTMENT OF FACULTY

A.   Search Process

1.   Recruitment of faculty shall be governed by written search procedures, which shall anticipate and describe the manner in which new professorial   faculty members will be recruited, including arrangements for interinstitutional appointments, interdepartmental appointments, and appointments in new academic units.

2.   Search procedures shall reflect the commitment of the University to equity, inclusion, and fairness. Campus procedures shall be widely disseminated and published in the Faculty Handbook.

3.   Faculty review committees are an essential part of the review and recommendation process for new full-time faculty appointments. The procedures, which lead to new faculty appointments, should hold to standards at least as rigorous as those that pertain to promotions to the same rank.

B.   Offers of Appointment

    1.   An offer of appointment can be made only with the approval of the President or his or her designee. Full-time appointments to the rank of Associate Professor or Professor require the written approval of the President.

    2.   All faculty appointments are made to a designated rank effective on a specific date. A standard letter of appointment shall be developed for each rank and tenure status and shall be approved by the Office of the Attorney General for form and legal sufficiency. The University shall publish in a designated section of the Faculty Handbook all duly approved System and University policies and procedures which set forth faculty rights and responsibilities. Subject to the provisions of paragraphs I.C.14 through I.C.16 of the System Policy on Appointment, Rank, and Tenure of Faculty and paragraph III.C of this document, the terms described in the letter of appointment, together with the policies reproduced in the designated portions of the Faculty Handbook, shall constitute a contractually binding agreement between the University and the appointee.

C.   Provisions Related to Appointments, Promotion, and Tenure

The following provisions are adapted from the System Policy on Appointments, Rank, and Tenure to reflect the mission of the University of Maryland at College Park and are to be furnished to all new faculty at the time of initial appointment.

    1.   For tenure-track appointments, the year in which the appointee is entitled to tenure review under this policy ("mandatory tenure-review year") shall be specified in the original and subsequent contracts/letters of appointment. Tenure review shall occur in that year unless extended according to University policy granting a tenure delay or otherwise agreed to in writing by the institution and the appointee. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review.

    2.   Subject to any special conditions specified in the letter of appointment, full-time appointments to the rank of Assistant Professor shall be for an initial term of one to three years. The first year of the initial appointment shall be a probationary year, and the appointment may be terminated at the end of that fiscal year if the appointee is so notified by March 1. In the event that the initial appointment is for two years, the appointment may be terminated if the appointee is so notified by December 15 of the second year. After the second year of the initial appointment, the appointee shall be given one full year's notice if it is the intention of the University not to renew the appointment. If the appointee does not receive timely notification of nonrenewal, the initial appointment shall be extended for one additional year. An initial appointment may be renewed for an additional one, two, or three years. Except as set forth

in paragraph III.C.3 below, an appointment to any term beyond the initial appointment shall terminate at the conclusion of that additional term unless the appointee is notified in writing that it is to be renewed for another term allowable under University System policies or the appointee is granted tenure. Such appointments may be terminated at any time in accordance with paragraphs III.C.5-10.

3. An Assistant Professor whose appointment is extended to a full six years shall receive a formal review for tenure in the sixth year. (An Assistant Professor may receive a formal review for tenure and be granted tenure earlier (cf. IV.A.4.).) The appointee shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision to grant or deny tenure. Notwithstanding anything in paragraph III.C.2 to the contrary, a full-time appointee who has completed six consecutive years of service at the University as an Assistant Professor, and who has been notified that tenure has been denied, shall be granted an additional and terminal one year appointment in that rank, but, barring exceptional circumstances, shall receive no further consideration for tenure. In the event that an Assistant Professor in his or her sixth year of service is not affirmatively awarded tenure by the President or otherwise notified of a tenure decision, then he or she shall be granted a one-year terminal appointment.

4. Full-time appointments or promotions to the rank of Associate Professor or Professor require the written approval of the President. Promotions to the rank of Associate Professor or Professor carry immediate tenure. New full-time appointments to the rank of Professor carry immediate tenure. New full-time appointments to the rank of Associate Professor may carry tenure. If immediate tenure is not offered, such appointments shall be for an initial period of up to four years and shall terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. An Associate Professor who is appointed without tenure shall receive a formal review for tenure. No later than one year prior to the expiration of the appointment, the formal review must be completed, and written notice must be given that tenure has been granted or denied. Appointments carrying tenure may be terminated at any time as described under paragraphs III.C.5-10.

5. A term of service may be terminated by the appointee by resignation, but it is expressly agreed that no resignation shall become effective until the termination of the appointment period in which the resignation is offered except by mutual agreement between the appointee and the President or designee.

a. The President may terminate the appointment of a tenured or tenure-track appointee for moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty, provided that the charges be stated in writing, that the appointee be furnished a copy thereof, and that the appointee be given an opportunity prior to such termination to request a hearing by an impartial hearing officer appointed by the President or a duly appointed faculty board of review. With the consent of the President, the appointee may elect a hearing by the President rather than by a hearing officer or a faculty board of review. Upon receipt of notice of termination, the appointee shall have thirty (30) calendar days to request a hearing. The hearing shall be held no sooner than thirty (30) calendar days after receipt of such a request. The date of the hearing shall be set by mutual agreement of the appointee and the hearing officer or faculty board of review. If a hearing officer or a faculty board of review is appointed, the hearing officer or board shall make a recommendation to the President for action to be taken. The recommendation shall be based only on the evidence of record in the proceeding. Either party to the hearing may request an opportunity for oral argument before the President prior to action on the recommendation. If the President does not accept the recommendation of the hearing officer or board of review, the reasons shall be communicated promptly in writing to the appointee and the hearing officer or board. In the event that the President elects to terminate the appointment, the appointee may appeal to the Board of Regents, which shall render a final decision.

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

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

6. If an appointment is terminated in the manner prescribed in paragraph III.C.7, the President may, at his or her discretion, relieve the appointee of assigned duties immediately or allow the appointee to continue in the position for a specified period of time. The appointee's compensation shall continue for a period of one year commencing on the date on which the appointee receives notice of termination. A faculty member whose appointment is terminated for

cause involving moral turpitude or professional or scholarly misconduct shall receive no notice or further compensation beyond the date of final action by the President or Board of Regents.

7.   The University may terminate any appointment because of the discontinuance of the department, program, school or unit in which the appointment was made; or because of the lack of appropriations or other funds with which to support the appointment. Such decisions must be made in accordance with written University policies. The President shall give a full-time appointee holding tenure notice of such termination at least one year before the date on which the appointment is terminated.

8.   Notwithstanding any provisions to the contrary, the appointment of any untenured faculty member, fifty percent or more of whose compensation is derived from research contracts, service contracts, gifts or grants, shall be subject to termination upon expiration of the research funds, service contract income, gifts or grants from which the compensation is payable.

9.   Appointments shall terminate upon the death of the appointee. Upon termination for this cause, the University shall pay to the estate of the appointee all of the accumulated and unpaid earnings of the appointee plus compensation for accumulated unused annual leave.

10.   If, in the judgment of the appointee's Department Chair or supervisor, a deficiency in the appointee's professional conduct or performance exists that does not warrant dismissal or suspension, a moderate sanction such as a formal warning or censure may be imposed, provided that the appointee is first afforded an opportunity to contest the action through the established faculty grievance procedure as set forth in II-4.00(A) University of Maryland Policies and Procedures Governing Faculty Grievances.

11.   Unless the appointee agrees otherwise, any changes that are hereafter made in paragraphs III.C.1-10 will be applied only to subsequent appointments.

12.   Compensation for appointments under these policies is subject to modification in the event of reduction in State appropriations or in other income from which compensation may be paid.

13.   The appointee shall be subject to all applicable policies and procedures duly adopted or amended from time to time by the University or the University System, including, but not limited to, policies and procedures regarding annual leave; sick leave; sabbatical leave; leave of absence; outside employment; patents and copyrights; scholarly and professional misconduct; retirement;

reduction, consolidation or discontinuation of programs; and criteria on teaching, scholarship, and service.

D.   Provisions Relating to Formal Promotion and Tenure Reviews

1.   Reviews for promotion and tenure shall be conducted according to the duly adopted written policies and procedures of the University. These procedures shall be published in the Faculty Handbook.

2.   Faculty review committees are a part of the review process at each level.

3.   Each review by a faculty committee and each review by the administrator of an academic unit (Chair or Dean) shall be focused on the evaluation of the candidate using the Criteria for Tenure and/or Promotion of that unit. Each review shall be based on materials that must include the candidate's c.v., the candidate's Personal Statement, the Summary Statement of Professional Achievements, the Candidate's Response to the Summary Statement of Professional Achievements (if one is written), the letters from external evaluators, and the other prescribed elements in the University Appointment, Promotion and Tenure Procedures Manual. At the second and third levels of review, these promotion materials include the APT Review Committee reports and the letters from academic unit administrators.

4.   A faculty member eligible to vote on the promotion recommendation on a candidate of an academic unit may not participate in a review of that candidate or vote on that candidate at a higher level of review. Because they provide an independent evaluation, Department Chairs, Academic Deans, and the Provost are ineligible to vote at any level.

5.   Candidates shall have the right to appeal negative promotion and tenure decisions on grounds specified in the policies and procedures of paragraph V.B.

IV.   PROMOTION, TENURE, AND EMERITUS REVIEW

The Provost shall develop detailed written procedures, implementing the University and the System policies on appointment, promotion, and tenure. This set of procedures shall be known as the University's Implementation of the University Appointment, Promotion and Tenure Policy and these procedures shall govern the University's decision-making. The procedures developed shall be subject to review and approval by the University Senate. The Provost shall also develop useful guidelines, suggestions, and advice for candidates for tenure and/or promotion and for academic units responsible for carrying out reviews of candidates, stressing the importance of a fair, unbiased, and impartial evaluation. Each year the Provost shall publish the University Appointment, Promotion and Tenure Manual. This manual shall contain the entire text of the University's Appointment, Promotion and Tenure Policy and Procedures, the University's

implementation procedures, and the guidelines, suggestions, and advice for candidates and for academic units. The University's APT Manual should contain the University's required procedures clearly identified as such. All guidelines, suggestions, and advice in the Manual must be so labeled and distinguished from the required procedures.

Each college, school, and department shall develop detailed written procedures implementing the University and System policies on appointment, promotion, and tenure and the University's implementation of the University's Policy. The procedures of each academic unit shall be subject to review and approval by the policy-setting faculty body of the college or school for an academic unit in a departmentalized college or school, as established in its plan of organization, by the Dean, and by the University Senate.

The University's required procedures and the required procedures of each academic unit to which a candidate belongs shall apply to promotion and tenure decisions for all full-time faculty and for academic administrators who hold faculty rank, or who would hold faculty rank if appointed.

The Provost has the responsibility for systematically monitoring the fair and timely compliance of all academic units with the approved procedures of this Appointment, Tenure and Promotion Policy and for the prompt remedying of any failure to fulfill a provision of this Policy that occurs prior to the institution of a formal tenure and/or promotion review. A violation of procedural due process during a formal review for tenure and/or promotion is subject to the provisions of Section V, The Appeals Process.

At the time of appointment, each new faculty member shall be provided by the Chair or Dean of the first-level unit with a copy of the University's Appointment, Promotion and Tenure Procedures Manual and the procedures for the lower-level academic units to which he or she belongs and the Chair or Dean shall discuss the procedures with the faculty member. Faculty members should stay up to date on these procedures and academic units should keep their faculty members informed of any changes.

Faculty review committees shall be an essential part of the review and recommendation process for all full-time faculty. Review committees and administrators at all levels shall impose the highest standards of quality, shall ensure that all candidates receive fair and impartial treatment, and shall be responsible for maintaining the integrity and the confidentiality of the review and recommendation process.

Candidates for tenure and/or promotion are responsible for providing their academic unit with an accurate *curriculum vitae* detailing their academic and professional achievements. Candidates holding faculty rank at the University shall also make a written Personal Statement advocating their case for tenure and/or promotion based on the facts in their *c.v.*, on the applicable Criteria for Tenure and/or Promotion, and on their perspective of those achievements in the context of their discipline. Both the *c.v.* and the Personal Statement shall be presented in the form required by the University Appointment, Promotion and Tenure

Manual at the beginning of the academic year in which a formal review for tenure and/or promotion will occur. These two documents shall be included with each request for external evaluation and shall be included in the promotion dossier reviewed at each level within the University. Within the University review system, units and administrators may express their judgments on the contents and on the significance of elements in either of the candidate's documents. Units may only ask in neutral language for external evaluators to comment on elements of these documents as part of their review but not suggest conclusions.

Candidates must submit a teaching portfolio to the first-level APT Review Committee to be included in the review process.

The burden of evaluating the qualifications and suitability of the candidate for tenure and promotion is greatest at the first level of review. Great weight shall be given at the higher levels of review to the judgments and recommendations of lower-level review committees and to the principle of peer review.

The decision whether or not to award tenure or promotion shall be based primarily on the candidate's record of accomplishment in each of the three areas of teaching and advisement, research, and service, and the anticipated level of future achievements as indicated by accomplishments to date. Considerations relating to the present or future programmatic value of the candidate's particular field of expertise, or other larger institutional objectives, may legitimately be considered in the context of a tenure decision; but in no case shall the year of the tenure review be the first occasion on which these considerations are raised. The faculty and the unit Chair or Dean are responsible for advising untenured faculty on any and all programmatic considerations relative to the tenure decision, conveying such information to the candidate at the earliest opportunity during annual assessments of progress towards tenure.

When the President has completed his or her review of the tenure or promotion case and informed the candidate of the decision, the list of members of the unit, college, and campus committees shall be made public.

A.   First-level Review

1.   Eligible Voters: At the first-level unit of review, the review committee shall consist of all members of the faculty of that unit who are eligible to vote. To be eligible to vote within the first-level unit, the faculty member must hold a tenured appointment in the university and must be at or above the rank to which the candidate seeks appointment or promotion. Tenured faculty voting on promotions cases at the first-level of review may only do so in a single academic department or non-departmentalized school, and may only vote in units in which they have a regular appointment and where this is permitted by the unit's plan of organization. In those cases where a faculty member has the opportunity to vote in more than one department or non-departmentalized

school, the faculty member votes in that department/school in which the faculty member holds tenure.

In those cases where a faculty member has the opportunity to vote at more than one level of review, the faculty member votes at the first level of review at which the faculty member has the opportunity to vote. There are two exceptions: (a) Chairs or Deans are excluded from voting as faculty in their first level unit; (b) if there are fewer than three (3) eligible faculty members in the first-level unit, the Dean at his/her discretion shall appoint one or more eligible faculty members from related units as voting members of the first-level review committee, to ensure that the review committee shall contain at least three (3) persons. Consequently, in promotion and tenure cases of faculty with joint appointments, faculty appointed by the Dean to the first-level review committee of the primary unit, who are also members of a secondary unit providing input on a candidate, are permitted to vote on the candidate only in the primary unit where they have been appointed as member of the review committee by the Dean.

Although they do not have voting privileges, other faculty and the head of the first-level unit may be invited to participate in discussion about the candidate if the plan of organization and the bylaws of the unit permit.

Advisory Subcommittee: The first-level unit review committee may establish an Advisory Subcommittee to gather material and make recommendations, but the vote of the entire eligible faculty of the first-level unit shall be considered the faculty recommendation of the first-level unit.

Conduct of the Review: The first-level review committee shall appoint an eligible member of the faculty from the first-level unit to serve as Chair and spokesperson for the candidate's review committee. The Chair of the review committee is responsible for ensuring that the discussion and evaluation of the candidate is fair, unbiased, and impartial, writing the recommendation on the candidate and recording the transactions at the review meeting. Under no circumstances may the Chair of the unit or Dean serve as spokesperson for the first–level unit review committee or write its report.

As the first-level administrator, the Chair or Dean shall submit a recommendation separately; the recommendation of the Chair or Dean shall be considered together with all other relevant materials by any reviewing committee at a higher level. Requests for information from higher level review units shall be transmitted to both the Chair of the first-level unit review committee and the first-level unit administrator.

Joint Appointments: Faculty members with joint appointments hold both a primary appointment (in their tenure home) and one or more secondary appointments (in the unit or units that are not their tenure home). When a joint appointment candidate is reviewed for appointment, promotion and/or tenure, the primary appointment unit is responsible for making the recommendation after first obtaining advisory input from the (one or more) secondary units, as appropriate. The advisory input from secondary unit(s) will be as follows:

- If the candidate holds a temporary appointment in the secondary unit, then the secondary unit's advice to the primary unit shall consist solely of a written recommendation by the Chair or director of the secondary unit.

- If the candidate holds a permanent appointment in a secondary unit that is neither an academic department nor a non-departmentalized school, then the director's recommendation will be informed by advice from the faculty in the unit who are at or above the rank to which the candidate aspires. That advice shall be in a format consistent with the unit's plan of organization. If the plan of organization includes a vote, the vote may not include those eligible to vote elsewhere on the candidate.

- If the candidate holds a permanent appointment in a secondary unit that is either an academic department or a non-departmentalized school, then there shall be both a vote of the faculty in the unit who are at or above the rank to which the candidate aspires and a written recommendation by the head of that unit. The restriction on multiple faculty votes continues to apply in this instance.

The secondary unit's review of the candidate shall be provided to the first-level unit review committee and the first-level administrator. If the Chair /Director of the secondary unit is also a member of the candidate's primary unit, the Chair /Director may participate in the deliberations of the primary unit, but may not vote on the candidate's promotion in that unit.

2.   The committee shall solicit letters of evaluation from six or more widely recognized authorities in the field, chosen from a list that shall include individuals nominated by the candidate. At least three letters and at most one-half of the requested letters shall be from persons nominated by the candidate.

3.   Each first-level unit will provide for the mentoring of each Assistant Professor and of each Associate Professor by one or more members of the senior faculty other than the Chair or Dean of the unit. Each unit will have a mentoring plan

that is filed with the Office of the Associate Provost for Faculty Affairs. Mentoring should be done systematically and provide for a formal meeting at least annually for tenure-track faculty, until the tenure review is completed. In addition, each unit will offer mentoring by one or more members of the senior faculty to each Associate Professor. Mentors should encourage, support, and assist these faculty members and be available for consultation on matters of professional development. Mentors also need to be frank and honest about the progress toward fulfilling the criteria for tenure and/or promotion. Following appropriate consultations with members of the unit's faculty, the Chair or Dean of the unit shall independently provide each Assistant Professor and each untenured Associate Professor annually with an informal assessment of his or her progress. Favorable informal assessments and positive comments by mentors are purely advisory to the faculty member and do not guarantee a favorable tenure and/or promotion decision.

The first-level academic unit shall perform a formal intermediate review of the progress towards meeting the criteria for tenure and promotion in the third year of an Assistant Professor's appointment. The first-level academic unit shall perform a formal intermediate review of the progress towards meeting the criteria for promotion to the rank of professor in the fifth year of a tenured Associate Professor's appointment and every five years thereafter. An Associate Professor may request an intermediate review earlier than the five years specified. The purposes of these intermediate reviews are to assess the candidate's progress toward promotion, to inform the reviewed faculty member of that assessment, to inform the faculty members more senior to that faculty member who will eventually consider him or her for promotion of that assessment, and to advise the candidate and the first-level administrator of steps that should be taken to improve prospects for promotion. These reviews should include formal evaluations of a candidate's progress and record in the areas of research, teaching, and service and will generally not involve external evaluators. If it is deemed necessary to obtain informal external evaluations, the academic unit must adopt written procedures applying this requirement to all intermediate reviews and these procedures must be approved by the academic administrator (Dean or Provost) at the next level of review. Copies of the review letter will be provided to the candidate and filed in the office of the next-level administrator.

Any change in the nature of the institution's or the unit's programmatic needs which may have a bearing on the candidate's prospects for tenure should be brought to the attention of the candidate at the earliest possible time. In addition, first-level units shall make the best possible effort to advise tenure-track faculty of the prevailing standards of quality and of the most effective

ways to demonstrate that they meet the standards. The advice and assessments provided to untenured candidates should avoid simplistic quantitative guidelines and should not suggest or imply that tenure decisions will be based on the quantity of effort or scholarly activity, independently of its intellectual quality.

4.   A tenure-track or tenured faculty member may request a formal review for tenure or promotion.

5.   The tenure or promotion case shall go forward to the next level of review if fifty percent of the faculty vote cast is favorable (or such higher percentage as may be established by procedures or guidelines of the first-level unit) or if the recommendation of the administrator of the first-level unit is favorable. If both faculty and unit administrator recommendations are negative, the case shall be reviewed at the next level only by the Dean (or, in the case of a non-departmentalized school or college, the Provost). The Dean (or Provost) shall review the case to ensure that the candidate has received procedural and substantive due process, as defined in Section V.B.1.b. If the Dean (or Provost) believes that the candidate has not received due process, he or she shall direct the unit to reconsider. The candidate may withdraw from his or her review at any time prior to the President's decision.

6.   The first-level review committee shall prepare a concise Summary Statement of Professional Achievements on each candidate for tenure and/or promotion. The Summary Statement shall place the professional achievements of the candidate in scholarship, research, artistic performance, and/or Extension in the context of the broader discipline. It shall place the candidate's professional achievements in teaching and in service in the context of the responsibilities of the unit, the college or school, the University, and the greater community. The Summary Statement shall be factual and objective, not evaluative. The Summary Statement, Reputation of Publication Outlets, Student and Peer Evaluations of Teaching, and the Record of Mentoring/Advising/Research Supervision, unit criteria for tenure and/or promotion, agreement of modified criteria (if applicable), and a sample of the letter soliciting external evaluation shall be reviewed by the candidate at least two weeks before the meeting at which the academic unit begins consideration of its recommendation on tenure and/or promotion. If the candidate and the committee cannot agree on the Summary Statement, the candidate has the right and the responsibility to submit a Response to the Summary Statement of Professional Achievements for the consideration of the voting members of the review committee and the academic unit must note the existence of the Response in the unit's Summary Statement. The purpose of the Summary Statement is to set the candidate's

work in the context of the field for each level of review within the University and it is not to be sent to external evaluators or others outside the University.

7.   The Chair of the first-level review committee shall prepare a written report stating the committee's vote and recommendation on whether or not to grant tenure or promotion, and explaining the basis for the faculty's recommendation insofar as that basis has been made known in the discussions taking place among the members of the committee. This letter will be provided to the Chair or Dean for his or her information and for forwarding to higher levels of review. Faculty participating in the unit's deliberation who wish to express a dissenting view are free to do so, and any such written statement shall be included in the materials sent forward to the next level of review.

8.   The recommendation of the first-level administrator shall likewise be in writing. The administrator's recommendation shall be transmitted to the second-level review and shall be made available to all eligible members of the first-level faculty.

9.   If a faculty member must be given a formal review for tenure in accordance with paragraph I.C.3 of the University System of Maryland Policy and paragraph III.C.3 of this policy, and the Chair or Dean of the first-level academic unit of which the appointee is a member fails to transmit, by the date specified in paragraph IV.F.2 of this policy, a tenure recommendation for the appointee, the Provost shall extend the deadline for the transmittal of such recommendations and instruct the first-level unit to forward recommendations and all supporting documents as expeditiously as possible.

B.   Second-level Review

1.   Second-level review of recommendations for promotion and tenure from departments shall be conducted within the appropriate college. The second-level review committees shall be established in conformity with the approved bylaws of the college. The Dean may be a non-voting ex-officio member but not a voting member of the committee. Each second-level committee shall elect its own Chair and an alternate Chair; the latter shall serve as Chair when a candidate from the Chair's own unit is under discussion. The Chair of the College APT Committee is responsible for ensuring that the discussion and evaluation of the candidate is fair, unbiased, and impartial. A committee member who is entitled to vote in a lower-level review of a candidate may be present for the discussion of that candidate but shall not participate in the discussion in any way and shall not vote on that candidate. The committee members must maintain absolute confidentiality in their consideration of cases. Outside of the committee meetings, members of the second-level review

committee shall not discuss specific cases with anyone who is not a member of the second-level review committee. The membership of the committee shall be made public at the time of the committee's appointment. Every member of the campus community must respect the integrity of the appointment, tenure and promotion process and must refrain from attempting to discuss cases with committee members or to lobby them in any way.

2.   Review of recommendations for promotion and tenure from non-departmentalized schools and colleges shall be conducted by the third-level review (see Section IV.C.1) committee.

3.   Both the recommendation of the second-level committee and the recommendation of the second-level administrator shall go forward to be considered, together with all other relevant materials, at higher levels of review.

4.   When significant questions arise regarding the recommendations from the first-level review or the contents of the dossier, the second-level review committee shall provide an opportunity for the Chair of the first-level academic unit and the designated spokesperson of the first-level unit review committee to meet with the second-level committee to discuss their recommendations; the committee shall provide them with a written list of the committee's general concerns about the candidate's case prior to the meeting. The second-level review committee may also request additional information from the first level of review by following the procedures described in Section F1 below.

5.   Whether its recommendation is favorable or unfavorable, the committee shall, as soon as possible and no later than thirty (30) days after the decision, transmit through the Dean its decision, its vote, and a written justification to the Provost. The Dean of the college shall also promptly transmit his or her recommendation with a written justification to the Provost.

C.   Third-level Review

1.   A third- or campus-level review committee shall be established in the following manner: The Provost shall appoint nine faculty members holding the rank of Professor, one from each of the eight large colleges (Agriculture and Natural Resources; Arts and Humanities; Behavioral and Social Sciences; Business; Computer, Mathematical, and Natural Sciences; Education; Engineering; School of Public Health) and one from among the four small colleges (Architecture, Planning, and Preservation; Information Studies; Journalism; Public Policy). Since this committee shall make its recommendations on the basis of whether or not the University's high standards for tenure and/or promotion have been met, members of this committee shall have a track record of outstanding academic judgment along with sufficient intellectual breadth and depth to be

capable of comparing and judging candidates from varied disciplinary, cross-disciplinary, and professional backgrounds. The Provost should endeavor to ensure that the committee is diverse. No small college shall be represented on the committee more frequently than once in every three terms. Candidates for the committee shall be solicited from the Deans of the Colleges and Schools, from the Senate Executive Committee, and from the faculty at large. No one serving in a full-time administrative position may serve as a voting member of the committee. The Provost shall be a non-voting ex-officio member. A committee member who is entitled to vote in a lower-level review of a candidate shall not be present for the discussion of that candidate and shall not vote on that candidate. Appointments to the third-level review committee from the eight large colleges shall be for three years while the appointment from one of the four small colleges shall be for two years, with the terms staggered so that approximately one-third of the committee is replaced each year. No one may serve two consecutive terms. The third-level review committee shall elect its own Chair and alternate Chair. The committee members must maintain absolute confidentiality in their consideration of cases. Outside of the committee meetings, members of the third-level review committee shall not discuss specific cases with anyone who is not a member of the third-level review committee. The membership of the committee shall be made public at the time of the committee's appointment. Every member of the campus community must respect the integrity of the appointment, tenure and promotion process and must refrain from attempting to discuss cases with committee members or to lobby them in any way.

2.   When questions arise regarding the recommendations from either the first- or second-level reviews or the contents of the dossier, the third-level committee shall provide the opportunity for the first-level unit administrator, the spokesperson for the first-level faculty review committee, the Dean of the college, and the Chair of the second-level review committee to meet with the third-level committee to discuss their recommendations; the committee shall provide them with a written list of the committee's general concerns about the candidate's case prior to the meeting. The third-level review committee may also request additional information from the first and second levels of review by following the procedures prescribed in Section F1 below.

3.   The committee shall promptly transmit its recommendation and a written justification through the Provost to the President, along with all materials provided from the lower levels of review. The Provost and the President shall confer about the case, and the Provost shall transmit his or her recommendation and a written justification to the President. If the Provost's recommendation differs from that of the third-level committee or from that of

the Dean, the Provost will meet with the committee and/or the Dean to discuss the review. After the President has made a decision, a report on the decisions reached at the third level of review shall be provided to the second-level administrator and faculty committee Chair, the first-level administrator and faculty Chair, and to the candidate.

4. The Third-level Review Committee and the Provost shall conduct an end-of-the-year review of appointment, promotion, and tenure. The Committee shall write a public Annual report, the purpose of which includes improving the understanding of faculty members and of academic units about appointments, promotion, and tenure. The report should include any recommendations for improvements in policy, procedures, or the carrying out of reviews of candidates. The Provost shall write a public report annually giving statistical information on the appointment, promotion, and tenure cases considered during the academic year.

D. Notification to Candidates for Tenure and/or Promotion

Upon completion of the first-level review, the unit administrator at the first level shall within two weeks of the date of the decision: (1) inform the candidate whether the recommendations made by the APT Review Committee and the unit administrator were positive or negative (including specific information on the number of faculty who voted for tenure and/or promotion, the number who voted against, and the number of abstentions), and (2) prepare for the candidate a letter summarizing in general terms the nature of the considerations on which those decisions were based. In the case of new appointments, inclusion of the vote count is not required. At higher levels of review, summaries shall be provided to the candidate whenever either or both faculty and administrator recommendations are negative. The Chair of the APT Review Committee shall review the summary letter prepared by the unit administrator in order to ensure that it accurately summarizes the considerations regarded as relevant by the APT Review Committee at that level. The Chair of the APT Review Committee at each level shall be provided access to the unit administrator's letters to the candidate and to the next level of review in order to ensure that the summary accurately reflects the recommendation and rationale provided to higher levels of review. In addition, both letters shall be made available for review in the office of the Chair (Dean) by any member of the APT Review Committee at that level. In the event that the Chair of the APT Review Committee and the unit administrator are unable to agree on the appropriate language and contents of the summary letter, each shall write a summary letter to the candidate. A copy of all materials provided to the candidate shall be added to the tenure or promotion file as the case proceeds through higher levels of review.

E. Presidential Review

Full-time appointments or promotions to the ranks of Associate Professor or Professor require the written approval of the President, in whom resides final authority for promotion and

granting of tenure to faculty. Final authority for any appointment or promotion to the rank of Associate Professor or Professor cannot be delegated by the President.

F.   General Procedures Governing Promotion and Tenure

1.   With the exception of the third-level review committee, in their reviews of tenure and promotion recommendations from lower levels, upper-level administrators or review committees may not seek or use additional information from outside sources concerning a candidate's merits unless: (1) the materials forwarded from lower levels indicate the presence of a significant dissenting vote or divided recommendations from a lower level; (2) representatives from the first-level unit participate in the selection of additional persons to be consulted; and (3) the assessments received from these external sources are shared with and considered by the first-level review committee and by the unit's Chair or Dean; and (4) the review committee and the unit's academic administrator have the opportunity to reconsider their recommendations in the light of the augmented promotion dossier. The third-level review committee may seek additional information on any candidate as it chooses, although it must follow (2), (3) and (4) as described above. In doing so, the committee should ask the Provost to obtain the additional information from the Dean, who would then consult with the Department Chair to obtain faculty input. The evidential basis for upper-level committees and administrators should be restricted to the materials as assembled and evaluated by the first-level unit, with the exception of information obtained in compliance with the procedures just described. Candidates for tenure or promotion, however, are permitted to bring to the attention of the university administration any changes in their circumstances, which might have a significant bearing on the tenure or promotion question. In the event that candidates for tenure or promotion bring information of this sort to the attention of upper-level committees or administrators after the first-level review has been concluded, these committees or administrators may take these changes into account in reaching their decisions and may elect to send the case back to the first-level for reconsideration.

2.   The candidate's application and supporting materials, and the reports and recommendations of the first-level committee and administrator, shall be transmitted to the appropriate levels of secondary review no later than a date set annually by the Provost.

3.   If an untenured faculty member requests leave without pay for a year or more, the Dean of the college in which the faculty member will be considered for tenure shall recommend whether or not the faculty member's mandatory tenure review will be delayed. A positive recommendation from the Dean to

stop the tenure clock shall require evidence: (1) that the leave of absence will be in the interest of the University, and (2) that the faculty member's capacity to engage in continued professional activity will not be significantly impaired during the period of the leave. The Dean's recommendation shall be included in the proposal for leave submitted to the Provost. Delay of the mandatory tenure review requires the written approval of the Provost.

4.   A faculty member who would otherwise receive a formal review for tenure may waive the review by requesting in writing that he or she not be considered for tenure. A faculty member who has waived a tenure review shall receive whatever terminal appointments he or she would have received if tenure had been denied. A faculty member at any rank who has been denied tenure and who is ineligible for further consideration shall receive an additional and terminal one-year appointment in that rank.

5.   All recommendations for the appointment of faculty below the rank of Associate Professor shall be transmitted for approval through the various levels of review to the President or designee. Final authority for any appointment that confers tenure or for any appointment or promotion to the rank of Associate Professor or Professor cannot be delegated by the President.

6.   After a negative decision by the President, candidates for promotion or tenure shall be notified by certified mail. Determination of the time limits for the period during which an appeal may be made shall be based on the date of the candidate's receipt of the President's letter.

G.   Procedures Governing the Granting of Emerita/Emeritus Status

1.   Associate Professors, Professors, Distinguished University Professors, Senior Agents, Principal Agents, Librarians III, Librarians IV, Professors of the Practice, Research Professors, Research Scientists, Research Scholars, Research Engineers, Artists-in-Residence, Principal Agent Associates, Clinical Professors, Principal Lecturers, and Principal Faculty Specialists, who have been members of the faculty of the University of Maryland at College Park for the equivalent of ten or more years of full-time service, and who give to their Chair or Dean proper written notice of their intention to retire, are eligible for nomination to emerita/emeritus status (see I.F.12 Emerita, Emeritus). Only in exceptional circumstances may faculty with fewer than the equivalent of ten years of full-time service to the institution be recommended for emerita/emeritus status.

2.   The decision whether or not to award emeritus standing shall be based primarily on the candidate's record of significant accomplishment in any of the three areas of (1) teaching and advisement, (2) research, scholarship, creative and/or professional activity, and (3) service.

3.   If a faculty member gives notice of intention to retire before March 15, the first-level tenured faculty shall vote on emeritus standing within 45 days of the notice. If notice is given after March 15, the vote shall be taken no later than the 45th day of the following semester. The result of the vote shall be transmitted in writing to the candidate and to the administrator of the unit no later than ten days after the vote is taken. A faculty member who has not been informed of the decision concerning his or her emeritus standing within the time limits specified, shall be entitled to appeal the action as a negative decision in accordance with V.B.1.

4.   The review committee of the first-level unit shall consist of all eligible members of the faculty. Eligible members of the faculty are all full-time tenured Associate and Full Professors, as appropriate, excluding the Chair or Dean. The vote of the entire eligible faculty shall be considered the recommendation of the faculty. The Chair or Dean shall submit a recommendation separately; the recommendation of the Chair or Dean shall be considered together with all relevant materials by administrators at higher levels.

5.   An emeritus case shall go forward to the next level of review if the department Chair 's recommendation is positive or the faculty vote is at least fifty percent favorable.

6.   The Chair of the first-level committee shall prepare a written report, stating the committee's vote and recommendation on whether or not to award emeritus standing and explaining the basis for the faculty's recommendation insofar as that basis has been made known in the discussions taken place among the members of the committee. This letter will be forwarded to the Chair or Dean for his or her information and for forwarding to higher levels of review. Faculty participating in the unit's deliberations who wish to express a dissenting view are free to do so, and any such written statement shall be included in the materials sent forward to the next level of review.

7.   The recommendation of the first-level administrator shall also be in writing. The administrator's recommendation shall be transmitted to the second-level of review and a copy shall be made available for review by any member of the faculty participating in the unit's review deliberations.

8.   Second-level review of recommendations of emeritus standing shall be conducted by the appropriate Dean. Second-level reviews of recommendations from non-departmentalized schools and colleges shall be conducted by the Provost. The second-level recommendation of the Dean or the Provost, together with all other relevant materials, shall be transmitted to the President.

9.   The President shall make the final decision on the award of emeritus standing.

10. Faculty members with ten or more years of service to the University who retired prior to the effective date of this policy and who have not been granted emeritus standing may apply to their departments for consideration as in Section IV.G.1.

H. Termination of Faculty Appointments for Cause

If a tenured or tenure-track faculty member whose appointment the campus administration seeks to terminate for cause requests a hearing by a hearing officer, the hearing officer shall be appointed by the President from a college or school other than that of the appointee, with the advice and consent of the faculty members of the Executive Committee of the Campus Senate. If the appointee requests a hearing by a faculty board of review, members of the board of review shall be appointed by the faculty members of the Executive Committee of the Campus Senate from among tenured Professors not involved in administrative duties.

V. THE APPEALS PROCESS

A. Appeals Committees

1. The President shall appoint an appeals committee. This committee shall consist of nine faculty members holding the rank of Professor, one from each of the eight large colleges (Agriculture and Natural Resources; Arts and Humanities; Behavioral and Social Sciences; Business; Computer, Mathematical, and Natural Sciences; Education; Engineering; School of Public Health) and one from among the four small colleges (Architecture, Planning, and Preservation; Information Studies; Journalism; Public Policy). No small college shall be represented on the committee more frequently than once in every three terms. Candidates for the committee shall be solicited from the Deans of the Colleges and Schools, from the Senate Executive Committee, and from the faculty at large. No one serving in a full-time administrative position and no one who has participated in the promotion and tenure review process of the appellant shall serve on the campus appeals committee. Appointment to the campus appeals committee shall be for one year, and no one may serve two consecutive terms. Appeals committees shall elect their own chairs. The committee members must maintain absolute confidentiality in their consideration of cases.

2. Special appeals committees at the college, school or campus level shall be appointed by the Dean, Provost or President in a manner consistent with the policies, bylaws, or practice of the respective unit.

B. Guidelines and Procedures for Appeals

1. Negative Promotion and/or Tenure Decisions

a.   Mandatory and Non-Mandatory Reviews

When a candidate for promotion and/or tenure receives notification from the President, Dean or Chair that promotion or tenure was not awarded, the candidate may appeal the decision by requesting that the President submit the matter to the Campus Appeals Committee for consideration. The request shall be in writing and be made within sixty (60) days of notification of the negative decision. If the request is granted, all papers to be filed in support of the appeal must be submitted to the Appeals Committee not later than one hundred and twenty (120) days after notification unless otherwise extended by the President because of circumstances reasonably beyond control of the candidate. In writing these appeals letters, the appellant should be aware that these letters serve as the evidentiary basis for investigations of the validity of the appeal and that, should the President accept the request and refer the appeal to the Campus Appeals Committee, these letters shall be shared by the Campus Appeals Committee with the parties against whom allegations are made and any other persons deemed necessary by the Committee for a determination of the issues.

b.   Grounds for Appeal

The grounds for appeal of a negative promotion and tenure decision shall be limited to (1) violation of procedural due process, and/or (2) violation of substantive due process.

A decision may not be appealed on the ground that a different review committee, department Chair, Dean or Provost exercising sound academic judgment might, or would, have come to a different conclusion. An appeals committee will not substitute its academic judgment for the judgment of those in the review process.

Violation of procedural due process means that the decision was negatively influenced by a failure during the formal review for tenure and/or promotion by those in the review process to take a procedural step or to fulfill a procedural requirement established in relevant promotion and tenure review procedures of a department, school, college, campus or system. Procedural violations occurring prior to the review process are not a basis for an appeal and are dealt with under the provisions of paragraph 4 of the introduction to Section IV, Promotion, Tenure, and Emeritus Review.

Violation of substantive due process means that: (1) the decision was based upon an illegal or constitutionally impermissible consideration;

e.g. upon the candidate's gender, race, age, nationality, handicap, sexual orientation, or on the candidate's exercise of protected first amendment freedoms (e.g., freedom of speech); or (2) the decision was arbitrary or capricious, i.e., it was based on erroneous information or misinterpretation of information, or the decision was clearly inconsistent with the supporting materials.

c. <u>Standard of Proof</u>

An appeal shall not be granted unless the alleged grounds for appeal are demonstrated by a preponderance of the evidence.

d. <u>Responsibilities and Powers of the Appeals Committee</u>

1. The appeals committee shall notify the relevant administrators and APT Chairs in writing of the grounds for the appeal and meet with them to discuss the issues.

2. The appeals committee shall meet with the appellant to discuss and clarify the issues raised in the appeal.

3. The appeals committee has investigative powers. The appeals committee may interview persons in the review process whom it believes to have information relevant to the appeal. Additionally, the Appeals Committee shall examine all documents related to the appellant's promotion or tenure review and may have access to such other departmental and college materials as it deems relevant to the case. Whenever the committee believes that a meeting could lead to a better understanding of the issues in the appeal, it shall meet with the appropriate party (with the appellant or with the relevant academic administrator and APT Chair).

4. The Appeals Committee shall prepare a written report for the President. The report shall be based upon the weight of evidence before it. It shall include findings with respect to the grounds alleged on appeal, and, where appropriate, recommendations for corrective action. Such remedy may include the return of the matter back to the stage of the review process at which the error was made and action to eliminate any harmful effects it may have had on the full and fair consideration of the case. No recommended remedy, however, may abrogate the principle of peer review.

5. The President shall attach great weight to the findings and recommendations of the committee. The decision of the President shall be final. The decision and the rationale shall be transmitted to the appellant, the Department Chair, Dean, Chair(s) of the relevant APT committee(s) and Provost in writing.

e. Implementation of the President's Decision

1. When the President supports the grounds for an appeal, the Provost has the responsibility for oversight of the implementation of the corrective actions the President requires to be taken. Within 30 days of receipt of the President's letter, the Provost shall request the administrator involved to formulate a plan and a timeline for implementing and monitoring the corrective actions. Within 30 days after receipt of this letter, the administrator must supply a written reply. The Provost may require modification of the plan before approving it.

2. The Provost shall appoint a Provost's Representative to participate in all stages of the implementation of the corrective actions specified in the approved plan for the re-review, including participation in the meeting or meetings at which the academic unit discusses, reviews, or votes on its recommendation for tenure and/or promotion for the appellant. The Provost's Representative shall participate in these activities but does not have a vote. After the academic unit completes its review, the Provost's Representative shall prepare a report on all of the elements of corrective action specified in the approved plan and this report will be included with the complete dossier to be reviewed at higher levels within the University. The Provost's Representative shall be a senior member of the faculty with no previous or potential involvement at any level of review or appeal pertaining to the consideration of the appellant for tenure and/or promotion except for the participation as Provost's Representative as defined in this paragraph.

3. The Provost's request and the administrator's approved plan of implementation must be included in the dossier from the inception of the review. Re-reviews begin at the level of review at which the violation(s) of due process occurred and evaluate

the person's record at the time the initial review occurred unless otherwise specified by the President. The administrator at the level at which the errors occurred, in addition to evaluating the candidate for promotion, must certify that each of the corrective actions has been taken and describe how the actions have been implemented. Re-reviews must proceed through all levels of evaluation including Presidential review. The Provost's review of the dossier will include an evaluation of compliance with the requirements imposed in the President's decision to grant the appeal. If the Provost discovers a serious failure by the unit to comply with the corrective actions required, the Provost shall formulate and implement a new plan for corrective action with respect to the appellant. In addition, the Provost shall inform (in writing) the administrator of the unit where the failure arose and the Provost shall take appropriate disciplinary action.

f.   Extension of Contract

In the event that the appellant's contract of employment will have terminated before reconsideration can be completed, the appellant may request the President to extend the contract for one additional year beyond the date of its normal termination, with the understanding that the extension does not in itself produce a claim to tenure through length of service.

2.   Decision Not to Review

If a faculty member requests his or her first level academic unit to undertake a review for his or her promotion or early recommendation for tenure, and the academic unit decides not to undertake the review or fails to transmit a recommendation by the date announced for transmittals, as specified in IV.F.2, above, the faculty member may appeal to the Dean (if in a department) or to the Provost (if in a non-departmentalized school or college) requesting the formation of a special appeals committee to consider the matter. The request shall be made in writing. It shall be made promptly, and in no case later than thirty (30) days following written notification of the decision of the first-level academic unit.

If the Dean or Provost determines not to form a special appeals committee, the faculty member may appeal to the Provost (if the decision was the Dean's) or to the President (if the decision was the Provost's) requesting formation of the special appeals committee. Request shall be made in writing. It shall be made

promptly, and in no case no later than thirty (30) days following written notification of the decision of the Dean or Provost.

The grounds for appeal and the burden of proof shall, in all instances, be the same as set forth in V.B.1.b and c, above. A committee shall not substitute its academic judgment for that of the first-level unit. The responsibility of a special appeals committee shall be to prepare findings and recommendations. The committee may, for example, recommend that the Dean or Provost extend the deadline for transmitting a recommendation and instruct the first-level unit to forward supporting documents as expeditiously as possible. A decision by a Dean or the Provost, upon receiving the findings and recommendations of a special appeals committee, shall be final. A decision by the President shall be final.

3. Decision Not to Renew

When, prior to the mandatory promotion and tenure decision, an untenured tenure-track faculty member receives notification that his or her appointment will not be renewed by the first-level unit, he or she may appeal the decision in the manner described in V.B.1.a above.

4. Emeritus Standing

An unsuccessful candidate for emeritus standing may appeal the decision in the manner described in Section V.B.1 above.

University Senate
CHARGE

Date:	February 23, 2016
To:	KerryAnn O'Meara Chair, Faculty Affairs Committee
From:	Jordan A. Goodman Chair-Elect, University Senate
Subject:	Use of Visiting Faculty Titles for Professional Track Faculty Appointments
Senate Document #:	15-16-17
Deadline:	November 11, 2016

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee (FAC) review the use of visiting faculty titles for professional track faculty appointments.

Specifically, we ask that you:

1. Review the University of Maryland, College Park Policy on Appointment, Promotion, and Tenure of Faculty (II-1.00 [A]).

2. Review the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty (II-1.00).

3. Review the University of Maryland Policy on Professional Track Faculty (II-1.00 [G])

4. Review the UMD Faculty Handbook's description of visiting appointments.

5. Review the recommendations in the Elections, Representation, & Governance (ERG) Committee's memo regarding the use of visiting faculty titles.

6. Consult with a representative from the University's Office of Faculty Affairs.

7. Consider whether current practices should align with existing policies or whether relevant policies should be updated to reflect actual practices.

8. Consult with the University's Office of General Counsel on any proposed recommendations.

We ask that you submit a report to the Senate Office no later than November 11, 2016. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Attachment

JAG/rm

UNIVERSITY SENATE

1100 Marie Mount Hall
College Park, Maryland 20742-7541
301.405.5805 TEL 301.405.5749
FAX
http://www.senate.umd.edu

February 10, 2016

Mr. Willie Brown
Chair, University Senate
3369 Computer & Space Sciences Building
College Park, MD 20742-2411

Dear Mr. Brown:

The Senate Elections, Representation, and Governance (ERG) Committee recently completed a charge to conduct a reapportionment of the University Senate (Senate Document #14-15-35). The charge asked the ERG Committee to calculate the correct apportionment for all Senate constituencies and, where appropriate, recommend revisions to Senate seats. The steps taken during the ERG Committee's apportionment process involved consideration not only of unit composition campus-wide, but also of aggregate counts of titles used across campus, with population data provided by the Office of Institutional Research, Planning, and Assessment (IRPA).

As we reviewed population data associated with various faculty titles, the ERG Committee observed irregularities in the use of the Visiting Professor title and identified concerns related to the use of the title on campus. I am writing today on the committee's behalf to recommend that the University Senate notify the Office of the Provost, and other relevant administrative offices, of these irregularities.

The ERG Committee began reviewing Visiting Faculty titles as they relate to Senate constituency definitions, and found that individuals with Visiting titles lacked Senate representation. This conclusion was the basis for our submission of Senate Document #15-16-15, in which the ERG Committee proposed an amendment to the Senate Bylaws to include faculty with Visiting titles in the single member constituency for part-time professional track faculty; this recommendation was reviewed and approved by the Senate on December 9, 2015.

As noted in Senate Document #15-16-15, the University of Maryland's APT Policy and the UMD Faculty Handbook indicate that "*The prefix **Visiting** before an academic title, e.g., Visiting Professor, shall be used to designate a short-term professional appointment without tenure*" (https://faculty.umd.edu/policies/ntt_titles.html).

Similarly, section I.A.2. of the University System of Maryland APT Policy states:

> *Visiting faculty appointments are usually made for one academic year or less. Only in unusual circumstances shall a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a search process before or after the initial appointment in accordance with the institution's procedures, including adherence to affirmative action guidelines. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as probationary years for purposes of consideration for tenure* (http://www.president.umd.edu/policies/docs/II-100.pdf).

The ERG Committee, during its apportionment review process, determined that in several cases, Visiting titles have been utilized for appointments extending well beyond its stated purpose. At present, there are several full-time faculty members with the title whose service extends beyond the time frames stated in

the APT guidelines. In fact, a number of faculty at UMD have retained this title for periods exceeding 15-20 years.

In considering the appointments of Visiting faculty, the ERG Committee consulted with Mark Arnold, who serves as the Director of Faculty Initiatives in the Office of Faculty Affairs. Mr. Arnold graciously served as a guest to our committee, is a former ERG Committee member, and has been extremely helpful.

In order to comply with University guidelines, the ERG Committee feels that administrators should align practices with existing policies, and/or update the relevant policies to reflect actual practices. In addition to aligning practice with policy, addressing the use of Visiting titles will also increase the likelihood that these faculty can be appropriately represented on the University Senate in a manner consistent with their institutional roles.

As such, the ERG Committee recommends that the University Senate notify the Office of the Provost (and other administrative offices deemed relevant) regarding the irregularities we found in the current use of the Visiting Professor title.

Please notify me if you need further clarification from the ERG Committee regarding this matter.

Sincerely,

Jess Jacobson
Chair, Senate ERG Committee

JOINT PRESIDENT/SENATE SEXUAL ASSAULT PREVENTION TASK FORCE

University Senate Presentation

February 9, 2017

3:15 – 5:00 p.m., Prince George's Room, Stamp Student Union

TASK FORCE ACTIVITIES

▶ Convened mid-October 2016

▶ Consulted with representatives from current UMD programs

▶ Held campus-wide open forum and graduate student forum

▶ Researched peer and other Big10 institution best practices

▶ In the process of forming recommendations

CURRENT UMD PROGRAMMING

▶ Required Online Compliance Training customized for each constituency (all faculty, staff, and students) by OCRSM

▶ Summer Orientation - focused on safety and presented by Chief Mitchell/Public Safety

▶ UNIV 100 - CARE/Health Center Peer Educators facilitate in-person presentations on Step Up bystander intervention training

CURRENT UMD PROGRAMMING

▶ OCRSM/CARE - provide in-person training upon request

▶ Greek Life

- ▶ Ten Man Plan & Ten Woman Plan -10-week program focused on organizational change and utilizes bystander intervention

- ▶ Mandatory 8 workshop requirements for chapters including one on sexual assault prevention programs.

- ▶ Additional requirement for sexual assault prevention programming to participate in Homecoming/Greek Week activities

CURRENT UMD PROGRAMMING

- Athletics
  - Rotating semester training requirement for all athletes and athletics staff, which includes sexual assault prevention and alcohol prevention
  - Terp101 for first year student-athletes – weekly seminar that includes sexual assault prevention
  - Additional programming throughout the year

CURRENT UMD PROGRAMMING

- ▶ Rule of Thumb - public awareness campaign to raise awareness, promote available resources, and promote bystander intervention tips related to sexual assault for faculty, staff, and students

- ▶ Required SEES Undergraduate Student Climate Survey conducted by OCRSM

TASK FORCE FINDINGS: BEST PRACTICES AT PEER/BIG10 INSTITUTIONS

▶ Combination of on-line and person-to-person training for students that is sequenced and compounding in content

▶ Student training addresses policies, reporting procedures, campus resources, consent, risk reduction, bystander intervention, decision making, communication, healthy relationships, role of alcohol

TASK FORCE FINDINGS: BEST PRACTICES AT PEER/BIG10 INSTITUTIONS

▶ Place prevention training establishing an overall context for wellness or healthy relationships

▶ Provide targeted training for high-risk groups such as greek-life and student-athletes and unique-need groups such as international students, graduate students, and LGBTQ community

TASK FORCE FINDINGS: BEST PRACTICES AT PEER/BIG10 INSTITUTIONS

▶ Establish accountability for completion of training through registration blocks

▶ Assess the impact of training through outcome-based assessment of individual training activities, and climate assessment that measures attitudes, awareness, and behavior change

TASK FORCE FINDINGS: BEST PRACTICES AT PEER/BIG10 INSTITUTIONS

▶ Utilize a communication and awareness strategy that has multiple elements

  ▶ Overarching context that creates consistent messaging by all parties including campus agencies and leadership

  ▶ Centralized website that incorporates communications campaign message, links to policies and procedures, campus resource information, reporting link, program and event calendars, campus stakeholders and collaborator links

  ▶ Social media, publications, emails, poster campaigns

TASK FORCE FINDINGS: BEST PRACTICES AT PEER/BIG10 INSTITUTIONS

▶ Establish campus wide, cross-divisional group or collaborative team that orchestrates messaging, awareness campaigns, prevention training and programs, evaluates activities using ongoing assessment

▶ Incorporate faculty and academic units in awareness and resource information distribution, some integrating a sexual assault prevention element into their course curricula, and others creating actual course offerings on sexual misconduct prevention

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

- ▶ Retain the online compliance training requirements:
  - ▶ First-year and transfer undergraduate students: Sexual Misconduct and Alcohol.edu
  - ▶ Graduate students (unique to their needs)
  - ▶ Faculty & Staff
- ▶ Retain the Chief's Safety talk during Summer Orientation with some modifications

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Require first-year and transfer students to complete one face-to-face training session during their first year enforced by registration blocks (through UNIV and other sessions)

▶ Require all University-recognized student groups (student organizations & club sports) to provide and complete sexual assault prevention programs

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Create a combination of on-line prevention tutorials, and a variety of other qualifying programs, events, or face-to-face training options that would enable students to complete required prevention activities in their second and third years

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Specific training aimed at the unique needs of graduate students

▶ Improve the consistency of information and training available to graduate students

▶ Retain current prevention requirements for greek-life and student-athletes

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Build evaluation strategies that utilize outcome assessments of specific training activities and programs, and use awareness, attitude and behavior data on the SEES climate assessment to evaluate longer term success

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Create a communications strategy that:

  ▶ Enables consistent messaging across awareness campaigns, media and social media messaging, publications, prevention training, prevention programs, resources for faculty and staff, and statements by campus leadership

  ▶ Incorporates existing campaigns (Rule of Thumb)

  ▶ Creates a context of an affirmative, gain oriented theme (healthy relationships, wellness) into which prevention programs and training fit.

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Collect data on a continuous basis on how students utilize social media, university communication, and information sources in order to refine communications strategies

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Build a central website/hub that includes:

- ▶ Policies and procedures
- ▶ Resources
- ▶ Reporting links
- ▶ Prevention training
- ▶ Program/event calendars
- ▶ Campaign messages and themes

- ▶ Campus collaborators and stakeholders
- ▶ Links to online training modules
- ▶ Toolkits and publicity links that enable student-driven prevention programming

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ Establish and charge an ongoing cross-divisional, campus-wide Collaborative Campus Planning Team with carrying out the coordination and provision of all prevention training, awareness programming, campaign messaging, and evaluation/assessment

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

▶ College Action Plans to be developed by Deans to find ways that Colleges can ensure that information and resources are available to all members of the college, publicity of programming events, and posting of communication materials to help contribute to the University's goals

DEVELOPING DIRECTIONS FOR TASK FORCE RECOMMENDATIONS

- Progress reports on the implementation of the approved recommendations should be shared with the University community

- Phased Approach to Programming Implementation

OPEN DISCUSSION

NEXT STEPS

▶ The Task Force plans to complete its work in time to provide a final report and its recommendations to the Senate in April.

▶ We encourage members of the campus community to continue to engage with the Task Force via the feedback form on the website http://go.umd.edu/saptf.

FAQS FOR RESPONDING TO SEXUAL MISCONDUCT ISSUES AT UMD

Where do I go if I'm not sure if I want to formally report an incident, but I need some support and want to understand my options?

The University of Maryland has multiple resources for faculty, staff, undergraduate students, and graduate students who are victims of sexual assault or sexual misconduct, including offices and individuals who have a professional or legal obligation to keep communications confidential. The following campus offices provide support and can help someone review all their options in a confidential setting:

- Campus Advocates Respond and Educate (CARE) to Stop Violence
  - Phone (University Health Center Office): 301-314-2222; Phone (24/7 Help Line [call/text]): 301-741-3442; Website: www.health.umd.edu/care
  - CARE provides free and confidential resources to any member of the campus community impacted by sexual misconduct. CARE provides counseling using trauma-informed care principles, a 24-hour crisis line, and can provide other assistance to those impacted by sexual misconduct.
- Faculty Staff Assistance Program (FSAP)
  - Phone: 301-314-8170 or 301-314-8099 Website: http://www.health.umd.edu/fsap
  - FSAP provides free and confidential support to all faculty and staff (and their family members) on a range of issues, including sexual misconduct.
  - Services include short-term counseling services provided through FSAP (generally used for 3 sessions, but can support up to 10 sessions of counseling). Provides referrals for long-term counseling needs.
- University Counseling Center
  - Phone: 301-314-7651 Website: www.counseling.umd.edu
  - The Counseling Center provides comprehensive psychological and counseling services to students and others in the University community. The Center is staffed by counseling and clinical psychologists.
- University Health Center, Mental Health Service
  - Phone: 301-314-8106 Website: http://www.health.umd.edu/mentalhealth/services

- - - The Mental Health Service in the Health Center offers short-term psychotherapy, medication evaluations, crisis intervention, group psychotherapy, and more. The service is staffed by psychiatrists and licensed clinical social workers.
  - Campus Chaplains
    - Website: http://thestamp.umd.edu/memorial_chapel/chaplains
    - Campus chaplains represent 14 faith communities, working to serve the spiritual needs of the community. Campus Chaplains will meet with any member of the campus community, regardless of faith background.

Where do I go if I want to file a complaint of sexual misconduct or begin an investigation process?

The University's formal sexual misconduct complaint process can involve multiple offices and organizations on campus, but it typically begins with the Office of Civil Rights & Sexual Misconduct. A formal report of sexual misconduct may be made to any of the following offices at any time:

- - Office of Civil Rights & Sexual Misconduct (OCRSM)
    - Phone: 301-405-1142 Website: http://www.umd.edu/ocrsm/about/
    - Responsibilities: Oversees and implements Unviersity compliance with Title IX and civil rights laws and regulations, serves as the main point of contact for non-confidential reporting of sexual misconduct, is responsible for adjudicating sexual misconduct complaints through formal grievance procedures, monitors outcomes and patterns related to sexual misconduct, assesses effect of sexual misconduct on campus climate.
  - Office of Student Conduct (OSC)
    - Phone: 301-314-8204 Website: http://www.studentconduct.umd.edu
    - Assists the OCRSM in addressing and resolving complaints of sexual misconduct involving students. The OSC can provide assistance to students who wish to report incidents of sexual misconduct.
  - Office of Rights and Responsibilities (R&R), Department of Resident Life
    - Phone: 301-314-7598 Website: www.reslife.umd.edu/rights
    - Administers the process for all policy violations that occur in residence halls and can provide assistance to students who wish to report incidents of sexual misconduct.

- - - Two staff members in R&R are devoted to conduct issues, including sexual misconduct. Staff are appropriately trained on Title IX issues.
  - University of Maryland Police / Department of Public Safety
    - Phone: 301-405-3555 Website: http://www.umpd.umd.edu/
    - Partners with OCRSM and CARE to assist in resolution of sexual misconduct reports, and assists University community members with notifying law enforcement authorities in other jurisdictions, as appropriate and necessary.

What services does the University provide to those who have experienced sexual misconduct?

Through the work of various offices on campus, the University provides many services to those who have experienced sexual misconduct. In the immediate response to an incident, CARE provides a 24/7 Crisis Cell line and can help students get to a hospital or get to other resources that are immediately needed. The University Health Center has a Victim Assistance Fund to provide financial support for victims of violence in the community, to aid with medical care, relocation costs, and other expenses associated with victimization. CARE staff can accompany individuals when they are seen at the hospital or ensure that a patient advocate at the hospital is present, and helps victims understand the processes and options they face immediately after an incident.

The University continues to support those impacted by sexual misconduct after the immediate response to an incident is completed. The University offers support through CARE, the Counseling Center, and the Mental Health Service in the Health Center. The University can also provide other forms of assistance, whether that be facilitating communications with faculty to notify them that a student is having difficulty focusing on coursework, or helping a student change classes or change on-campus housing arrangements as needed.

To get connected to resources and support, please contact CARE or the Counseling Center.

Where can I find the University's sexual misconduct policies and procedures?

The University's Sexual Misconduct Policy & Procedures can be found at: https://www.president.umd.edu/administration/policies/section-vi-general-administration/vi-160a-0

Am I required to report incidents of sexual misconduct that I become aware of in the course of my work or study at the University?

At the University of Maryland, only those who are "Responsible University Employees" (RUEs) are required to report incidents they become aware of to the OCRSM. A Responsible University Employee is defined in University policy as any University administrator, supervisors (in a non-confidential role), faculty members, teaching assistants, academic advisors, campus police, coaches, athletic trainers, resident assistants, and non-confidential first responders. If you are an RUE, you need to immediately inform the person who disclosed the incident that you are not a confidential resource and that you have an obligation to notify the OCRSM of the disclosure immediately. It is recommended that you refer the person to CARE as the confidential resource on campus for those who experience sexual misconduct.

Information for UMD faculty, teaching assistants, and academic advisors on their reporting obligations can be found at:
http://www.umd.edu/ocrsm/files/Faculty_Reporting_Obligations_July2016.pdf

Information for UMD staff in supervisory roles on their reporting obligations can be found at: http://www.umd.edu/ocrsm/files/RUE_Reporting_Obligations_July_2016.pdf

If I am a graduate student who is also a Teaching Assistant, am I required to report disclosures of sexual misconduct that are made to me?

Your obligation to report depends on the situation in which the disclosure is made. If a fellow graduate student discloses an incident to you, you are not required to report it. If an undergraduate student comes to you as their TA and discloses an incident, or if an incident is disclosed in a setting in which you are acting as the TA, you are required to report the disclosure to the Title IX Officer as a Responsible University Employee.

Are members of the University community required to take any training on sexual misconduct issues?

All UMD students, staff, and faculty are required to complete online compliance training as one step towards creating an environment free from sexual misconduct and other forms of discrimination. Trainings include information on University policy and procedures, definitions of sexual misconduct, how to report sexual misconduct and/or discrimination of other forms, and other key information. Undergraduate students and graduate students are required to take the training prior to coming to the University, and

the trainings include information and scenarios unique to the student experience. Faculty and staff are required to take the training shortly after joining the University, and have training requirements to be completed every year (sexual misconduct training is provided every other year, and training on other forms of discrimination in offered every other year).

How can my department or my students learn more about issues related to sexual assault and sexual misconduct?

Many University groups offer presentations or information by request on a wide range of topics related to sexual misconduct. CARE peer educators facilitate in-person presentations, including Step Up bystander intervention training and individual presentations targeted at specific groups, such as faculty, staff, and student organizations. The UMPD provides presentations at summer orientations for new students, and meets with groups by request to have conversations about how to navigate high-risk situations or to provide information on specific safety topics. The University Student Judiciary, overseen by the Office of Student Conduct, does presentations by request for student groups and classes on issues related to misconduct, including academic misconduct and sexual misconduct, and presents basic information about the University's policy and key definitions, such as consent.

University Senate
CHARGE

Date:	September 20, 2016
To:	Steve Petkas Chair, Joint President/Senate Sexual Assault Prevention Task Force
From:	Wallace D. Loh President Jordan A. Goodman Chair, University Senate
Subject:	Sexual Assault Prevention at the University of Maryland
Senate Document #:	16-17-11
Deadline:	March 31, 2017

President Loh and the Senate Executive Committee (SEC) request that the Joint President/Senate Sexual Assault Prevention Task Force consider the creation of a comprehensive plan for sexual assault prevention and determine whether and how such a plan could be implemented at the University of Maryland, keeping in mind the need for recommendations that can realistically be implemented, to comport with prevailing best practices. The University currently administers a variety of educational programs related to sexual assault and bystander intervention but does not have a coordinated comprehensive sexual assault prevention plan for the University.

Specifically, we ask that you:

1. Consult with representatives of the Office of Civil Rights and Sexual Misconduct (OCRSM), the University Health Center's CARE (Campus Advocates Respond and Educate) to Stop Violence program, the Office of Student Conduct (OSC), and the Office of Rights and Responsibilities in the Department of Resident Life, the Department of Fraternity and Sorority Life, the Department of Athletics, and other relevant units on current and potential programs and plans related to sexual assault educational programming and bystander intervention at the University.

2. Review advice and considerations from the White House Task Force to Protect Students from Sexual Assault (https://www.notalone.gov/), as well as the Sexual Violence Prevention Strategies (e.g., programs deemed "Effective" and "Promising") from the Centers for Disease Control and Prevention (CDC) (http://www.cdc.gov/violenceprevention/sexualviolence/prevention.html).

3. Review and assess information compiled by University legal consultants Pepper Hamilton in 2013, specifically the information gathered and their resulting recommendations regarding sexual assault prevention, education and training at the University.

4. Review and assess programs and models at our peer institutions for the prevention of sexual assault, including any programs that recognize the correlation between sexual assault and high risk drinking.

5. Collect input from other University constituents as necessary.

6. Consult with representatives from the Student Government Association's (SGA) Committee on Sexual Misconduct Prevention.

7. Determine the elements needed for a comprehensive sexual assault prevention plan (e.g., training programs, educational campaigns, targeted and centralized communication efforts, etc.) and assess the frequency, limitations, and scope of any existing elements at the University.

8. Consider how a comprehensive sexual assault prevention plan for the University should be designed based on best practices at other universities and our specific needs and goals.

9. Consider how a comprehensive sexual assault prevention plan, including training, could be evaluated for effectiveness.

10. Provide ways to seek input from, and to engage and educate, the larger campus community, through a town hall or open forum.

11. Consult with the University's Office of General Counsel on any proposed recommendations.

12. If appropriate, make recommendations for a comprehensive plan for the prevention of sexual assault at the University.

We ask that you submit your report and recommendations to the Senate and the President's Offices no later than March 31, 2017. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.