

February 4, 2015

**MEMORANDUM**

**TO:** University Senate Members

**FROM:** Donald Webster  
Chair of the University Senate

**SUBJECT:** University Senate Meeting on Wednesday, February 11, 2015

---

The next meeting of the University Senate will be held on Wednesday, February 11, 2015. The meeting will run from **3:15 p.m. – 5:00 p.m.**, in the **Atrium of the Stamp Student Union**. If you are unable to attend, please contact the Senate Office<sup>1</sup> by calling 301-405-5805 or sending an email to [senate-admin@umd.edu](mailto: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 11, 2014 Senate Minutes (Action)
3. Report of the Chair
4. Proposal to Streamline the University's Marijuana Policy with State Policy (Senate Doc. No. 13-14-13) (Information)
5. Review of the University of Maryland Plan of Organization (Senate Doc. No. 14-15-19) (Action)
6. Hazing Policy Revision (Senate Doc. No. 13-14-31) (Action)
7. Update Adjunct 1 & 2 Classification Policy (Senate Doc. No. 13-14-15) (Action)
8. New Business
9. Adjournment

---

<sup>1</sup> Any request for excused absence made after 1:00 p.m. will not be recorded as an excused absence.

## **University Senate**

December 11, 2014

### **Members Present**

Members present at the meeting: 94

### **Call to Order**

Senate Chair Webster called the meeting to order at 3:19 p.m.

### **Approval of the Minutes**

Chair Webster noted that Senator Blair had proposed a revision to the minutes of the November 5, 2014, meeting as follows:

Senator Belcher, undergraduate student, College of Behavioral and Social Sciences, introduced Ori Gutin. He inquired how the President foresees the affordability of higher education institutions?

Loh outlined the source of funding for the University including tuition revenue, appropriations, overhead from grants and contracts, interest from fund balances, and philanthropy. He noted that ~~graduates borrowing \$25,000 should view their loans as an investment.~~ **Maryland residents have the highest median income in the country, and the University of Maryland's tuition is among the lowest across state university systems and our students tend to have much lower borrowing requirements on average. He commented that overall students should view their University of Maryland tuition as an investment, and some important conversations are needed to improve access for lower income students, who still cannot afford to attend the University at today's tuition level.**

He asked if there were any objections to the revision or any additional corrections; hearing none, he declared the minutes approved as amended.

### **Report of the Chair**

#### **BOR Staff Awards**

Webster stated that the Staff Affairs Committee is currently accepting nominations for the prestigious Board of Regents' Staff Awards. Non-exempt and exempt staff members are eligible to be nominated. Eight individuals within the University System of Maryland will be selected as award recipients. Recipients will receive a \$1,000 award and system-wide recognition. Nomination packages must be submitted to the Senate Office by Friday, December 12th. Webster encouraged senators to support fellow staff

colleagues and nominate a staff member for an award. He asked senators to contact the Senate Office or visit the Senate website for more information. He stated that this is an excellent opportunity for our staff employees to be recognized for the amazing work that they do.

#### Presidential Changes to Senate Recommendations

Webster stated that the Senate approved the Review of the University of Maryland Guidelines for Appointment, Promotion, and Tenure (Senate Doc. No. 12-13-24) on September 17, 2014. President Loh approved the Senate's recommendations with a few modifications. Specifically, he agrees with the original task force recommendation regarding non-responses/declines. Therefore, the language has been reverted to "any prejudicial discussion regarding declines or non-answers is discouraged." The President noted that "it is important for the APT committee to consider all available information openly and as completely as possible, in order to avoid misunderstanding or assumptions," and as such all responses should be included in the dossier. In addition, he has revised the section on candidate notification to provide vote count at the first-level only for internal candidates and to make it available only upon request at the second level. Webster stated that the President's memo regarding this senate bill is attached to his approval on the Senate legislation system.

The Senate also approved Clarification of University APT Policy Regarding Emeritus Status for Research Faculty (Senate Doc. No. 12-13-42) on October 9, 2014. President Loh approved the Senate's recommendations with a modification. Specifically, he agreed with the Senate Faculty Affairs Committee's original recommendation to extend to retired professional track faculty who achieved the highest rank in their track the right to apply for emerita/emeritus status. He notes that he believes that emeritus status should be reserved for highly distinguished individuals whose career accomplishments and contributions to the University warrant this special status and the special privileges that go with it. Webster stated that the President's memo regarding this senate bill is attached to his approval on the Senate legislation system.

#### Spring 2015 Senate Meetings

Webster reminded senators that the first Senate meeting of the spring semester would be on February 11, 2015. Senators can find a complete schedule at <http://www.senate.umd.edu/meetings/>. Webster noted that we expect the Senate to have a very busy spring semester with much of the work that is currently in various committees coming forward for a vote.

#### Senate Elections

Webster announced that the Senate Office would begin the candidacy/election process for all staff, student, and single-member constituency senators for 2015-2016 on January 20, 2015. He encouraged those in attendance to run to be a

senator and indicated that details about the timeline and process under the “Elections” tab on the Senate website.

**Review of Civility in the UMD Workplace Environment (Senate Doc. No. 12-13-54) (Information)**

Webster stated that the Equity, Diversity, and inclusion (EDI) Committee’s report on the Review of Civility in the UMD Workplace Environment had been provided to the Senate as an informational item. After a thorough review, the EDI Committee has NOT recommended a campus-wide civility statement. However, the committee has recommended minor modifications to the first principle of the Principles of Ethical and Responsible Conduct (PERC), “Respect for Others.” The committee believes that with these additions to Principle One, PERC adequately expresses the University’s commitment to a respectful working and learning environment. In addition the committee recommends increased promotion and broad-based communication of PERC, especially of the first principle of “Respect for Others,” as a tool for encouraging a culture of respect at the University of Maryland on an ongoing basis through 12 administrative recommendations. In addition, the committee recommends that current policies and procedures available to faculty, students, and staff at the University who experience lack of respect in the workplace or classroom be more widely publicized, along with the availability of the various ombuds officers. The Senate Executive Committee reviewed these recommendations and forwarded them to the Vice President for Administration and Finance for administrative action

**PCC Proposal to Establish a New Area of Concentration in Music Education for the Ph.D. in Music (Senate Doc. No. 14-15-13) (Action)**

Elizabeth Beise, Member of the Programs, Curricula, and Courses (PCC) Committee, presented the PCC Proposal to Establish a New Area of Concentration in Music Education for the Ph.D. in Music and provided background information.

Webster opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 72 in favor, 0 opposed, and 3 abstentions. **The motion to approve the proposal passed.**

**PCC Proposal to Establish a Post-Baccalaureate Certificate in Teaching English to Speakers of Other Languages (Senate Doc. No. 14-15-14) (Action)**

Elizabeth Beise, Member of the Programs, Curricula, and Courses (PCC) Committee, presented the PCC Proposal to Establish a Post-Baccalaureate Certificate in Teaching English to Speakers of Other Languages and provided background information.

Webster opened the floor to discussion of the proposal.

Senator Alexander, Emeritus Faculty, raised a concern about the budget in PCC proposals being flat over five years for adjunct faculty salaries. He noted that some past proposals have had flat budgets while others have shown incremental changes. This issue affects adjunct faculty who do not have a lot of leverage, but a small increment would make a difference. He feels that there should be a more defined process for increments. He stated that he would submit a proposal in the future on how to solve this issue and welcomed feedback from other senators.

Beise stated that she supports Alexander's efforts to support contingent and adjunct faculty. The salary noted in the budget is for a portion of an FTE, but it is just an estimate. There is a statement in the proposal that explains that Coast of Living Adjustments (COLA) is not included. She noted that this proposal was for an entrepreneurial program, so there is an opportunity to adjust the tuition in order to meet future needs. This is just an estimate to get an understanding of whether the revenue generated from the tuition could pay for the instruction, since it is not State supported. Beise noted that she personally works with departments on these budgets but not on setting salaries for adjunct faculty.

Hearing no further comments, Webster called for a vote on the proposal. The result was 71 in favor, 3 opposed, and 3 abstentions. **The motion to approve the proposal passed.**

**Nominations Committee Slate 2014-2015 (Senate Doc. No. 14-15-15)  
(Action)**

Willie Brown, Chair of the Committee on Committees presented the Nominations Committee Slate 2014-2015 and provided background information on the committee's selection process.

Webster opened the floor to additional nominations; hearing none, he called for a vote on the slate. The result was 67 in favor, 1 opposed, and 6 abstentions. **The motion to approve the slate passed.**

**Special Order of the Day  
Patricia Steele  
Dean, University of Maryland Libraries  
*Books and So Much More!***

Webster welcomed Patricia Steele, Dean of the Libraries and invited her to address the Senate.

Dean Steele noted that the brand for the libraries is “books.” The brand is shifting, so it is important to broaden the view of the brand. Steele stated that the old paradigm was to stock the library with books that patrons could come and use. That is no longer the expectation throughout the various disciplines. There is now an expectation that the libraries will provide what you need, when you need it, and in the format that you need it, which is a very different challenge. The electronic subscriptions have now surpassed the print subscriptions.

### Services

Steele provided an overview of the services that the libraries provide. She noted that 75% of the collections budget goes to electronic subscriptions while the remaining 25% is for print subscriptions. She stated that the Digital Repository at the University of Maryland (DRUM) is responsible for preserving and making accessible the products that the campus community puts forward as part of the academy. These are things that libraries did not do in the past. At times, we are short on resources to accomplish what we would like. We need to assess how we do more with limited resources.

We are hiring librarians and staff that have a variety of skills. She noted the diversity of titles and expertise in the libraries. Steele commented on the national partnerships that help the University leverage our expertise and resources. As members of the Committee on Institutional Cooperation (CIC), we now have access to 111 million volumes held among CIC institutions. As part of the HathiTrust Digital Library, users can access and search 4.5 billion pages. We are founders of two initiatives including Kuali OLE, which will redesign our systems for acquisitions, handling, and electronic resources and the Academic Preservation Trust, which allows several universities to create repositories for digital materials. Steele also noted campus partnerships such as work with the Office of Undergraduate Studies, the Graduate School, and the Teaching and Learning Transformation Center (TLTC). This center will be housed in the libraries until the Edward St. John Learning and Teaching Building is built. This is a partnership among the Provost’s Office, the Division of Information Technology, and the Libraries as a high priority. The libraries also help with instruction, teaching about 20,000 undergraduates each year and specialized courses for graduate students.

### Tools

The Libraries are a place to provide access to tools and technology that students may not be able to get in their units. This ranges from the technology store to borrowing equipment supported by the technology fee. We also have new space developed in partnership with the Center for Innovation and Entrepreneurship and created with donor support. In this space, students have access to 3-D printing and checkout items like Google Glass and virtual reality headsets. Fewer than 20% of peer libraries have this type of space, which puts us at the forefront.

### Community

The Libraries are becoming more of a collaborative space for the community. In a multi-disciplinary world, this is the type of space that is necessary. Steele noted that the annual visits to the Libraries are increasing.

### New Spaces

Steele gave an overview of new spaces in the Libraries. She noted that while it appears like social interaction, research shows that it is predominately academic. These types of collaborative spaces are necessary and cannot be book-centric. The spaces need to be very rich in technology, flexible, varied, and ones that reflect the mission of the University while inspiring people. We are hoping to have a new reading room on the fourth floor of McKeldin Library by the end of next semester. Steele showed possible designs for what McKeldin Library could be with an entrance from the Stamp Union side of campus. This design would create the types of spaces that our community needs.

### Treasures

Steele gave a brief overview of some of the treasures in the Libraries. She stated that the special collections and rare books that we have are very unique. This is our most traditional area, and it distinguishes us from everyone else. The materials we have there, no one else has. She noted that there are four main collections. She highlighted the AFL-CIO collection that includes five miles of materials, making us a leader in labor research. Several different disciplines are interested in that collection.

She closed her presentation by noting that the Libraries are books but so much more.

### Q & A

Senator Blair, Part-Time Graduate Student, inquired about the print aspect of journal subscriptions. She asked how these are prioritized?

Dean Steele responded that the Science, Technology, Engineering, and Math (STEM) disciplines were the first to go to electronic journals. Other disciplines like architecture and the arts are still in print. Users would like journals electronically, so that is our default. She noted that there is a program called the Last Copy Project that preserves the last copy of monographs. She stated that book repositories at Indiana University are housing complete runs of all STEM disciplines available electronically, so we have access to print copies through our Committee on Institutional Cooperation (CIC) relationship. She noted that the default is electronic because publishers do not want to print paper, as it is more expensive for them.

Blair stated that some electronic versions are not comparable to print versions of journals. She noted that there might be a bit of a gap between when we ended in print and started in electronic.

Dean Steel stated that back files are not always available. CIC institutions contribute money to get back files. She noted that there were gaps when we had to downsize journals.

Senator Hurtt, faculty, School of Architecture, raised concerns about the budget cuts that led to the closing of the Art and Architecture libraries and transferred those volumes to McKeldin Library. He commented on the importance of the library to his field. He also noted a petition opposing the library closures. He read testimonials from concerned faculty and students. He encouraged senators to talk to their deans in support of branch libraries.

Dean Steele admitted that this was a flawed process. She noted that part of the issue was the timing of when we found out about the budget cuts, and the other part was related to past discussions about both of these libraries. There had been discussion around closing these libraries since 2009. She stated that the meeting with the students was productive because we learned that the architecture students use the library in a different way. In terms of governance, she noted that she must pay for the library. When we get cuts, we have to look at the big picture. We will not be the library that the University needs without these additional expenses, but some of these enhancements come at the expense of other things. We agreed not to reduce the collections, books, or staff. Steele acknowledged the value of branch libraries. It is a shifting world, but these disciplines have not shifted as quickly. We cannot be as precipitous as the financial situation requires. We will look at Architecture in terms of what came out of our recent discussion to see what we can accommodate. She stated that she would be meeting with the Art faculty and the Arts & Humanities Dean to talk about where we are with that library. She stated that it would take some time to resolve the issues and sort out what is essential to be on site. In twenty years, there will not be the same need for physical collections, so we will need to start moving in that direction.

Hurtt stated that the process with the Art library has a longer timeline. He asked that the Architecture library be given a similar timeframe.

Dean Steele responded that architecture is farther along in their discussions but there has not been a report developed yet. She noted that she expects a real engagement in planning for the changing future.

Webster thanked Dean Steele for her presentation.

### **New Business**

There was no new business.

### **Adjournment**

Senate Chair Webster adjourned the meeting at 4:24 p.m.





## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	13-14-13
<b>Title:</b>	Proposal to Streamline the University's Marijuana Policy with State Policy
<b>Presenter:</b>	Kevin Pitt, Chair, Campus Affairs Committee
<b>Date of SEC Review:</b>	January 21, 2015
<b>Date of Senate Review:</b>	February 11, 2015
<b>Voting (highlight one):</b>	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report 4. For information only
<b>Statement of Issue:</b>	<p>In October 2013, a proposal was submitted to the Senate Executive Committee (SEC) to amend University policies and procedures to allow students with medical conditions to use or possess marijuana on campus with a doctor's permission, in order to align with State of Maryland medical marijuana laws. In November 2013, the SEC charged the Senate Campus Affairs Committee with reviewing University policies and procedures related to marijuana use and with considering whether faculty, staff, and students should be exempt from University sanctions when marijuana is used for a medical purpose.</p>
<b>Relevant Policy # &amp; URL:</b>	<p>University of Maryland <i>Code of Student Conduct</i> (<a href="#">V-1.00(B)</a>); University of Maryland System Policy on a Drug-Free Workplace (<a href="#">VII-1.10</a>); University of Maryland, College Park Resident Life Drug Policy (<a href="#">V-1.00(E)</a>); University of Maryland Policy on Employee Alcohol and Other Drug Abuse (<a href="#">VI-8.00(A)</a>); University of Maryland, College Park Policy on Student Alcohol and Other Drug Abuse (<a href="#">VI-8.00(B)</a>); and University of Maryland Fitness for Duty Policy and Procedures (<a href="#">VI-8.00(F)</a>).</p>
<b>Recommendation:</b>	<ul style="list-style-type: none"> <li>- The Campus Affairs Committee voted unanimously to make no recommendation to amend University policies or procedures to allow use of medical marijuana on campus by faculty, staff, or students. Further, the committee recommends that the University should not reconsider revising University policies or procedures until federal law is amended related to use of marijuana for a medical purpose.</li> <li>- The Campus Affairs Committee recommends that the Senate</li> </ul>

	Executive Committee forward this report to the University System of Maryland.
<b>Committee Work:</b>	<p>The Campus Affairs Committee (CAC) began its review of the charge in March 2014. The CAC considered federal and state laws related to marijuana, reviewed University policies, gathered peer institution research, and consulted with University Human Resources, the Office of Faculty Affairs, the University Health Center, the Office of Student Conduct, and the Office of Legal Affairs during its review.</p> <p>The CAC found that the conflict between state and federal laws related to marijuana make it difficult for UMD or for any higher education institution to adopt policies to accommodate use or possession of marijuana for a medical purpose. In its review of peer institutions, the CAC did not find any institutions that make such accommodations, and the committee learned from many peers that they are unable to adopt such policies because they would risk loss of federal funding for violating laws mandating that the university be free of controlled substances. Similar concerns were raised by offices at UMD as well.</p> <p>The CAC received information from the Office of Legal Affairs, which explained that under federal law, use and possession of marijuana even for medical purposes is illegal and can result in federal prosecution. Higher education institutions must comply with federal laws, and all federal funding and student aid funding is contingent on compliance. Despite any changes or accommodations made by the State of Maryland, until a clear exemption is made in federal law for medical use of marijuana, noncompliance would put the University at considerable risk of losing federal funding.</p> <p>After considering all the information, the CAC agreed that without changes in federal law, it would not be in the University's best interests to recommend changes to University policies or procedures to allow use of medical marijuana on campus by faculty, staff, or students.</p>
<b>Alternatives:</b>	Not applicable.
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	There are no financial implications.
<b>Further Approvals Required:</b>	Not applicable.

## **Senate Campus Affairs Committee**

### **Senate Document # 13-14-13**

## **Proposal to Streamline the University's Marijuana Policy with State Policy**

**January 2015**

### **BACKGROUND**

In October 2013, a proposal was submitted to the Senate Executive Committee (SEC) to amend University policies and procedures to allow students with medical conditions to use or possess marijuana on campus with the written permission of a doctor. The proposal explained that under the State of Maryland's affirmative defense law for marijuana, an individual with a prescription for use of marijuana to treat a debilitating medical condition may use the prescription as a mitigating factor or defense in prosecution for use or possession of marijuana and receive lesser penalties. In November 2013, the SEC charged the Senate Campus Affairs Committee with reviewing University policies and procedures related to marijuana use and with considering whether faculty, staff, and students should be exempt from University sanctions for marijuana use for a medical purpose (Appendix 2).

### **COMMITTEE WORK**

The Campus Affairs Committee (CAC) began its review of the charge in March 2014. The CAC focused its spring 2014 review on consideration of federal and state laws related to marijuana and on gathering peer institution research on this issue. During fall 2014, the CAC reached out to various offices on campus for information on current practices and on what impact a change in policy would have on University operations and constituents.

#### *Federal and State Laws*

Upon receiving the charge in March 2014, the CAC immediately began gathering information on current state and federal laws on marijuana. The committee learned that in 2013, the State of Maryland approved an affirmative defense law for medical marijuana<sup>1</sup>. During the spring of 2014, additional changes were made by the Maryland General Assembly to medical marijuana laws to establish a process for patients to qualify for medical marijuana as well as a process for dispensaries to distribute medical marijuana.

The Maryland General Assembly also approved a bill in April 2014 to decriminalize the possession of small amounts of marijuana. This law went into effect on October 1, 2014. The new law imposed civil fines instead of criminal penalties on those possessing less than 10 grams of marijuana, with fines beginning at \$100 for the first offense. The legislation did not legalize marijuana, but rather changed the penalties involved for possession of small amounts of marijuana.

While the State of Maryland has recently made many changes to its laws related to marijuana, the federal government has not had similar activity in the past few years. Under federal law, possession and use of

---

<sup>1</sup> The current state law related to marijuana may be found in the Annotated Code of Maryland in *Md. CRIMINAL LAW Code Ann. § 5-601* (possessing or administering controlled dangerous substance) and *Md. CRIMINAL LAW Code Ann. § 5-619* (Drug Paraphernalia), which are publicly available online through LexisNexis, Westlaw, and other sources.

marijuana is illegal under the Controlled Substances Act, and marijuana use, even for medical purposes, can result in federal criminal prosecution.

### *University Policy*

The CAC began reviewing University policies in the spring of 2014. The committee reviewed many University policies that relate to marijuana or drugs, and briefly discussed whether changes to any policies would need to be made if the committee were to make a recommendation related to medical marijuana. University policies discussed included:

- University of Maryland *Code of Student Conduct* ([V-1.00\(B\)](#)) Part 10 (h) and (i), Prohibited Conduct: This policy prohibits use or possession of any illegal drug or controlled substance on or off campus, and does not give exceptions for use or possession for a medical purpose.
- University of Maryland System Policy on a Drug-Free Workplace ([VII-1.10](#)): This policy generally states that the University of Maryland system is “a workplace free from illegal use, possession or distribution of controlled substances,” and notes that controlled substances are defined by federal law in the Controlled Substances Act.
- University of Maryland, College Park Resident Life Drug Policy ([V-1.00\(E\)](#)): This policy generally states that the possession, use, sale, distribution, or provision of illegal drugs is prohibited on or off campus property.
- University of Maryland Policy on Employee Alcohol and Other Drug Abuse ([VI-8.00\(A\)](#)): This policy generally states that the illegal or abusive use of drugs or alcohol is prohibited on University property or as part of University activities, as this kind of activity “...jeopardizes the safety of the individual and the campus community, and is inimical to the academic learning process.”
- University of Maryland, College Park Policy on Student Alcohol and Other Drug Abuse ([VI-8.00\(B\)](#)): This policy is related to the above policy on employee drug abuse, and cites the *Code of Student Conduct* as prohibiting use, possession, and/or distribution of controlled substances and illegal drugs.
- University of Maryland Fitness for Duty Policy and Procedures ([VI-8.00\(F\)](#)): This policy generally outlines the procedures that must be followed by supervisors in situations involving employee impairment or violent or abusive behavior, for instance. Fitness for duty is defined as the “readiness of an employee to perform the essential functions of his or her job”.

### *Peer Institutions*

In March 2014, the CAC began reviewing policies and procedures related to marijuana at peer institutions. The committee surveyed all Big Ten institutions and a few institutions in the Maryland/DC area. Thirteen institutions responded to its inquiries, but the CAC was not able to identify any peers with a policy to allow an exception for medical marijuana use or possession on campus (Appendix 1). In most cases, the institutions indicated that marijuana is illegal under federal law, which prevents them from considering changes to University policy. Institutions have suggested that since they are subject to the federal Drug-Free Workplace Act of 1988 and the federal Drug-Free Schools and Communities Act Amendments of 1989, both of which mandate campus communities be free of controlled substances, they may be in jeopardy of losing federal funding if the federal laws are not followed, despite any leniency or allowances in state law for possession or use of marijuana.

In a few cases, such as the University of Michigan and Northwestern University, local or state laws allow for medical or recreational use of marijuana. However, the institutions still are unable to accommodate medical marijuana users because of the conflict with federal law. In these cases, campus community members would be able to use marijuana off-campus, as long as they were in compliance with state or local laws.

### *Outreach to UMD Offices*

The charge from the SEC asked that the CAC consult with University Human Resources, the Office of Faculty Affairs, the University Health Center, the Office of Student Conduct, and the Office of Legal Affairs. The CAC corresponded with representatives of each office in the fall of 2014 to gather information and gain additional perspectives on the committee's charge.

#### ❖ University Human Resources

University Human Resources (UHR) provided context on current policies and procedures related to marijuana and drug use for University employees. The CAC learned that UHR has not received any requests or claims for medical need of marijuana for use by employees at UMD. If there were such a case, UHR would likely ask for a physician's certification of the employee's need and would consider the type of job held by the employee. Certain positions at the University would necessarily prohibit the use of controlled substances, including positions that require driving or operating machinery, positions related to plant or animal care for research purposes, child care positions, and most trades positions that involve power tools or electrical work, for instance.

The CAC asked what policies or procedures would need to be adjusted if the committee were to consider a recommendation on allowing marijuana use or possession for medical need. UHR explained that many policies are affected by federal laws such as the Occupational Safety and Health Act and the Omnibus Transportation Act, as well as State of Maryland Occupational Safety and Health rules and regulations. Additionally, any change to University procedure related to medical marijuana would impact all disciplinary rules, fitness for duty policies, and many other policies and procedures related to employees. UHR also explained that any new policies or changes to existing policies related to medical marijuana would need to be negotiated with the union for non-exempt and exempt staff in the bargaining unit.

#### ❖ Office of Faculty Affairs

In communications with the Office of Faculty Affairs, the CAC learned that there have not been any cases in recent years of faculty members requesting use of controlled substances or of disciplinary actions for controlled substances. The Office of Faculty Affairs explained that faculty would be subject to University policy and procedures on fitness for duty and other policies and procedures related to University employees if any concerns were to be raised in the future.

#### ❖ University Health Center

The CAC reached out to the University Health Center (UHC) for information on how medical marijuana is used to treat debilitating conditions, and asked whether the UHC would have concerns if any changes to University policy or procedures to allow medical marijuana use on campus were considered. The UHC provided the CAC with a few recent papers from medical journals on the use of marijuana for medical purposes, while noting that there is a limited amount of research on the medical uses of marijuana at this point. In reviewing the papers, the CAC learned that evidence and advice for and against medical marijuana are not settled in the medical community, and the committee noted concerns in particular with the impact marijuana has been shown to have on brain development of adolescents and young adults. The UHC also noted its own concerns related to the conflict between federal and state law as well.

#### ❖ Office of Student Conduct

The Office of Student Conduct (OSC) provided information to the committee on how marijuana and other drug use and possession is handled on campus, and how policies and procedures have changed over time. The CAC learned that current University policy, as stated in the *Code of Student Conduct*, prohibits use or possession of any controlled substance on and off campus, including marijuana. Various federal laws, including the 1989 Drug-Free Schools and Communities Act Amendments to the Higher Education Act of 1990, state that marijuana and other controlled substances shall be illegal at any institution that receives federal funding. Since marijuana is illegal under federal law, it is prohibited at the University as well.

University policy is enforced by University police, Prince George's County Police, Resident Assistants, and residence hall staff. Cases are referred to the Office of Student Conduct, which evaluates each case and resolves cases through established disciplinary processes.

In current practice, possession or use of marijuana can result in a one-year suspension or alternative sanctions. Violations that take place in residence halls can result in housing termination. However, each case is evaluated individually by the Office of Student Conduct, which has the ability to assess sanctions that could include any of the following: disciplinary probation, disciplinary suspension, Marijuana 101 or other educational sanctions, reflection papers, drug testing, substance use intervention and treatment, community service, and counseling.

#### ❖ Office of Legal Affairs

The CAC received information from the Office of Legal Affairs during two stages of its review. After its review of peer institutions and consideration of the changes in the State of Maryland's law, in April 2014, the committee decided to seek general guidance on the conflict between state and federal laws. The Office provided initial information on the current state and federal laws related to marijuana. In fall 2014, the CAC considered concerns raised by committee members and by UHR, the UHC, and the OSC on the conflict between state and federal law. The CAC determined that it would benefit from additional knowledge and expertise on the matter, and invited a representative of the Office of Legal Affairs to a meeting to discuss this issue further.

In its discussion with a representative of the Office of Legal Affairs, the CAC learned that under federal law, use and possession of marijuana even for medical purposes is illegal and can result in federal prosecution. As a higher education institution, the University of Maryland's federal funding and student aid funding is contingent on compliance with federal laws, including the Drug-Free Schools and Communities Act and the Controlled Substances Act. Further, the University is subject to the Drug-Free Workplace Act of 1988, which requires institutions that receive federal funding to prohibit the use of any and all controlled substances in the workplace, and the Occupational Safety and Health Act, which requires the maintenance of a safe workplace. The CAC learned that despite any changes or accommodations made by the State of Maryland in its laws and regulations, the University of Maryland must comply with federal laws, and until a clear exemption is made in federal law for medical use of marijuana, noncompliance would put the University at considerable risk of losing federal funding. The CAC found this perspective to be consistent with its findings from communication with peer institutions, and agreed that there would be significant risk to loss of federal funding, financial aid, and research grant funding if the committee were to recommend any changes to University policy or procedures.

As it considered the risks, the CAC recognized that there is no legal assurance to protect the University from federal sanctions if the University were to adjust its policies or procedures to mirror state laws allowing marijuana use for medical purposes. Members considered that the federal government has recently increased its attention to compliance of higher education institutions with other federal laws,

such as laws related to sexual misconduct and hazing, and raised concerns with the uncertainty of future federal activity related to marijuana.

In its discussion, the CAC noted that the University has not received guidance from the University System of Maryland (USM) related to recent changes in Maryland state law on medical marijuana. Since this matter involves a great deal of risk and financial consequences, members suggested that if changes were to be made to policies or procedures, such changes should originate from the USM rather than from an individual institution within the System.

After considering all the information gathered, including the information gained from meeting with the Office of Legal Affairs, the CAC agreed that without changes in federal law and without guidance from the USM, it would not be in the University's best interests to recommend changes to University policies or procedures to allow use of medical marijuana on campus by faculty, staff, or students.

### **RECOMMENDATION**

After much deliberation, in December 2014, the Campus Affairs Committee voted unanimously to make no recommendation to amend University policies or procedures to allow use of medical marijuana on campus by faculty, staff, or students. Further, the committee recommends that the University should not reconsider revising University policies or procedures until federal law is amended related to the use of marijuana for a medical purpose.

The Campus Affairs Committee recommends that the Senate Executive Committee forward this report to the University System of Maryland.

### **APPENDICES**

Appendix 1 – Summary of Peer Institution Research on Medical Marijuana Policies

Appendix 2 – Charge from the Senate Executive Committee on Proposal to Streamline the University's Marijuana Policy with State Policy

## APPENDIX 1 - SUMMARY OF PEER INSTITUTION RESEARCH ON MEDICAL MARIJUANA POLICIES

Big Ten Institutions		
Institution	Medical Marijuana Policy?	Comments
University of Illinois at Urbana Champaign	No	<p>The University of Illinois has not yet developed a position regarding the Illinois medical marijuana law (Compassionate Use of Medical Cannabis Pilot Program Act), which took effect Jan. 1 2014. Under this law, a patient with one of 33 debilitating medical conditions would be issued a registration card from the Dept. of Public Health and would not be subject to arrest for use of medical marijuana in limited amounts. The law sunsets after three years unless renewed by the General Assembly. Registered patients are still prohibited from smoking in “any public place” and other specific locations, such as in a car, on grounds of primary or secondary schools. The Act gives universities the authority to restrict or prohibit the use of medical marijuana on their campuses.</p> <p>According to the University Police webpage, students are “...subject to disciplinary action for violations of the alcohol or drug policies which occur off campus or on private property. Employees or students who violate this policy may be disciplined in accordance with University policies, statutes, rules, regulations, employment contracts, and labor agreements, up to and including dismissal and referral for prosecution. The University may involve/contact the parents of students under the age of 21 for violations of the Student Code.”</p> <p><a href="http://www.dps.illinois.edu/universitypolice/alcohol.html#Poli">http://www.dps.illinois.edu/universitypolice/alcohol.html#Poli</a></p>
Indiana University	No	<p>The use of any illegal substance is completely prohibited on University property. The University strictly adheres to the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8101 et seq.) and the Higher Education Act of 1965(20 U.S.C. § 1011i). These laws govern the conduct of all University students and employees (including but not limited to faculty, appointed and hourly employees, and student-hourly employees) on all campuses and workplaces controlled by Indiana University.</p> <p>Alcohol and Drug-Free Campus Policy: <a href="http://enrollmentbulletin.indiana.edu/pages/drycampus.php?Term=1">http://enrollmentbulletin.indiana.edu/pages/drycampus.php?Term=1</a></p>
University of Iowa	No	<p>The state has no affirmative defense policy and the university does not adhere to a medical marijuana exception.</p> <p>Policy Regarding Use of Illegal Drugs and Alcohol: <a href="http://dos.uiowa.edu/policies/illegal-drugs-and-alcohol-2/">http://dos.uiowa.edu/policies/illegal-drugs-and-alcohol-2/</a></p>
University of Michigan	No	<p>“The Michigan Medical Marijuana Act (MMMA) conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The University of Michigan receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. Thus the use, possession or cultivation of marijuana in any form and for any purpose continues to violate the UM Alcohol and Other Drug Policy and is prohibited at the University of Michigan.”</p> <p>Alcohol and Other Drug Policy for Students, Staff, and Faculty: <a href="http://alcohol-drug-policy.umich.edu/">http://alcohol-drug-policy.umich.edu/</a></p> <p>The city of Ann Arbor, Michigan punishes the use of marijuana as a civil infraction. The result is usually a fine of \$25. Most students on the University of Michigan campus are well aware of this bylaw and may choose to smoke off campus to avoid administrative consequences of doing so.</p> <p>When students are found using or in possession of marijuana in student housing, it is resolved informally by the residence hall boards and punishments is usually participation in a drug education program.</p> <p>Loss of student housing is rarely if ever used as a punishment. At most, a student may not be allowed to apply for on-campus housing the following school year. Loss of housing is considered an extreme outcome that may be used in cases where a student is distributing/dealing marijuana.</p> <p>When students are found using or in possession of marijuana on campus but off student residence property, the student conduct board on campus handles these cases informally. Once again, the punishment is usually educational in nature.</p> <p>Only when multiple infractions ensues will a student go through a formal process and possibly be given a disciplinary record that will show up in a background check for graduate school, jobs, etc. The recidivism rate for these types of cases is less than 5%. Expulsion or suspension for marijuana usage (even for multiple infractions) is hardly ever used. Restorative justice and community impact are the philosophical frameworks used to manage such cases. The University of Michigan promotes high accountability but tempered with high support.</p>
Michigan State University	No	<p>While the State of Michigan does have a medical marihuana act (effective December 4, 2008), Michigan State University does not permit faculty, staff, or students to use or possess any drug that is illegal under federal law on University premises or in the course of employment. Regardless of one’s status as a medical marijuana user in Michigan, that individual may not use or possess marijuana on campus.</p> <p>It is important to note that a physician cannot prescribe marijuana in Michigan – the physician may only certify that the individual has a qualifying condition and then the individual must apply to the state to be a registered user.</p> <p>In the event that there is a student registered within the state as a medical marihuana user, the university will “make accommodations for students by waiving the requirement of living on campus or allowing them to end on campus housing.”</p> <p><a href="http://cabs.msu.edu/news/key-issues/issue-docs/medical-marijuana.html">http://cabs.msu.edu/news/key-issues/issue-docs/medical-marijuana.html</a></p> <p>FAQ about the Michigan Medical Marihuana Act: <a href="http://www.hr.msu.edu/news_feeds/medMarihuana.htm">http://www.hr.msu.edu/news_feeds/medMarihuana.htm</a></p>



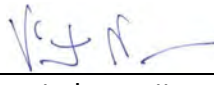
<b>University of Minnesota</b>	No	Minnesota law does not exempt medical use from the criminal law but there is a bill pending this session. The University has not developed any policies specific to medical marijuana use, for students, faculty or other employees.
<b>University of Nebraska</b>		No response. No evidence of policy found.
<b>Northwestern University</b>	No	The following appears on page 44 of the Northwestern University Student Handbook: “Although Illinois’s Compassionate Use of Medical Cannabis Pilot Program (H.B. 1) would allow patients (starting January 1, 2014) to possess and consume limited amounts of marijuana for certain medical conditions, this state law conflicts with federal laws governing marijuana. Northwestern is subject to the federal Drug-Free Workplace Act of 1988 and the federal Drug-Free Schools and Communities Act Amendments of 1989, both of which mandate campus communities be free of controlled substances (including marijuana). Therefore, the use, possession, manufacture, cultivation, dissemination, or being under the influence of medical marijuana on University property or at University-related activities is and shall remain prohibited.”
<b>Ohio State University</b>	No	An OSU legal representative stated that they do not have any policies or practices on medical marijuana and have not encountered the issue. The contact noted that in cases where students are found in possession or use of small amounts of marijuana, their typical approach is educational in nature.
<b>Pennsylvania State</b>	No	Pennsylvania does not have any statutory exceptions to the law as written and Penn State does not have any policies related to the use of medical marijuana.
<b>Purdue University</b>		No response. No evidence of policy found.
<b>University of Wisconsin</b>		No response. No evidence of policy found.
<b>Rutgers University</b>	No	The use of marijuana for any purpose, including medical, is strictly prohibited. According to their website, “The use, possession or distribution of marijuana, for any purpose, is prohibited on Rutgers University property and at University-sponsored events and activities. The Rutgers University health centers will not distribute medical marijuana nor will their representatives write prescriptions for marijuana.” Health Services FAQ: <a href="http://rhsmedical.rutgers.edu/faq#What_is_the_Health_Services_policy_regarding_the_use_of_medical_marijuana___">http://rhsmedical.rutgers.edu/faq#What_is_the_Health_Services_policy_regarding_the_use_of_medical_marijuana___</a>

<b>Additional Institutions</b>		
<b>Institution</b>	<b>Medical Marijuana Policy?</b>	<b>Comments</b>
<b>George Washington University</b>	No	A representative from the Office of the Senior Vice President and General Counsel stated that GW’s policies forbid the use of marijuana on campus because of conflict with federal law. No exceptions exist for medical use, and the representative noted that there are currently no plans to create such an exception.
<b>Johns Hopkins University</b>		No response. No evidence of policy found.
<b>University of Maryland, Baltimore County</b>	No	This has not been an area of interest or issue at UMBC. UMBC does not have a policy on medical marijuana.

**APPENDIX 2 - CHARGE FROM THE SENATE EXECUTIVE COMMITTEE ON PROPOSAL  
TO STREAMLINE THE UNIVERSITY'S MARIJUANA POLICY WITH STATE POLICY**



**University Senate  
CHARGE**

<b>Date:</b>	December 13, 2013
<b>To:</b>	Willie Brown Chair, Campus Affairs Committee
<b>From:</b>	Vincent Novara Chair, University Senate 
<b>Subject:</b>	Proposal to Streamline the University's Marijuana Policy with State Policy
<b>Senate Document #:</b>	13-14-13
<b>Deadline:</b>	March 27, 2015

The Senate Executive Committee (SEC) requests that the Campus Affairs Committee review the “Proposal to Streamline the University's Marijuana Policy with State Policy” and consider whether all campus constituents should be exempt from University sanctions for medical marijuana use.

Specifically, we ask that you:

1. Review Maryland State Senate Bill 308, “Medical Marijuana – Affirmative Defenses – Maryland Medical Marijuana Model Program Workgroup”, Maryland House Bill 1101 (HB1101), and other relevant State legislation on this issue.
2. Review the University of Maryland Code of Student Conduct (V-1.00(B)) and stay abreast of the Maryland State Legislature’s continuing work on this issue.
3. Review whether our peer institutions have adopted similar policies.
4. Consult with a representative from University Human Resources (UHR).
5. Consult with a representative of the Office of Faculty Affairs.
6. Consult with a representative of the University Health Center.
7. Consult with the Director of the Office of Student Conduct.
8. Consult with the University’s Office of Legal Affairs.
9. Submit an Interim Report to the Senate Executive Committee by November 7, 2014.

10. If appropriate make recommendations on whether campus-wide policy changes for all campus constituents are appropriate.
11. Consult with the Senate's Student Conduct Committee if changes to the Code of Student Conduct are necessary.

We ask that you submit your report and recommendations to the Senate Office no later than March 27, 2015. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	14-15-19
<b>PCC ID #:</b>	N/A
<b>Title:</b>	Review of the University of Maryland Plan of Organization
<b>Presenter:</b>	Charles Wellford, Chair, Plan of Organization Review Committee
<b>Date of SEC Review:</b>	January 21, 2015
<b>Date of Senate Review:</b>	February 11, 2015
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. In a single vote</li> <li>3. To endorse entire report</li> </ol>
<b>Statement of Issue:</b>	<p>The University of Maryland Plan of Organization (Article 6.3) stipulates “review of the current Plan of Organization shall be undertaken at least every ten years by a committee composed of members elected by the Senate.” However, the Plan gives the Senate Executive Committee (SEC) the authority to “institute a review of the Plan by such a committee in the fifth or subsequent year following a review if in its judgment there have been changes in the University significant enough to justify a review.” In April 2011, the Senate and President Loh approved a recommendation from the Elections, Representation, and Governance (ERG) Committee to initiate the Plan review in year seven (Senate Doc. No. 09-10-38). Accordingly, the Senate Executive Committee developed a slate of candidates as defined in Article 6 for the Plan of Organization Review Committee for Senate approval in Fall 2013.</p>
<b>Relevant Policy # &amp; URL:</b>	<a href="http://senate.umd.edu/governingdocs/Plan_of_Organization.pdf">http://senate.umd.edu/governingdocs/Plan_of_Organization.pdf</a>
<b>Recommendation:</b>	<p>The Plan of Organization was revised in order to respond to changes in the University, incorporate changes in administrative structures and current procedures for elections, disqualification, and transition of the Senate, and remove ambiguities in the current Plan. In addition, the name of the Plan of Organization was changed to the Plan of Organization for Shared Governance in order to represent more accurately the purpose of the document.</p>

<b>Committee Work:</b>	<p>The Plan of Organization Review Committee began its review in October 2013 and subsequently held 15 meetings of the full committee to complete its review. Throughout its work, the Committee was guided by the charge from the Senate Executive Committee (SEC). Specifically, the Committee focused on those issues raised by the SEC, other committees of the Senate, reports from other campus bodies, and the Senate staff. The Committee reviewed the University System of Maryland (USM) Policy on Shared Governance to gain a broader perspective of shared governance principles. The Committee also met or consulted with the Director of Athletics, the Chair of the Athletics Council, representatives of the Office of Institutional Research Planning and Assessment (IRPA), and the Executive Director of the Universities at Shady Grove. The Committee also reviewed relevant senate legislation since the last Plan review, which was referred to PORC, approved or rejected by the SEC, and approved by the Senate. In addition, the Committee reviewed data on election results and voter counts, constituency population trends, and peer institution data. The Committee also considered suggested revisions to the Plan and Bylaws that would align the documents with current practices and administrative structures.</p> <p>The Committee created a subcommittee to propose revisions to the Bylaws that would conform the Bylaws to changes made to the Plan. In addition, the Committee considered changes to all of the standing committee memberships in order to streamline and make them more effective. The full Committee reviewed the subcommittee's proposed changes to the Bylaws and agreed to make recommendations to the Senate Executive Committee for Senate approval following approval of the Plan.</p> <p>The Plan of Organization Review Committee approved its final recommendations on December 15, 2014.</p>
<b>Alternatives:</b>	To not approve the revised Plan of Organization.
<b>Risks:</b>	There are no associated risks with the approval of this report and its recommendations.
<b>Financial Implications:</b>	There are no associated costs with approval of these recommendations.
<b>Further Approvals Required:</b>	Senate Approval, Campus-Wide Referendum, Presidential Approval

# **Review of the University of Maryland Plan of Organization**

## **Report**

**January 2015**

### Plan of Organization Review Committee:

Charles Wellford, Chair	Margaret McFarland
Robert Cobb	Peter Morici
Kristen Essel	Sarah Oates
Lee Friedman	Lila Ohler
Muhiuddin Haider	Matthew Popkin*
Jess Jacobson	Karen Prestegaard
Amir Kashani Pour	Nadine Sahyoun
Omer Kaufman	Edmond Shenassa
Samuel Kerstein	Paul Smith
Elsa Kery-Grant	Beth St. Jean
Scott Kincaid*	John Steinbruner
Peter Kofinas	Nelly Stromquist**

Reka Montfort, Executive Secretary & Director

### Advisors to the Committee:

Kenneth Holum, Senate Parliamentarian  
Marvin Breslow, Senate Parliamentarian Emeritus

*\* Mr. Popkin & Mr. Kincaid graduated in May 2014.*

*\*\* Dr. Stromquist was on sabbatical during the fall 2014 semester.*

## REPORT

---

### BACKGROUND INFORMATION

The University of Maryland Plan of Organization (Article 6.3) stipulates “review of the current Plan of Organization shall be undertaken at least every ten years by a committee composed of members elected by the Senate.” However, the Plan gives the Senate Executive Committee (SEC) the authority to “institute a review of the Plan by such a committee in the fifth or subsequent year following a review if in its judgment there have been changes in the University significant enough to justify a review.” In April 2011, the Senate and President Loh approved a recommendation from the Elections, Representation, and Governance (ERG) Committee to initiate the Plan review in year seven (Senate Doc. No. 09-10-38). Accordingly, the Senate Executive Committee developed a slate of candidates as defined in Article 6 for the Plan of Organization Review Committee (hereinafter “the Committee” or “PORC”) for Senate approval in Fall 2013.

### INTRODUCTION

The University Senate formed the Plan of Organization Review Committee in October 2013. Vincent Novara, Chair of the University Senate, charged the Committee with conducting a thorough review of the University’s Plan of Organization and making suggestions for revisions where necessary. Specifically, the Committee was asked to:

- Work with offices of the University to collect institutional data regarding population trends of the various constituent groups on campus and consider changes to organizational structures of administrative offices.
- Review changes to Senate and standing committee memberships as well as issues of representation since the last review was conducted.
- Review any legislation relevant to the operations of the Senate and Senate Office.

### CURRENT PRACTICE

The Plan of Organization provides the principles of shared governance at the University of Maryland. It outlines the relationship between campus constituencies and the administration. In addition, the Plan details the Senate’s guidelines for membership and eligibility, election processes, meetings of the Senate, committees and councils, and plans of organization of individual units. The Plan also allows for Bylaws that provide more specific details.

The Plan of Organization defines the major constituencies and determines their representation in the Senate, but also allows for single-member constituencies to be specified in the Bylaws. The current apportionment of the Senate specifies ratios of senators to be selected from each constituency to the total number in the constituency: a 1:17 ratio for tenured/tenure-track faculty, a 1:200 ratio for staff, a 1:1,000 ratio for undergraduate students, along with 10 at-large seats for graduate students. The Plan and Bylaws provide single-member representatives for part-time instructors/lecturers, full-time instructors/lecturers, research faculty, adjunct faculty & professors of the practice, emeritus faculty, head coaches, contingent II staff, part-time undergraduate students, and part-time graduate students. In addition, the Plan stipulates that Deans shall be voting ex officio members while administrators, department chairs and directors shall be non-voting ex officio members. The current voting Senate population includes 182 total senators with 102 tenured/tenure-track faculty, 11 exempt staff, 10 non-exempt staff, 25 undergraduate students, 10 graduate students, 9 single-member representatives, and 15 deans.

## **COMMITTEE WORK**

The Plan of Organization Review Committee began its review in October 2013 and subsequently held 15 meetings of the full committee to complete its review. Throughout its work, the Committee was guided by the charge from the Senate Executive Committee (SEC). Specifically, the Committee focused on those issues raised by the SEC, other committees of the Senate, reports from other campus bodies, and the Senate staff. The Committee reviewed the University System of Maryland (USM) Policy on Shared Governance to gain a broader perspective of shared governance principles. The Committee also met or consulted with the Director of Athletics, the Chair of the Athletics Council, representatives of the Office of Institutional Research Planning and Assessment (IRPA), and the Executive Director of the Universities at Shady Grove. The Committee also reviewed relevant senate legislation since the last Plan review, which was referred to PORC, approved or rejected by the SEC, and approved by the Senate. In addition, the Committee reviewed data on election results and voter counts, constituency population trends, and peer institution data. The Committee also considered suggested revisions to the Plan and Bylaws that would align the documents with current practices and administrative structures.

The Committee created a subcommittee to propose revisions to the Bylaws that would conform the Bylaws to changes made to the Plan. In addition, the Committee considered changes to all of the standing committee memberships in order to streamline and make them more effective. The full Committee reviewed the subcommittee's proposed changes to the Bylaws and agreed to make recommendations to the Senate Executive Committee for Senate approval following approval of the Plan.



## PEER INSTITUTION REVIEW

The Plan of Organization Review Committee reviewed data collected by the Committee on Institutional Cooperation (CIC) governance leaders. The survey conducted by the CIC included information about nominations/elections, role of governance, communication, unionization, training, and governing boards. In addition, the Committee was provided with information regarding the relationship between CIC institution senates and their athletic councils.

## OVERVIEW OF REVISIONS

The Plan of Organization was revised in order to respond to changes in the University, incorporate changes in administrative structures and current procedures for elections, disqualification, and transition of the Senate, and remove ambiguities in the current Plan. In addition, the name of the Plan of Organization was changed to the Plan of Organization for Shared Governance in order to represent more accurately the purpose of the document. The Committee highlights the following recommended amendments to the Plan in order to encourage careful attention to what it considers some of the most important recommendations.

### Definition of Shared Governance (Preamble – pg. 3)

The Preamble of the Plan of Organization was revised to align our University's principles with those required by the Board of Regents. Specifically, the new language reflects the shared responsibility of governance among faculty, staff, students, and administrators. In addition, the roles of these constituencies in shared governance are clarified.

### Definition of Faculty (Article 3.2 – pg. 9)

The definition of faculty constituencies was revised to include full-time professional track faculty along with the tenured/tenure-track faculty. This change, recommended after extensive study by the Elections, Representation, and Governance and Faculty Affairs Committees (Senate Doc. No. 09-10-38 and Senate Doc. No. 12-13-55) and the Joint Provost/Senate Non-Tenure-Track Faculty Task Force (Senate Doc. No. 12-13-41), was made to recognize recent policy changes that more clearly define the role of professional track faculty on our campus. In addition, the types of faculty included in the tenured/tenure-track faculty definition were clarified by specifically noting field faculty who hold ranks equivalent to Professor, Associate Professor, and Assistant Professor.

### Staff Categories (Article 3.3 – pg. 11)

The categories of staff representation were revised to create four categories of exempt and non-exempt staff. The University has recently moved to a new system for categorizing staff employees on campus in order to align with new federal reporting requirements. The previous categories of staff as noted in the Senate Bylaws have been phased out, and staff are now categorized using the Integrated Postsecondary Education Data System (IPEDS). The IPEDS

categories are at a granular level with significant overlap that is not appropriate for Senate representation. The four new categories were developed to ensure representation of exempt and non-exempt staff within the academic and administrative areas of our campus.

#### Apportionment (Article 3.2.b – pg. 10)

The apportionment of the Senate was left largely unchanged with the exception of faculty. Because of the new definitions of faculty and the role of professional track faculty, the relative apportionments of these groups were revised. The new ratios were based on expectations for excellence in research and teaching. While tenured/tenure-track faculty are expected to excel in both of these dimensions, the majority of professional track faculty are only expected to excel in one dimension. As a result, tenured/tenure-track faculty apportionment ratio was changed to 1:15 by college, and for full-time professional track faculty (including full-time instructor/lecturers, research faculty, adjunct faculty & professors of the practice) representation as single member constituency was replaced with an apportionment ratio of 1:30 by college. This change was made to allow tenured/tenure-track faculty to maintain a 50% representation in the Senate, while allowing professional track faculty to be represented at an increased rate relative to their populations at the college level. The new ratios increase the number of tenured/tenure-track faculty representation from 102 to 109 and increase the number of full-time professional track faculty representation from 3 to 26. The remaining major constituency ratios remain the same: staff apportionment 1:200 for a total of 22 representatives (14 Exempt and 8 Non-Exempt), undergraduate apportionment 1:1000 for a total of 26 representatives by college, and 10 at-large graduate student representatives. The remaining single-member constituencies include part-time professional track faculty, emeritus faculty, head coaches, contingent II staff, part-time undergraduate students, part-time graduate students, and a new category for postdoctoral associates (formerly RAs)/junior lecturers, and faculty assistants (formerly FRAs) for a total of 7 representatives. Based upon current populations, the proposed Senate would increase from 182 to 215.

#### Athletics (Article 3.6.a – pg. 14 & Article 8.7 – pg. 27)

Over the last few years, the Department of Intercollegiate Athletics has requested to be more engaged in the University through the University Senate. The Head Coaches were given representation as a single-member constituency in the Senate. In addition, Athletics was given an ex officio seat on the Senate Campus Affairs Committee. The Senate (Senate Doc. No. 11-12-23) determined that the Director of Athletics should be a non-voting ex officio Senate member. This privilege would afford the Director the opportunity to speak on the Senate floor without an introduction. In addition, the relationship and interaction between the University Senate and the University Athletic Council is clearly defined.

#### Tiebreaking Process (Article 4.3 – pg. 15)

The Senate does not currently have a process for breaking ties in elections where there are no runners-up. The SEC approved an interim process for these situations (Senate Doc. No. 10-11-39) to replace the coin-toss process until it could be reviewed by PORC. The Plan was revised to include specific language regarding the process for breaking a tie during the elections. The elected members from the relevant constituency serving on the Executive Committee would review the original candidacy statements of the tied individuals and determine a winner. For those constituencies on the Executive Committee that have more than one representative, if the tiebreak procedures resulted in another tie, the Senate Chair would then select the final winner.

#### Definition of Officers/Advisors (Article 5 – pgs. 19-22)

The definition and role of the Senate Officers and advisors were clarified in the Plan. Specifically, the Past Chair is defined as an advisor because of existing practices that include his/her participation in regular monthly meetings with the Senior Vice President and Provost, along with the Chair and Chair-Elect. In addition, the Past-Chair was given a voice on the Senate floor so that he/she might provide perspective on issues that carry over in subsequent years. The appointment and role of the Parliamentarian is also more clearly defined.

#### Plans of Organization of Units (Article 11 – pgs. 27-31)

Each College, School, Department, and other Academic Program, and the Library is required to have a Plan of Organization that conforms to the University of Maryland Plan of Organization for Shared Governance. The revised Plan provides principal requirements for each Plan including a unit-wide assembly that includes faculty, staff, and students. In addition, the Plan notes that unit Plans should be consistent with the University's principles of shared governance and relevant System and University policies. The review process and consequences for noncompliance with required reviews are also specified.

#### Review of Academic Administrators (Article 12 – pg. 31)

The review process for Deans and Department Chairs/Directors of Academic Units is also specified in the Plan. Specifically, the language stipulates the policies that guide these reviews.

#### Bylaws

The Bylaws were revised to conform to the Plan and to incorporate changes to administrative structures and nomenclature. In addition, committee membership was reviewed to evaluate effectiveness and efficiency.

## RECOMMENDATIONS

The Plan of Organization Review Committee met on December 15, 2014 and unanimously approved the proposed revisions to the Plan of Organization and the Senate Bylaws. The Plan of Organization Review Committee recommends the following:

- That the proposed revisions to the Plan of Organization be forwarded to the University Senate for approval.
- That following Senate approval, the revised Plan be submitted to an institution-wide referendum according to the procedures outlined in Article 6.2.a of the current Plan, which requires “a majority of the votes cast within each of two of the three major constituencies” before requesting presidential approval.
- That following ratification of the Plan of Organization, it be submitted to the President of the University for his approval.
- That following approval of the Plan of Organization by the President, the University Senate consider the proposed revisions to the Senate Bylaws.
- That following approval of the Plan of Organization and the Senate Bylaws, the Senate Elections, Representation, and Governance (ERG) Committee be charged with updating the apportionment of all constituencies to align with approved ratios of representation based upon current population totals.
- That changes in Senate and committee memberships be implemented in the election and committee placement cycles immediately following approval of the Plan of Organization and Senate Bylaws. Reductions in membership shall be handled through a period of attrition. New Senate seats shall be filled in the next election cycle, with new senators initially elected to staggered terms based on election results, if necessary.

**RECOMMENDED REVISIONS TO THE UNIVERSITY OF MARYLAND PLAN OF  
ORGANIZATION**

Proposed additions shown in **blue and bold**

Proposed deletions shown in ~~red and strikeout~~

Text that has been moved shown in ~~green and strikeout~~ and **green bold**

**PLAN OF ORGANIZATION  
FOR SHARED GOVERNANCE**

~~FOR~~ **AT** THE

**UNIVERSITY OF MARYLAND,  
COLLEGE PARK**



**Approved by the Senate on April 24, 2006**

**Ratified September 22, 2006**

## TABLE OF CONTENTS

PREAMBLE .....	3
<b>DEFINITIONS AND TERMS .....</b>	<b>5</b>
ARTICLE 1.....	6
THE SENATE AND ITS FUNCTIONS .....	6
ARTICLE 2.....	8
RELATION OF THE SENATE TO THE OFFICE .....	8
OF THE PRESIDENT .....	8
ARTICLE 3.....	9
MEMBERSHIP AND ELIGIBILITY .....	9
ARTICLE 4.....	15
SENATORIAL ELECTIONS, EXPULSION, AND RECALL .....	15
ARTICLE 5.....	19
OFFICERS OF THE SENATE, THEIR NOMINATION, ELECTION, APPOINTMENT, AND IMPEACHMENT .....	19
ARTICLE 6.....	22
AMENDMENTS, REVIEW, AND REVISION .....	22
ARTICLE 7.....	24
BYLAWS .....	24
ARTICLE 8.....	24
COMMITTEES AND COUNCILS .....	24
ARTICLE 9.....	27
MEETINGS OF THE SENATE .....	27
ARTICLE 10.....	27
STAFF AND FACILITIES .....	27
ARTICLE 11.....	27
PLANS OF ORGANIZATION OF UNITS .....	27
<b>ARTICLE 12.....</b>	<b>31</b>
<b>REVIEW OF ACADEMIC ADMINISTRATORS .....</b>	<b>31</b>

**PLAN OF ORGANIZATION  
FOR SHARED GOVERNANCE  
University of Maryland, College Park**

**PREAMBLE**

The University of Maryland, College Park (hereinafter referred to as the University) is a land grant institution of the State of Maryland and the flagship university of the University System of Maryland.

The purpose of this Plan of Organization **for Shared Governance (hereinafter referred to as the Plan)** is to provide a means for the University to fulfill its responsibilities for educational policy and other affairs of concern to the institution **using the principles of shared governance as required by the Board of Regents. Shared governance activities can and do occur in other bodies not included in this Plan.**

A commitment to develop and disseminate knowledge compels a university to construct an academic community, which exemplifies free and open participation in structures that affect the lives of its members. Shared governance at the University means governance shared among **f**aculty, **s**taff, **s**tudents, and **a**dministrators at all levels, **and includes forming and articulating a vision for the University.** ~~Among these, the Faculty have the fundamental role in the governance of the institution.~~

**Shared governance at the University recognizes:**

- 1) The responsibility of *administrators* for providing strategic leadership, and for managing its human resources, finances, and operations;**
- 2) The central role of the *faculty* in the institution's teaching, research, and outreach programs, and in determining degree requirements and academic standards including the assessment of the quality of these activities through peer review;**
- 3) The essential responsibility of the *staff* in managing the institution's operations;**
- 4) The role of *students* as the institution's main academic educational focus, and their legitimate interest in matters affecting their ability to complete their education; and**
- 5) The legitimate interest of all constituencies in participating in the development of policies and procedures, which affect them and the welfare of the University.**

All principles of shared governance shall be actively implemented at every administrative level including program, department, college **or school**, division, and institution.

~~There shall be a University Senate (hereinafter referred to as the Senate) that will be an integral part of the institutional system of governance. The powers of the Senate shall be limited so that they do not contravene the powers of the Board of Regents, as~~

~~provided in the statutes of The University System of Maryland and the powers delegated by the Board of Regents to the Chancellor of the University System of Maryland and to the President of the University.~~

A guiding principle of sound governance among people of reason and goodwill is a mutual regard for one another. Such regard is manifested in the sharing of information and advice among the administrators of the University, representatives of the campus community, and the campus community **as a whole** ~~generally~~ on all matters of mutual concern. In this spirit, the campus community, through its elected representatives, shall advise, consult with, and make recommendations to the administrators of the University. University administrators, in turn, shall respond to such consultations and keep the campus community informed of the condition of the institution and the welfare of its members.



## DEFINITIONS AND TERMS

For the purposes of this Plan and the associated Senate Bylaws, the following definitions shall be used:

- (1) **College** - Colleges are headed by a Dean who reports to the Senior Vice President & Provost and are equivalent to Schools (with a capital S). For clarity, initial capitals are used in the Plan for these Colleges.
- (2) **School** - Schools are headed by a Dean who reports to the Senior Vice President & Provost and are units equivalent to the Colleges. For clarity, initial capitals are used in the Plan for these Schools.
- (3) **Department** – An academic department is a unit officially recognized by the University, and ordinarily is headed by a Chair who reports to the Dean of a College or School, offers one or more academic programs, maintains a separate budget, and may serve as the home unit for tenure track faculty. When the word “department” is used in the Plan, it may also apply to academic schools within a College that are headed by a director who reports to the Dean. Units satisfying the above criteria that are not officially recognized as such are not academic departments.
- (4) **Academic Program** – Academic Programs are entities within Colleges or Schools that do not have departmental status and/or are not housed within one department. An academic program has a defined curriculum, which leads to the awarding of a degree, such as bachelor's, master's, doctoral degrees, and undergraduate and post-baccalaureate certificates, as recognized by the Maryland Higher Education Commission (MHEC).
- (5) **The Library** – The Library refers to the University Libraries as a whole. The Library follows the principles and guidelines within the Plan of Organization for the Libraries, and is governed in the same manner as a College or School.

**ARTICLE 1**  
**THE SENATE AND ITS FUNCTIONS**

- 1.1 **There shall be a University Senate (hereinafter referred to as the Senate) that will be an integral part of the institutional system of governance. The powers of the Senate shall be limited so that they do not contravene the powers of the Board of Regents, as provided in the policies of the University System of Maryland and the powers delegated by the Board of Regents to the Chancellor of the University System of Maryland and to the President of the University.**
- 1.42 Subject to the authority of the Board of Regents, the Chancellor, and the President, the Senate shall consider any matter of concern including, but not limited to, educational budgetary and personnel matters; campus-community matters; long-range plans; facilities; and faculty, staff, and student affairs. The Senate shall advise the President, the Chancellor, or the Board of Regents, as it deems appropriate.
- 1.23 The functions of the Senate shall include, but **shall** not necessarily be limited to, the following:
- 1.23.a Advise the **President on all matters of concern as well as the** Board of Regents and the Chancellor through the President ~~on all matters of concern~~.
- 1.23.b Receive and consider recommendations from, and consult with, the President, the Chancellor, and the Board of Regents.
- 1.23.c Receive and consider recommendations from, and advise and consult with, all sectors of the campus community ~~on~~ **f** matters of concern.
- 1.23.d Consult with the President on all general policy matters pertaining to the employment and programs of the instructional, research, and supportive staffs of the University.
- 1.23.e Submit proposals to the President, or to the Colleges, Schools, or other units of the institution, or to ~~three-campus~~ **constituencies (including** faculty, staff, and students), as in its judgment may serve to improve the quality of campus life.
- 1.23.f Provide for ~~periodic~~ **the** review of administrative implementation of policies adopted by the Senate **as appropriate**.
- 1.23.g Assist in the selection of the President, Vice Presidents, and other administrative officers with institution-wide responsibilities.
- 1.23.h Provide liaison to committees appointed by the President or a representative of the President, and, in turn, provide representation for the President, and ~~for~~ other administrative officers of the institution ~~as appropriate~~, on all Senate committees, **as appropriate**.

- 1.23.i Provide for periodic reviews of administrative officers of the University.
- 1.23.j Formulate and recommend to the President policies relating to education, research, and instructional resources for the institution, and review proposals and recommend review of standards of any individual unit.
- 1.23.k Formulate and recommend to the President policies relating to programs, curricula, and courses including policies on the establishment, reorganization, or abolition of academic units.
- 1.23.l Work for promotion of student welfare and the enhancement of student life.
- 1.23.m Work for the advancement of faculty life, employment, morale, and perquisites, and ensure academic freedom and the protection of faculty and research interests.
- 1.23.n Work to advance and enhance staff life, conditions of employment, morale, and welfare.
- 1.23.o Work for a favorable academic environment and harmonious relations with the neighboring communities and surrounding areas.
- 1.23.p Consult and advise on long-range plans as they relate to institutional budget, physical plant development, and other aspects of campus life including ways in which these aspects may be improved, and provide means to keep such plans under ~~continuing~~ **continual** review.
- 1.23.q Develop and review policies and procedures regarding conduct appropriate to the University and, as requested, carry out the responsibilities detailed in those policies.
- 1.23.r Consider and recommend policies **and procedures** relating to the awarding of prizes and honors.
- 1.23.s Supervise all senatorial elections and institution-wide referenda, and other duties relating to the supervision of the Senate as might be deemed appropriate.
- 1.23.t Review all ~~p~~**P**lans of ~~e~~**O**rganization of the ~~e~~**C**ollege, ~~s~~**S**chools, and other **academic** units in accordance with this Plan ~~of Organization~~.
- 1.23.u Initiate proposed changes to this Plan ~~of Organization~~, when necessary or desirable, in accordance with **Article 6** ~~procedures herein~~.
- 1.23.v Conduct relations with University System of Maryland entities that call for faculty, staff, and student representation. Such representation shall fall under the jurisdiction of the Senate. Persons so appointed and elected need not be current members of the Senate, but shall be responsible for consulting with and reporting to the Senate and its Executive Committee.

Elections and appointments shall be conducted as prescribed in the Senate Bylaws.

- 1.23.w Determine unit eligibility for representation in the Senate and other governing bodies.

## **ARTICLE 2**

### **RELATION OF THE SENATE TO THE OFFICE OF THE PRESIDENT**

- 2.1 The Senate and the President of the University shall exchange, in a timely manner, information that concerns the actions of the Senate.
- 2.1.a The Senate and its committees shall obtain information from the Office of the President and, through that office, from other administrators, on matters within the Senate's purview. The Executive Committee of the Senate, or the presiding officer of the Senate, shall distribute such information either to the entire Senate or to its committees, as the case requires. In particular, the Senate shall be supplied with up-to-date charges of organization that describe the structure of the offices of the President and Vice-Presidents.
- 2.1.b The Senate Advisory Committee, consisting of the elected members of the ~~Senate~~ Executive Committee, shall meet **privately with the President regularly at least once per semester** ~~and privately with the President.~~
- 2.1.c At least once each academic year, the President shall be invited to a regular or special meeting of the Senate to present a report on any matter of concern.
- 2.1.d The presiding officer of the Senate shall make a report of all appropriate Senate decisions, or Executive Committee decisions made on behalf of the Senate, and send that report to the President within ten working days.
- 2.2 Decisions of the Senate shall be implemented when approved by the President, and, when necessary, by the Chancellor, by the Board of Regents, and/or by the Maryland Higher Education Commission.
- 2.2.a In the event that the President does not choose to implement **in whole or in part**, or to forward to the Chancellor, a decision of the Senate, the President shall inform the Senate in writing through the Executive Committee of the Senate within ten working days, citing reasons for the dissent. If requested by the Senate, the President shall transmit to the Board of Regents through the Chancellor any further action of the Senate on the matter.
- 2.2.b In case the decision of the President's Office requires longer than ten working days, the President shall notify the Executive Committee of the Senate within those ten working days of the reason for the delay and specify a reasonable date to respond to the Senate. The procedures shall be repeated if additional time is required.

- 2.2.c At the beginning of each academic year, the **Office of the University Senate, in conjunction with the President's Office**, shall submit a written report to the Senate on the status of all the Senate's active recommendations.
- 2.3 At the request of the President, the Senate shall elect representatives to committees or councils.
- 2.4 At the request of the President, the Executive Committee of the Senate may appoint or nominate representatives to committees or councils.

### **ARTICLE 3**

#### **MEMBERSHIP AND ELIGIBILITY**

- 3.1 There shall be a Senate, a unicameral body composed of voting representatives called **S**enators from the following ~~three~~ constituencies and certain non-voting ex officio members.
- 3.2 Faculty Senators:
- 3.2.a Faculty constituencies **include** ~~are defined as:~~
- (1) **full-time tenured and tenure-track faculty and their equivalent, defined as:**
    - (a) **faculty** ~~those~~ who hold a ~~full-time~~ tenured or tenure-track appointment at the rank of Professor, Associate Professor, Assistant Professor ~~or a rank recognized by the University as equivalent to these,~~
    - (~~b~~2) Librarian**s faculty who hold a permanent status or permanent status-track appointment at the rank of Librarian II, Librarian III, or Librarian IV, and**
    - (~~c~~3) **Field faculty with titles parallel to the rank of Professor, Associate Professor, Assistant Professor, and**
    - (d) Instructors and Lecturers who have job security~~;~~ **and**
  - (2) **full-time professional track faculty, defined as:**
    - (a) **All professional track faculty (as defined in II-1.00 [G]), and Librarian I faculty (as defined in II-1.00 [A]), excluding the term-limited and entry-level professional track titles.**

Part-time faculty may not be added together to compose a faculty constituent.

3.2.b Representatives to the Senate shall be elected from those faculty constituents who have been under contract to the University at least since August of the academic year during which the election is held. All these **S**enators shall be elected in accordance with the individual Plan of Organization of their College or School, or, for **L**ibrary faculty, the Plan of Organization of the Library, as approved by the Senate. ~~One faculty senator shall be elected for each 17 faculty members, or major fraction thereof (11 or more).~~ Faculty serving as administrators shall be considered members of the units in which they hold faculty rank and are thus eligible for election to the Senate from those units. However, notwithstanding the ~~below~~ **above** rate of representation, each College or School shall be entitled to at least as many **S**enators as there are academic departments. Any College or School with fewer than **a major fraction of 9** faculty members shall be entitled to elect one **S**enator **for each faculty constituency defined in 3.2.a.**

- (1) **One faculty **S**enator shall be elected by the tenured or tenure-track faculty for each ~~17~~ **15** faculty members as defined in 3.2.a.(1) above, or major fraction thereof (~~11~~ **8** or more); and**
- (2) **One faculty Senator shall be elected by the professional track faculty for each 30 faculty members as defined in 3.2.a.(2) above, or major fraction thereof (16 or more).**

~~The word "school" is used in the University and in this Plan for two kinds of academic units. Schools headed by a Dean who reports to the Senior Vice President for Academic Affairs & Provost are units equivalent to the Colleges (which also are headed by a Dean who reports in the same way). For clarity, initial capitals are now used in the Plan for these Schools as well as for the Colleges. The schools within a College (or a School) are headed by a Director who reports to the Dean and are academic units equivalent to an academic department. When the word "department" is used in the Plan for academic departments, it applies to these schools headed by a director as well as to the departments headed by a chair. For these schools, an initial capital is not used in the Plan.~~

3.2.c Faculty who hold joint appointments of equal time in two or more academic or administrative units may vote in or be elected to a Senate seat from only one of those units. Such individuals shall be asked by the Office of the **University** Senate to indicate in which unit they wish to have voting representation. Individuals may change their voting representation only when the Senate is reapportioned.

3.2.d In apportioning senatorial representation among academic departments and programs or other units within Colleges and Schools, such representation must be fair and equitable. Since section 3.2.b ensures that a College or School has at least as many faculty senators as it has academic departments, provisions to combine academic departments to share a faculty Senate seat (or to elect the faculty Senator in rotation among the units) will require compelling arguments based on great disparities in size among the departments of the College or School in order to satisfy the

requirements of this section in the review specified in section 11.~~43~~.ea. Academic programs or other units without departmental status in the College or School may be combined, or combined with an appropriate department, for purposes of senatorial representation in order to achieve fairness and equity within the College or School. In such situations, all faculty from the units shall be equally eligible for nomination and election to the Senate.

- 3.2.e In the case of the reorganization of the existing academic departments or creation of new academic departments within a College or a School, the College or School shall be responsible for submitting a reapportionment plan under the review procedures of section 11.~~43~~.ea to provide representation for the affected constituencies. If the reorganization or creation of departments would entitle the College or School to new representatives under section 3.2.b, such additional representatives shall be awarded to the College or School.

In the case of the creation of a new departmentalized College or School, the new College or School shall submit an apportionment plan under the review procedures of section 11.~~43~~.ea.

In all cases of creating a new College or School, the Senate shall ensure that the number of its faculty representatives in the Senate meets the requirements of section 3.2.b, creating new Senator seats as necessary.

In all cases covered under the provisions of this section, currently elected Senators from the affected units shall serve until the end of their terms, or until they resign, just as they would under a regular reapportionment of the Senate as specified in section 3.8.b (2).

- 3.2.f The term of each elected faculty Senator shall be three years, irrespective of any academic reorganizations that may take place during that time. ~~No Senator who has served a full term shall for a period of one year be eligible for re-election or for appointment to the Senate.~~ **Senators who have served a full term shall for a period of one year be ineligible for re-election or for appointment to the Senate.**

### 3.3 Staff Senators:

- 3.3.a For purpose of representation in the Senate, staff constituents are defined as those who hold a full-time permanent appointment as defined by the applicable University definitions and classifications. Part-time staff may not be added together to comprise a staff constituent. The Bylaws shall provide provisions to divide the staff constituency into no more than ~~eight~~ **four** categories, nor less than ~~three~~ **two** categories, ~~that~~ **which** are consistent with applicable University regulations for purposes of representation.
- 3.3.b One staff Senator shall be elected for each 200 staff constituents or major fraction thereof (101 or more) in each category. Any category with fewer than 200 persons shall be entitled to elect one Senator. The candidates

receiving the highest number of votes as determined by procedures established by the appropriate Senate committee shall be declared elected.

- 3.3.c The term of each elected staff Senator shall be three years. ~~No staff Senator who has served a full term shall for a period of one year be eligible for re-election or for appointment to the Senate.~~ **Staff Senators who have served a full term shall for a period of one year be ineligible for re-election or for appointment to the Senate.**

- 3.3.d Terms of staff Senators shall be staggered under a ~~plan~~ **mechanism** included in the Senate Bylaws.

- 3.3.e The senatorial responsibilities of each staff Senator shall be considered a part of his/her official duties.

3.4 Student Senators:

For purposes of representation in the Senate, the student constituency is divided into two independent categories.

3.4.a Undergraduate Student Senators:

- (1) One student Senator shall be elected for each 1000 full-time undergraduate students or major fraction thereof (501 or more). Each College or School with undergraduate enrollment and the Office of Undergraduate Studies shall **be represented by** ~~elect~~ at least one undergraduate student Senator.

- ~~(2) Undergraduate students shall vote for the number of candidates to be elected from the College, School, or other unit of their major (their primary major if they have more than one major). Any undergraduate student not eligible to vote and be elected a Senator in any of the Colleges or Schools shall be eligible to vote and be elected a Senator from the Office of Undergraduate Studies. The Office of the Senate shall solicit undergraduate students for nominations of candidates for election as undergraduate student Senators and shall work with the offices of the Colleges and Schools and with the Office of Undergraduate Studies to publicize these elections. Each candidate must be enrolled for at least twelve academic hours at the University. The Office of the Senate shall prepare the ballot for each College and School, and for the Office of Undergraduate Studies, and shall administer each election.~~

- ~~(3)~~ (2) The term of each elected undergraduate student Senator shall be one year. Undergraduate student Senators are eligible for re-election for up to three consecutive terms.

- ~~(4)~~ (3) No undergraduate student shall be elected to, or serve in, office if not in satisfactory academic and disciplinary standing as defined in University publications.



- (54) An undergraduate student Senator must be continuously enrolled in an undergraduate program at the University for at least twelve academic hours during the academic semesters served in the Senate and shall not hold ~~academic rank~~ **faculty title or position rank**, or an administrative or staff position, **but may be employed by the University as a student employee.**

3.4.b Graduate Student Senators:

- (1) Ten graduate student Senators shall be elected in an at-large election. No more than two graduate student Senators may be from the same College or School.
- ~~(2) The Office of the Senate shall solicit all full time graduate students for nominations of candidates for election as graduate student Senators. The Office of the Senate shall prepare ballots showing all the candidates, identifying each one with the candidate's College or School, and shall administer the election. All graduate students shall have the right to vote for a maximum of ten candidates.~~
- (32) The term of each elected graduate student Senator shall be one year. Graduate student Senators may be re-elected for up to three consecutive terms.
- (43) No graduate student shall be elected to, or serve in, office if not in satisfactory academic and disciplinary standing as defined in University publications.
- (54) A graduate student Senator must be continuously enrolled and be certified by the Graduate School as a full-time graduate student in a graduate degree program at the University during the academic semesters served in the Senate, and shall not hold ~~academic rank~~ **faculty title or position rank**, nor an administrative or staff position, but may be a graduate assistant, graduate research assistant, or graduate fellow.

3.5 Other Senators

In order to provide some representation for members of the campus community who do not meet the criteria for inclusion in the Faculty, Staff, or Student constituencies, the Senate, in its Bylaws, may define up to ten additional constituencies, each to be represented by one Senator, elected or appointed according to procedures to be set forth in Bylaws.

3.6 Ex Officio Members of the Senate

- 3.6.a Unless elected as a voting member of the Senate by an appropriate constituency, the following shall be non-voting ex officio members of the Senate:

- (1) the President;

- (2) the Senior Vice President ~~for Academic Affairs~~ & Provost;
- (3) the Vice Presidents;
- (4) the University ombuds officers;
- (5) the Directors of Centers, Institutes, Academic Programs, and Undergraduate Admissions;
- (6) the Chairs of Academic Departments;
- (7) the Executive Secretary and Director of the Senate;
- (8) the President of the Student Government Association;
- (9) the President of the Graduate Student Government Association; ~~and~~
- (10) the chief executive officer of any institution-wide constituency group recognized in Article 3 and not otherwise provided for in Article 3.5-a; ~~and~~
- (11) ~~the Director of Athletics. additional non-voting ex-officio members of the Senate as specified in the Bylaws of the Senate;~~

3.6.b Non-voting ex officio members of the Senate shall enjoy all the privileges of Senate membership except the right to vote.

3.6.c All academic and administrative deans shall be voting ex officio Senators.

### 3.7 Disqualification from the Senate

**3.7.a** No person shall be disqualified from election if in satisfactory standing at the University, **if a member of the constituency for which the election is being held**, and if in attendance since August of the academic year in which the election takes place.

**3.7.b** ~~However, m~~Membership in the Senate shall terminate **in accordance with provisions in the Bylaws** ~~if the person is no longer in satisfactory standing or no longer a member of the constituency from which elected.~~

### 3.8 Reapportionment of the Senate

3.8.a In accordance with the procedures set forth in the Bylaws of the Senate~~;~~, reapportionment of the Senate shall be conducted every five years to reflect more accurately the composition of the University community.

3.8.b Upon reapportionment:

- (1) a department, unit, or staff category that gains representation through reapportionment shall nominate and elect constituent(s) ~~as appropriate~~ **in the next election cycle**;
- (2) a department, unit, or staff category that loses representation through the reapportionment shall retain all currently elected ~~S~~senators until the end of the Senator(s) term(s) or until the Senator(s) resign(s). Upon completion of the term(s) or resignation(s) from the Senate, the ~~Senator(s)-vacated seat~~ **vacated seat** shall not be replaced.

- 3.8.c Reapportionment shall occur immediately upon final approval of this University of Maryland Plan of Organization **for Shared Governance**, except when a reapportionment has occurred within the previous five years.
- 3.8.d Reapportionment of senatorial representation among units mandated by this University of Maryland Plan of Organization **for Shared Governance** to conduct senatorial elections shall be the responsibility of those units and shall be conducted as fairly and equitably as possible.

#### ARTICLE 4

##### SENATORIAL ELECTIONS, EXPULSION, AND RECALL

- 4.1 Subject to the provisions of Article 3 defining the eligibility of members and the provisions of this Article, each **C**ollege, **S**chool, or other units of the University is responsible for providing a Plan of Organization that will ensure the timely nomination and election of faculty, staff, and student senators. These **P**lans shall have provisions to promote equitable representation.
- 4.2 The appropriate Senate committee shall **supervise advise on** all senatorial elections and referenda, **as needed**, to ensure that procedures for **nomination candidacy** and election, as well as standards of eligibility, are consistent with **this the Senate's Plan of Organization. No committee of the Senate that is responsible for advising on senatorial elections shall itself make or require specific nominations for election to the Senate.** The Senate is the ultimate judge of the eligibility of any elected **s**Senator, and may reject the choice of any constituency group.
- 4.3 **Ties shall be broken by the elected members from the relevant constituency serving on the Executive Committee, following a review of the original candidacy statements of the tied individuals. For those constituencies on the Executive Committee that have more than one representative, if the tiebreak procedures result in another tie, the Chair of the Senate will then select the final winner.**
- 4.4 Election of Faculty Senators:
- Faculty Senators representing tenured/tenure-track faculty and professional track faculty shall be elected in separate elections.**
- 4.~~3~~4.a The Library and each non-departmentalized College or School shall form an election committee to conduct elections of faculty Senators in accordance with the Plan of Organization of that College or School and in accordance with the policies established by the Senate. **The committee shall solicit nominations from the membership of the College or School for election to replace outgoing senators.**
- 4.~~3~~4.b Each departmentalized College or School may form an election committee to conduct elections of faculty Senators in accordance with its Plan of Organization and in accordance with the policies established by the Senate. Every department or equivalent academic unit shall have the right to submit

nominations for the election of faculty members to the College or School's election committee.

Alternatively, a departmentalized College or School may allocate the senatorial positions allotted to it (on the basis of section 3.2.b) to the departments and units within it in a fair and equitable way by incorporating the distribution of faculty Senators in its Plan of Organization in accordance with the policies established by the Senate and by receiving the Senate's approval of its Plan of Organization as required in section 11.43.ea. The Plan of Organization of the departmentalized College or School shall require each voting unit within it to form an election committee to conduct elections of faculty Senators in accordance with the Plan of Organization of the unit and in accordance with the policies established by the Senate. **The committee shall solicit nominations from the membership of the unit and present to the Chair a slate of candidates for election to replace outgoing senators.**

- 4.34.c Faculty who are not in Schools or Colleges shall form an election committee to conduct elections of faculty Senators in accordance with Senate guidelines. Every member shall have the right to submit nominations for the election of faculty members to the election committee. **The committee shall solicit nominations for election to replace outgoing senators.**

- 4.4.d **The election committees referenced in 4.4.a-c shall include representatives from both the tenured/tenure-track and professional track faculty Senator populations, as defined in 3.2.a.**

- 4.45 Election of Staff Senators:

~~Nominees~~ **Candidates** for one or more staff Senators ~~seats~~ shall be solicited by the Office of the **University** Senate from the categories provided for in Article 3.3.a and in the Bylaws. **The Office of the University Senate shall work** in cooperation with the appropriate Senate committee and ~~the Director of Personnel Services~~ **University Human Resources, as needed**. Procedures for elections shall be as outlined below.

- 4.45.a ~~Nominations~~ **Candidacy**:

~~Both the nominator and nominee shall be members of the same staff category for which representation is sought.~~ **The Office of the University Senate shall open a candidacy period and solicit candidates from the appropriate staff categories for the elections.**

- 4.45.b Ballots:

The Office of the **University** Senate, ~~in cooperation with the Director Personnel Services and the members of each of the categories,~~ shall prepare ~~and distribute~~ ballots **for the elections, and make them available** to each staff member **within the appropriate staff categories. The Office of the University Senate shall administer the elections.**

4.45.c

Voting:

Staff members may vote only in their own category as provided in Article 3.3.a and the Bylaws.

4.56 Elections of Undergraduate Student Senators:

Undergraduate student ~~Senators~~ candidates shall be ~~nominated and elected~~ solicited by the Office of the University Senate to represent their constituency in the manner described in Article 3.4.a. Procedures for elections shall be outlined below.

4.6.a. Candidacy:

The Office of the University Senate shall open a candidacy period and solicit candidates from the full-time undergraduate population for the elections. Each candidate must be enrolled as a full-time student with at least twelve academic hours at the University. Undergraduate students shall run as candidates in the College, School, or other unit of their major (their primary major if they have more than one major).

4.6.b. Ballots:

The Office of the University Senate shall prepare the ballot for each College and School, and for the Office of Undergraduate Studies. The Office of the University Senate shall make the ballots available to the full-time undergraduate population and shall administer each election.

4.6.c. Voting:

Undergraduate students shall vote for candidates to be elected from the College or School of their primary major (if they have more than one major). Any undergraduate student not eligible to vote and be elected a Senator in any of the Colleges or Schools shall be eligible to vote and be elected a Senator from the Office of Undergraduate Studies.

4.67 Election of Graduate Student Senators:

Graduate student ~~Senators~~ candidates shall be ~~nominated and elected~~ solicited by the Office of the University Senate to represent their constituency in the manner described in Article 3.4.b. Procedures for elections shall be outlined below.

4.7.a. Candidacy:

The Office of the University Senate shall open a candidacy period and solicit candidates from the full-time graduate student population for the elections.

**4.7.b. Ballots:**

The Office of the University Senate shall prepare the ballot showing all of the candidates, identifying each one with the candidate's College or School. The Office of the University Senate shall make the ballots available to the full-time graduate student population and shall administer each election.

**4.7.c. Voting:**

All graduate students shall have the right to vote for a maximum of ten candidates.

4.8 All elections shall be completed ~~by a date stipulated in the Bylaws~~ in advance of the Annual Transition Meeting of the Senate. ~~On a date specified by the appropriate Senate committee, the certified election results shall be reported by the committee to the Executive Secretary and Director of the Senate.~~ Upon completion of the elections, the results of the elections shall be reported to each constituency by the Executive Secretary and Director of the Senate.

4.9 In the event of a vacancy in the Senate, the Executive Committee, ~~acting in consultation with the appropriate constituency,~~ shall appoint a Senator from the constituency to complete the term in accordance with the Bylaws.

4.10 Every elected Senator shall be subject to expulsion.

4.10.a Grounds for expulsion include failure to attend two consecutive regular sessions of the Senate for which the Senator did not notify ~~excused absences were not granted in advance by~~ the Office of the University Senate that they would require an excused absence.

4.10.b Initiation of expulsion procedures shall require a petition agreed to by two-thirds of the Elections, Representation, and Governance ~~C~~committee members present and voting, or by ten percent of the electorate from the College, School, Library, or other unit that elected the Senator or a minimum of two (2) persons from the electorate, whichever is greater.

4.10.c Any petition for expulsion must contain specific written charges. The petition must be delivered to the Chair of the ~~Executive Committee of the~~ Senate who shall inform the Senator concerned of the charges. The Senator shall be allowed to respond to all charges at the next regularly scheduled meeting of the Executive Committee. A majority of the voting members of the Executive Committee present and voting is required to place an Expulsion Order on the Senate agenda.

4.10.d A vote on the Expulsion Order shall be held during the next regularly scheduled meeting of the Senate. A two-thirds vote of all elected Senators present and voting is required to expel the Senator.

4.10.e Any vacancy resulting from provisions in Article 4.10 shall be filled in accordance with provisions in Article 4.9 and in the Bylaws.

- 4.11 Every elected Senator shall be subject to recall.
- 4.11.a Recall proceedings may be initiated against any elected Senator for dereliction of duty or malfeasance.
- 4.11.b Initiation of recall proceedings shall require a petition signed by ten percent of the electorate from the College, School, Library, or other unit that elected the Senator, or a minimum of two (2) persons from the electorate, whichever is greater.
- 4.11.c Any petition for recall must contain specific charges. The petition must be delivered to the Chair of the Senate who shall inform the Senator concerned of the charges. The Senator shall be allowed to respond to all charges at a special meeting of the appropriate Senate committee, **as stipulated in the Bylaws**, to be called by the Chair **of the Senate** within ten working days of receipt of a valid petition.
- 4.11.d Articles of Recall will require the approval of a majority of the appropriate Senate committee.
- 4.11.e Following adoption of the Articles of Recall, a special recall election shall be held by the appropriate voting unit. A two-thirds vote of those members of the electorate voting is required to recall the Senator.
- 4.11.f Any vacancy resulting from provisions in Article 4.11 shall be filled in accordance with provisions in Article 4.9 **and in the Bylaws**.

## **ARTICLE 5**

### **OFFICERS OF THE SENATE, THEIR NOMINATION, ELECTION, APPOINTMENT, AND IMPEACHMENT**

- 5.1 The officers of the Senate shall be the Chair, ~~and~~ the Chair-Elect, **The advisors of the Senate shall be** the Executive Secretary and Director, **Parliamentarian, and the immediate Past Chair of the Senate**.
- 5.2 Chair of the Senate:
- 5.2.a The term of the office of the Chair shall be one year, preceded by a one-year term as Chair-Elect. No one may serve as Chair for two consecutive terms.
- 5.2.b The constituency or unit from which the Chair was elected shall immediately elect a new Senator to fulfill any unexpired term.
- 5.2.c The Chair shall preside over all meetings of the Senate and shall be a member of the Senate casting a vote only when required to break a tie.
- 5.3 Chair-Elect of the Senate:

- 5.3.a The Chair-Elect shall be selected from the elected membership of the Senate.
- 5.3.b The term of ~~o~~Office for the Chair-Elect shall be one year. No one may serve as Chair-Elect for two consecutive terms.
- 5.3.c In the absence of the Chair, the Chair-Elect shall preside over meetings.
- 5.3.d If the Chair is vacated, the Chair-Elect shall serve as Acting Chair until the next regular election of the Chair-Elect. In the event that the Chair-Elect is vacated, the Senate shall elect a new Chair-Elect at the next regularly scheduled Senate meeting.
- 5.3.e The Chair-Elect or Acting Chair, except when presiding as Chair of the Senate, shall retain all the voting privileges of a Senator.

#### 5.4 Executive Secretary and Director:

- 5.4.a The ~~office of the~~ Executive Secretary and Director shall be a full-time appointed position (Article 5.~~57~~.b).
- 5.4.b The Executive Secretary and Director shall serve at the pleasure of the Executive Committee of the Senate and the President.
- 5.4.c The Executive Secretary and Director shall have responsibility for and authority over the functioning of the ~~Senate~~ Office **of the University Senate**.
- 5.4.d The Executive Secretary and Director shall be responsible for all records of the Senate, for taking and transcribing minutes of the Senate and the Executive Committee, for ~~mailing~~ **distributing** all official notices and materials to and on behalf of the Senate, and for other duties as stated in the Bylaws.
- 5.4.e The Executive Secretary and Director shall serve without vote.
- 5.4.f The Executive Committee may designate a person to ~~discharge~~ **perform** the responsibilities of the Executive Secretary and Director if the office is vacant.

#### **5.5 Past Chair of the Senate**

- 5.5.a The term of the Past Chair shall be one year, preceded by a one-year term as Chair of the Senate.**
- 5.5.b The Past Chair shall meet regularly with the Chair of the Senate, Chair-Elect of the Senate, and the Senior Vice President and Provost.**
- 5.5.c The Past Chair shall have voice on the Senate floor, but shall serve without vote.**

#### **5.6 Parliamentary**



- 5.6.a The term of the Parliamentarian shall be one year, without limit to the number of terms. If the Parliamentarian is appointed mid-year, the Parliamentarian shall serve out the remainder of the term before being appointed to a full-year term. The Parliamentarian serves at the pleasure of the Chair.
- 5.6.b The Parliamentarian shall have responsibility for advice on questions of procedure.
- 5.6.bc ~~The p~~Parliamentarian shall serve without vote ~~is not an officer of the Senate,~~ but if an elected Senator, shall retain all voting privileges.
- 5.6.d Upon expiration of the appointed term, or resignation of the Parliamentarian, the Parliamentarian may be granted the honorary title of Parliamentarian Emeritus by the Executive Committee.
- 5.57 Nominations and Appointment of Officers **and Advisors of the Senate:**
- 5.57.a Nominations for Chair-Elect shall be received through ~~the~~a Nominations Committee as set forth in the Bylaws; additional nominations may be received from the floor. The voting for Chair-Elect shall be taken by secret ballot. The ballots shall be counted immediately and the candidate having a majority of the votes ~~cast~~ shall be declared elected. In the event ~~that~~ no candidate receives a majority **of the votes** there shall be an immediate run-off between the two candidates receiving the highest number of votes. **If any election for Chair-Elect results in a tie, the Senate Chair will cast the deciding vote.**
- 5.57.b Appointment of the Executive Secretary and Director shall rest with the President ~~upon recommendation of one or more candidates by the Executive Committee of the Senate.~~ **The Executive Committee shall recommend one or more candidates, within search guidelines, to the President.** Administratively, the Office of the **University** Senate shall report to the Senior Vice President ~~for Academic Affairs~~ & Provost.
- 5.57.c Appointment of ~~a~~ **the p**Parliamentarian shall rest with the Chair subject to approval by the Executive Committee of the Senate. ~~The parliamentarian is not an officer of the Senate, but if an elected Senator, shall retain all voting privileges.~~
- 5.68 Impeachment of Officers of the Senate:
- 5.68.a Impeachment proceedings may be initiated against the Chair or Chair-Elect of the Senate for dereliction of duty or malfeasance.
- 5.68.b Initiation of impeachment proceedings shall require a petition signed by one-half of the elected members of the Senate, or by ten percent of the electorate of each constituency.
- 5.68.c Any petition for impeachment must contain specific charges. The petition must be delivered to the President who shall inform the officer concerned of

the charges. The officer shall be allowed to respond to all charges at a special meeting of the appropriate Senate committee to be called by the President within 20 working days of receipt of a valid petition.

- 5.68.d Articles of Impeachment will require the approval of a majority of the appropriate Senate committee, **as stipulated in the Bylaws**.
- 5.68.e Following adoption of the Articles of Impeachment, a special meeting of the Senate shall be called by the President within five working days. The President shall be the presiding officer. A two-thirds vote of all elected Senators present and voting is required to remove the officer.
- 5.68.f Any vacancy resulting from provision in Article 5.86 shall be filled in accordance with provisions in Article 5.3.d.
- 5.68.g In the event of unusual and compelling circumstances preventing the President from fulfilling the duties specified in Article 5.86, the President may designate the Senior Vice President ~~for Academic Affairs~~ & Provost to fulfill them.

## ARTICLE 6 AMENDMENTS, REVIEW, AND REVISION

- 6.1 All changes to **this the Plan of Organization** shall be passed and approved in accordance with provisions in this Article.
- 6.2 Proposed amendments to the current Plan ~~of Organization~~ shall be presented in writing to the Executive Secretary and Director, who shall transmit them to members of the Senate at least ten working days in advance of any regular or special meeting. Amendments may be proposed by one or more Senators, by committees of the Senate, or by written petition signed by 1,000 members of the major constituencies, which are faculty, staff, and student constituencies defined in sections 3.2, 3.3, and 3.4 respectively.
  - 6.2.a Amendments approved by a majority vote of the Senate shall be submitted to an institution-wide referendum conducted by the appropriate Senate committee. Passage of amendments on an institution-wide referendum shall require a majority of the votes cast within each of two of the three major constituencies **(faculty, staff, and students)**.
  - 6.2.b Amendments not approved by a majority vote of the Senate may be submitted to an institution-wide referendum, according to the following procedures:
    - (1) upon petition by at least ten percent of a major constituency, an amendment rejected by the Senate may be submitted to a constituency referendum;
    - (2) the amendment must then be approved by a majority of those voting from that constituency;

- (3) the Executive Committee of the Senate shall next refer the amendment approved by one major constituency to the appropriate Senate committee for an institution-wide referendum; and
  - (4) to be adopted under this provision, the amendment must be approved by all three major constituencies by a majority of the votes cast within each constituency.
- 6.3 Review of the current Plan ~~of Organization~~ shall be undertaken at least every ten years by a committee composed of members elected by the Senate. The ~~Senate~~ Executive Committee may institute a review of the Plan by such a committee in the fifth or subsequent year following a review if in its judgment there have been changes in the University significant enough to justify a review.
  - 6.3.a The committee shall be sponsored by the Senate, but no more than seven current ~~members of the Senate~~ **Senators shall be elected to may serve on the committee.**
  - 6.3.b The Executive Committee shall develop a slate of nominees to be approved by the Senate. Further nominations shall not be accepted from the floor of the Senate. The Executive Committee shall consult with Deans of Colleges or Schools, the Senate Faculty, Staff, and Student Affairs Committees, the Presidents of the Student Government Association and the Graduate Student Government, and the Office of the Senior Vice President and Provost to solicit nominees for the slate.**
  - 6.3.~~cb~~ Each College or School, and the Library, shall have ~~at least~~ one representative faculty member on the committee. In addition there shall be ~~at least~~ two **representatives of each of the following**: University-wide administrators, ~~two~~ undergraduate students, ~~two~~ graduate students, and ~~two~~ staff members **(with exempt and non-exempt representation to the extent of availability).**
  - 6.3.~~de~~ **The Executive Secretary and Director of the Senate and the Senate Parliamentarian shall serve as non-voting ex officio members of the committee.**
  - 6.3.e** The committee shall elect its own presiding officer.
  - 6.3.~~df~~ Members of the committee shall serve until their report has been accepted or rejected by the Executive Committee of the Senate.
  - 6.3.~~eg~~ The requirements for adopting a revision shall be the same as those for adopting an amendment to the Plan ~~of Organization~~ as described in Article 6.2.a.
- 6.4 Proposals to draft an alternative **to this** Plan ~~of Organization for the University~~ may be initiated by a resolution approved by a majority of the elected members of the Senate or by individual majorities of all three major constituencies.

- 6.4.a The committee drafting an alternative Plan ~~of Organization~~ shall be constituted according to Article 6.3, except that the Executive Committee shall select the members.
- 6.4.b To replace the current Plan ~~of Organization~~, the alternative Plan must be submitted to an institution-wide referendum; approval will require two-thirds of the votes cast within each constituency.
- 6.5 In all Senate referenda on amendments, no ballot shall be valid unless returned by a specified date not later than 15 calendar days after the distribution of all ballots.
- 6.6 Any approved amendment or revision to ~~this the~~ Plan ~~of Organization~~ shall be submitted to the Chair of the Senate who, within 48 hours, shall submit the approved change to the President and such other entities as required by state law for final ratification.
- 6.6.a Any amendment of ~~this the~~ Plan ~~of Organization~~ ratified by the President and other entities required by state law shall take effect one month after such approval.
- 6.6.b Any revision of the entire Plan ~~of Organization~~ or any alternative Plan that has been ratified by the President and other entities required by state law shall become effective as of the first meeting of the Senate during the Fall Semester following final approval.
- 6.6.c Transition rules may be adopted by the Senate as appropriate providing such rules do not violate provisions of the Plan ~~of Organization~~ then in effect or the intent of provision in the approved amendment(s) or in the approved revised or alternative Plan ~~of Organization~~. If conflicts arise between the two documents, the ratified amendment(s), revised Plan, or alternate Plan shall take precedence.

## ARTICLE 7 BYLAWS

- 7.1 The Senate shall have the power to organize its staff and to make Bylaws and regulations for its own proceedings, so long as those Bylaws and regulations do not contravene the statutes of the University, the power of the Board of Regents, the powers delegated to the Chancellor and to the President, and this Plan ~~of Organization~~.
- 7.2 Amendments to the Senate's procedural rules in the Bylaws shall be ~~presented in writing~~ **provided** to the Senate members ~~ten working~~ **seven calendar** days in advance of any regular meeting and shall require approval by a two-thirds vote of the elected members of the Senate present and voting.

## ARTICLE 8 COMMITTEES AND COUNCILS

- 8.1 The Senate Bylaws ~~and regulations shall~~ **may** provide for an Executive Committee, ~~and~~ a Committee on Committees, ~~and as well as such~~ standing or special committees as may be necessary or desirable. ~~Standing committees shall be chaired by Senators, but membership on committees of the Senate shall not require Senate membership except as noted in the Bylaws.~~ Because the University community includes many academic and social groups, the composition of committees should represent as broad a spectrum of interests as possible consistent with the functions of committees and the availability of candidates to serve.
- 8.2 The Executive Committee:
- 8.2.a The Executive Committee shall include the Chair and Chair-Elect of the Senate and the following: seven faculty members, elected by and from the faculty Senators; ~~two staff members~~ **one exempt staff member elected by and from the exempt staff Senators; one non-exempt staff member elected by and from the non-exempt staff Senators;** ~~; elected by and from the staff Senators;~~ two undergraduate student members, elected by and from the undergraduate student Senators; and ~~one~~ **two** graduate student members, elected by and from the graduate student Senators. The President and the Senior Vice President ~~for Academic Affairs~~ & Provost or their representatives, **the Parliamentary, and the Executive Secretary & Director** shall be non-voting **ex officio** members of the Executive Committee. ~~The Parliamentary shall be a non-voting member of the Executive Committee.~~
- 8.2.b No more than two elected faculty members of the Executive Committee shall be from any one College or School. No elected member of the committee shall be elected to the committee for more than three successive one-year terms. The presiding officer of the Senate shall be the presiding officer of the Executive Committee.
- 8.2.c The Executive Committee shall assist in implementing the actions of the Senate and shall serve as a channel through which any member of the University community may introduce matters for the Senate's consideration. All actions of the Executive Committee shall be subject to confirmation by the Senate.
- 8.2.d The ~~Senate~~-Executive Committee shall serve as a major advisory panel to the administration and the chief agency for implementing and overseeing the operation of shared governance, including enhancement of Senate structures and facilitation of Senate consideration of policy issues.
- 8.3 The Committee on Committees:
- 8.3.a The ~~membership of the~~ Committee on Committees shall include **the Chair-Elect of the Senate, who shall serve as Chair of the committee, and the following:** six faculty members, elected by **and from** the faculty Senators;~~;~~ two staff members, elected by **and from** the staff Senators **with one exempt and one non-exempt to the extent of availability;** and two student members, elected by **and from** the student Senators, **with one**

**undergraduate and one graduate student.** ~~All-elected members must be Senators at the time of election.~~

8.3.b Responsibilities of the Committees on Committees shall include:

- (1) identification and recruitment of individuals for service on University and Senate committees;
- (2) **creation of a slate of nominees for the Nominations Committee, for approval by the Senate;** and
- (3) such other duties as specified in the Bylaws and by the ~~senate~~ Executive Committee.

#### **8.4 Nominations Committee**

8.4.a **The Nominations Committee shall be composed of outgoing Senators and shall include: four (4) faculty members, one (1) exempt staff member, one (1) non-exempt staff member, one (1) graduate student, and one (1) undergraduate student. The Chair-Elect of the Senate shall serve as a non-voting, ex officio member of the Nominations Committee. The Nominations Committee shall elect its own Chair from within its membership.**

8.4.b **Responsibilities of the Nominations Committee shall include creating slates of candidates for the elections of Chair-Elect, the Executive Committee, Committee on Committees, the Campus Transportation Advisory Committee (CTAC), the University Athletic Council, and the Council of University System Faculty (CUSF), and any such other committees as required by the Senate Bylaws.**

#### **8.5 Standing and Special Committees**

8.5.a **Standing committees shall be chaired by Senators, but membership on committees of the Senate shall not require Senate membership except as noted in the Bylaws.**

8.5.b **The Senate may, by action of a majority of the membership of the Senate, establish Special Committees of limited scope and term of duration as is determined to be useful to the effective and efficient conduct of the business of the Senate.**

#### **8.6 University Councils**

**University Councils may be established to fulfill responsibilities pertaining to** ~~Oversight functions that concern~~ particular, well-defined activities ~~that and to~~ report to specific members of the Administration. **University Councils shall include the University Library Council, the University Research Council, the University IT Council, and any other such University Councils created in accordance with Article 7.2 of the Senate Bylaws.** ~~may be carried out by Councils.~~ These **Councils** are distinguished from Committees with broad

purviews and whose functions are largely advisory and legislative. Procedures for the establishment of Councils shall be defined in the Bylaws. Composition of Councils is to be established in accordance with the Bylaws ~~and in the motion by which such Councils are defined.~~

## **8.7 University Athletic Council**

**The University shall have an Athletic Council as required by the National Collegiate Athletic Association (NCAA). The Athletic Council shall report to the President of the University and shall operate under a charter, as approved by the President. The Council shall consider and respond to inquiries from the Senate. The role of the Senate in electing members of the Athletic Council and coordinating with the Athletic Council shall be specified in the Bylaws.**

## **ARTICLE 9 MEETINGS OF THE SENATE**

- 9.1 The Senate shall meet regularly and on call as provided in its Bylaws. Robert's *Rules of Order Newly Revised* shall be the standard reference to govern problems of parliamentary procedure not covered in the Senate's Bylaws and rules of procedures.

## **9.2 The Senate Bylaws shall set forth the Senate rules for:**

- (1) Number of members and any restrictions on representation to reach a quorum for purposes of taking a vote,**
- (2) Voting procedures and permissible voting methods, and**
- (3) Permissible methods of participation.**

## **ARTICLE 10 STAFF AND FACILITIES**

- 10.1 The administration at all levels shall furnish, to the extent provided for by formal budget, assistance to the Senate as a whole and to its committees in connection with its official business, including elections, as may be authorized by the Executive Committee of the Senate.

## **ARTICLE 11 PLANS OF ORGANIZATION OF UNITS**

- 11.1 Each College, School, ~~d~~Department and other ~~a~~Academic **Program unit**, and the Library (hereafter the word "unit" refers to **all entities, i.e. all Colleges, Schools, dDepartments, and other aAcademic Programs unit**, and the Library) shall have a Plan of Organization that conforms to the University of Maryland Plan of Organization **for Shared Governance**, ~~that provides for the establishment of a~~



~~Faculty Advisory Committee, and that embodies shared governance principles and relevant University policies such as the policies on Appointment, Tenure, and Promotion and merit pay.~~

## 11.2 Requirements for Plans of Organization

~~11.1.a~~ The Plan of Organization of each unit shall provide for a unit-wide assembly. This assembly shall include faculty, staff, and students. All **tenured/tenure-track** faculty (**as defined in 3.2.a.1**) in the unit shall be members. **Professional track faculty, other faculty,** ~~S~~staff and student members shall be in such numbers, and selected through such methods, that each Plan shall specify. **The Plan of Organization of each unit shall be consistent with the principles of Article 11 that embodies shared governance principles and with relevant System and University policies such as the policies on Appointment, Tenure, and Promotion, and Tenure/Permanent Status; mMerit pPay; and establishment of Faculty Advisory Councils.**

### 11.2.a Department and Academic Program Plans of Organization

(1) **Each unit Department or Academic Program shall have an elected Faculty Advisory Committee Council. The Faculty Advisory Committee Council may include staff and students. The Faculty Advisory Committee Council shall elect its own chair.**

(2) ~~11.2.b~~ **The duties of the Faculty Advisory Committee Council shall include:**

~~(1a)~~ **consulting Meeting regularly, but at least once per semester, with the Dean, Chair, or Director on matters of interest and concern to the unit Department or Academic Program, including budget decisions and facility planning and serving as a conduit for information between the Dean, Chair, or Director and the subunits. The Dean, Chair, or Director shall report to the Faculty Advisory Committee Council as to the action on and disposition of recommendations from Department or Academic Program committees.**

(b) **Providing input to the Dean, Chair, or Director on matters including, but not limited to, administrative staffing, facilities use and planning, and the Department or Academic Program's proposed annual budget. The Dean, Chair or Director shall provide to the Faculty Advisory Council a report of the unit's expenditures of the prior fiscal year by program and category.**

~~(2c)~~ **sServing as a Committee on Committees for the unit Departments or Academic Programs to:**

(ai) **nominate a slate of candidates from which the Dean or Chair may appoint members for service on**



all committees of the Department or Academic Program unit;

(bii) provide a slate of candidates from within the Department or Academic Program unit from which administrators above the Department or Academic Program unit level may appoint representatives to participate in the search, nomination, and review of administrators within the Department or Academic Program that unit.

11.2.c(3) Each Department or Academic Program unit shall have committees that participate in decisions on strategic planning; curriculum; and appointments, promotion, and tenure. All committees shall include faculty members. Staff and student members shall be included on appropriate committees. Additional governing bodies may be specified by the Plan of Organization of the Department or Academic Program a-unit.

#### 11.4.b3 Revision and Review of Plans of Organization

Each unit shall elect a committee to revise or develop a Plan of Organization consistent with 11.2 of this Article. ~~the principles of Article 11 that embodies shared governance principles and relevant University policies such as the policies on Appointment, Tenure, and Promotion; merit pay; and establishment of Faculty Advisory Councils.~~ The committee shall consist of members elected by and from the faculty and, where appropriate, members elected by and from the staff, and, where appropriate, an undergraduate student member elected by and from the undergraduate students, and a graduate student member elected by and from the graduate students. The faculty members of the committee shall be elected from a slate consisting of candidates from each sub-unit. The committee shall submit the Plan to the faculty of the unit for approval, according to the procedures outlined in 11.3.a or 11.3.b of this Article and further described in an appendix of the Senate Bylaws. The Plan of Organization shall be reviewed every ten years by a newly elected committee.

#### 11.4.c3.a Review of College, School, and Library Plans of Organization

(1) The Plan of Organization of each College, ~~or each~~ School, and ~~of~~ the Library, and any revisions thereto, shall be filed with the Senate for approval ~~or disapproval~~. The Senate shall submit each Plan of Organization to the appropriate Senate Committee for review of the component of the Plan concerning the appointment, promotion, and ~~tenure~~ ~~tenuring~~ of faculty members and to the appropriate Senate committee for review of the other components of the Plan. These reviews by Senate committees, and any negotiations with a ~~unit~~ College, School, or the Library by these Senate committees, shall be based on compliance with written University policy, procedures outlined in an appendix of the Senate Bylaws, and provisions in ~~this the Senate~~ Plan of Organization. If, after receiving the reports of the Senate committees, the Senate agrees that the Plan is in compliance, it will be approved. If

not, the Plan will be returned for revision. The most recently ~~Senate-~~ approved Plan of Organization remains in effect until the Senate **and the President of the University** approves a revised Plan.

### **11.3.b Review of Department and Academic Program Plans of Organization**

- (1) The Plan of Organization of each ~~e~~**D**epartment and other ~~a~~**A**cademic **Programs**~~units~~ in a College or School deemed to require a Plan of Organization by the Faculty Advisory ~~Committee~~ **Council** of the College or School shall be filed with the Faculty Advisory ~~Committee~~ **Council** of the College or School to which it belongs, and **shall be** reviewed for compliance with the provisions of this Article and with the Plan of Organization of the College or School. Plans which are found not to be in compliance will be returned for revision. The most recently approved Plan remains in effect until the Faculty Advisory ~~Committee~~ **Council** approves a revised Plan. ~~Upon the approval of a Plan, the College or School will submit the Plan to the Senate to be attached to the Plan of Organization of the College or School.~~

### **11.1.d4 Noncompliance with Required Reviews**

No faculty members of the Library, a College, or a School without an approved Plan of Organization may be seated in the Senate unless so excused by the Executive Committee of the Senate, notwithstanding any other provisions for Senate representation in this ~~University~~ Plan ~~of Organization~~. This provision shall be effective two years after the approval of this Plan ~~of Organization~~ by the vote of the institutional constituencies. Likewise, Colleges and Schools may prohibit representation on the Faculty Advisory ~~Committees~~ **Councils** of the College or School by departments ~~s~~ without approved Plans of Organization.

### ~~11.2 Unit Plans of Organization:~~

~~11.2.a Each unit shall have an elected Faculty Advisory Committee. The Faculty Advisory Committee may include staff and students. The Faculty Advisory Committee shall elect its chair.~~

~~11.2.b The duties of the Faculty Advisory Committee shall include:~~

- ~~(1) consulting regularly with the Dean, Chair, or Director on matters of interest and concern to the unit, including budget decisions and facility planning and serving as a conduit for information between the Dean, Chair, or Director and the subunits. The Dean, Chair, or Director shall report to the Faculty Advisory Committee as to the action on and disposition of recommendations from unit committees.~~
- ~~(2) serving as a Committee on Committees for the unit to:~~
- ~~(a) nominate a slate of candidates from which the Dean or Chair may appoint members for service on all committees of the unit;~~

~~(b) provide a slate of candidates from within the unit from which administrators above the unit level may appoint representatives to participate in the search, nomination, and review of administrators within that unit.~~

~~11.2.c Each unit shall have committees that participate in decisions on strategic planning; curriculum, and appointments, promotion, and tenure. All committees shall include faculty members. Staff and student members shall be included on appropriate committees. Additional governing bodies may be specified by the Plan of Organization of a unit.~~

~~11.2.d Deans shall serve for fixed terms of no longer than five years, be reviewed at regularly designated intervals by a committee appointed by the Senior Vice President for Academic Affairs & Provost, and be eligible for reappointment following the review. Chairs and Directors shall serve for fixed terms of no longer than five years, be reviewed at regularly designated intervals by a committee appointed by the Dean, and be eligible for reappointment following the review.~~

11.35 Any ~~unit~~ **College, School, the Libraries, Department, or Academic Program** having, at the time of adoption of this document, a Plan of Organization which has been ~~adopted or substantially revised~~ **approved by the Senate and the President** within the past seven years, ~~may submit its existing plan to the next higher unit. The submission shall include a description of the procedure used for the most recent revision. If a submitted plan is found by the higher unit to be in compliance with this Article, the p~~**Plan** may remain in effect until ten years after its most recent revision, at which time it must be reviewed according to the provisions of this Article. **The University of Maryland Plan of Organization for Shared Governance supersedes any provisions in lower-level Plans that are in conflict with the purpose, applicability, or intent of this Plan. If a submitted plan is rejected by the higher unit, the procedures and criteria of this Article must be followed in the preparation of a revised plan. In the event of a dispute between a Department and the Faculty Advisory Committee of the College of School regarding approval of a Departmental Plan of Organization, appeal may be made to the Senate.**

## **ARTICLE 12 REVIEW OF ACADEMIC ADMINISTRATORS**

**12.1 The administrative performance of Deans shall be subject to recurrent formal comprehensive review at times that do not exceed five years between reviews. The review process will be conducted by the Senior Vice President and Provost as outlined in the University of Maryland Policy on the Review of Deans of Academic Units (I-6.00[B]).**

**12.2 The administrative performance of department chairs and directors of Academic Programs shall be subject to recurrent formal comprehensive review at times that do not exceed five years between reviews. The review process will be conducted by the Senior Vice President and Provost as outlined in the University of Maryland Policy on the Review of Department Chairs and Directors of Academic Units (I-6.00[C]).**



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	13-14-31
<b>PCC ID #:</b>	N/A
<b>Title:</b>	Hazing Policy Revision
<b>Presenter:</b>	Kasey Moyes, Chair, Senate Student Conduct Committee (SCC)
<b>Date of SEC Review:</b>	January 21, 2015
<b>Date of Senate Review:</b>	February 11, 2015
<b>Voting (highlight one):</b>	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report 4. For information only
<b>Statement of Issue:</b>	<p>In spring 2014, a proposal was submitted to the Senate Executive Committee (SEC) to revise and codify the University's current procedures regarding hazing. The Director of Student Conduct submitted this proposal with the goals of better educating the campus community, increasing the University's ability to hold individuals and groups responsible for hazing, and reducing hazing at the University of Maryland, College Park. The SEC charged the Senate Student Conduct Committee (SCC) with this review.</p>
<b>Relevant Policy # &amp; URL:</b>	N/A
<b>Recommendation:</b>	<p>In spring 2015, the SCC voted unanimously in favor of recommending the creation and implementation of a proposed University of Maryland, College Park Policy and Procedures on Hazing (included as part of the SCC's following report). The SCC recommends that this new policy be added to the official list of Consolidated USM and UMD Policies and Procedures. The SCC also recommends that all entities providing information on hazing to students (e.g., Campus Recreation Services, Division of Student Affairs, Office of Student Conduct, Department of Fraternity &amp; Sorority Life, and Department of Intercollegiate Athletics) update their materials and websites, etc., to reflect the newly codified policy and procedures, if approved by the Senate and President.</p>

<b>Committee Work:</b>	The SCC began its review of this complex topic in fall 2014. Over the course of several months, the SCC went through the policy language suggested by the Hazing Prevention Steering Committee in detail, discussing and making a number of revisions. The SCC consulted with students and deliberated the review and adjudication process for alleged acts of hazing at the University. The SCC fulfilled the requirements of its charge, including consultation with the Office of Student Conduct (OSC) and research of similar policies at peer institutions within the Big Ten. In January 2015, the SCC finalized the proposed University of Maryland, College Park Policy and Procedures on Hazing, which it recommends be implemented as official campus policy.
<b>Alternatives:</b>	To not accept the recommendation of the Student Conduct Committee (SCC) for the creation of official Policy and Procedures on Hazing for the University of Maryland, College Park.
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	There are no financial implications.
<b>Further Approvals Required:</b>	Senate approval, Presidential approval.

## **Senate Student Conduct Committee (SCC)**

### **Senate Document # 13-14-31**

#### **Hazing Policy Revision**

**January 2015**

#### **BACKGROUND**

In March 2014, a proposal was submitted to the Senate Executive Committee (SEC) to revise and codify the University's current procedures regarding hazing (Appendix A). The Director of Student Conduct submitted this proposal with the goals of better educating the campus community, increasing the University's ability to hold individuals and groups responsible for hazing, and reducing hazing at the University of Maryland, College Park.

The proposal was based largely on the work of the Hazing Prevention Steering Committee, which was created following a 2012 Hazing Summit hosted by the Office of the Vice President for Student Affairs. The purpose of the Hazing Prevention Steering Committee is to provide leadership to the University community on hazing prevention efforts within student clubs and organizations. At the 2012 Hazing Summit, faculty, staff, and students from across campus convened to discuss the serious problem of hazing. According to the proposal, the purpose of the summit was to:

- 1) Conduct an analysis of hazing at the University;
- 2) Review current hazing policies;
- 3) Review existing hazing prevention efforts;
- 4) Identify short and long term goals; and
- 5) Develop a system to monitor and evaluate progress

Following the summit, the Steering Committee created three subgroups; one subgroup was specifically tasked with reviewing current University policies and procedures on hazing. The Division of Student Affairs has a hazing policy that has been in place for several years, which is enforced by the Office of Student Conduct (OSC) and was included with the proposal to the SEC. However, the policy is not part of the President's official list of [Consolidated USM and UMD Policies and Procedures](#).

The Steering Committee's policy subgroup – consisting of staff, faculty, and students – met over a period of time to consider whether the Division of Student Affairs' policy should be revised and codified. The subgroup determined that some of the language in the policy should be amended, and that the policy should go on to be further reviewed by the University Senate. An edited, recommended policy and set of procedures was also submitted to the SEC as part of the proposal in March 2014.

At the end of the spring 2014 semester, the SEC charged the Senate Student Conduct Committee (SCC) with reviewing the proposal and considering whether the recommended policy and procedures are appropriate for the University (Appendix B). As part of the charge, the SEC asked the SCC to research similar hazing policies at peer institutions, and to consult with the Director of Student Conduct and the Office of Legal Affairs on this complex topic.

Since the current policy on hazing is not official University policy within the Consolidated USM and UMD Policies and Procedures manual, the SEC also asked the SCC to make a recommendation as to whether official University of Maryland Policy and Procedures on Hazing should be developed and implemented.

## **COMMITTEE WORK**

The SCC began its review in fall 2014. Over the course of several months, the committee went through the suggested language of the policy and procedures in detail, discussing and making a number of revisions as it deemed necessary. It met with students, shared drafts of its edited policy with the Office of Legal Affairs, and deliberated the review and adjudication process for alleged acts of hazing at the University of Maryland, College Park. The SCC fulfilled the requirements of its charge, as follows:

### *Peer Institution Research*

During the fall 2014 semester, the SCC reviewed policies and procedures related to hazing at peer institutions. The committee examined material from all Big Ten institutions (Appendix C). The committee looked at how hazing is defined by other universities, and it assessed whether any of the universities in the Big Ten have a “zero tolerance” policy, such as the University of Wisconsin, Madison.

The committee researched how consent and willful involvement are expressed in peer hazing policies. For instance, the University of Michigan explains that hazing includes “willful acts, with or without the consent of the individuals involved” (e.g., degradation, kidnapping, or forced consumption of any liquid), and Purdue University describes hazing as “forcing or requiring another person, regardless of that person's consent, to perform an act that creates a substantial risk of physical harm; substantially or seriously demeans or degrades any person; or interferes with any person's scholastic activities.”

The committee compared the recommended policy language for the University of Maryland, College Park to that of peer institutions and found that the recommended policy and procedures are aligned with similar hazing policies at institutions nationwide.

### *Administrative Consultation*

#### ❖ Department of Fraternity and Sorority Life

While working on this charge, the committee learned more about the work of the University of Maryland Department of Fraternity and Sorority Life. The committee found that the department is devoted to building relationships with student leaders in the Greek community and empowering Greek organizations to monitor their conduct. The department provides education for members of fraternities and sororities on identifying and recognizing signs of hazing. The department also dedicates extensive effort to raising general awareness about illegal acts of hazing, and it informs students of how to report such incidents. In addition, the department hosts a 24-hour emergency/reporting hotline for victims and witnesses of hazing.

On its website, the Department of Fraternity and Sorority Life also explains that some organizations that were once recognized fraternities or sororities on campus continue to operate underground, despite having lost recognition from the University. Such organizations have had their recognition revoked by the institution for various reasons (e.g., hazing) and have in almost all cases also had their charter suspended by their international organization, because they were not upholding fraternal values and were engaging in risky behaviors that endangered the members and other students. The Department of Fraternity and Sorority Life has a list of such groups that have lost recognition in the past five years available on its website at <http://greek.umd.edu/councils-and-groups/current-chapters/statement-on-unrecognized-groups/>

According to the Department of Fraternity and Sorority Life, approximately 12% of the undergraduate population at the University of Maryland belongs to a fraternity and sorority. Although hazing cases are largely associated with Greek culture, hazing can and does occur across campus in various student groups and in both recognized and unrecognized organizations.



## ❖ Office of Student Conduct (OSC)

As instructed by its charge, the committee consulted with the Director of Student Conduct, who is also a non-voting member of the SCC, about the hazing review process. Reports of alleged hazing at the University of Maryland are sent to the OSC for investigation and adjudication. The OSC maintains that all members of the campus community are strongly encouraged to report apparent acts of hazing. All members of the University community share the responsibility to challenge hazing. With the expanded jurisdiction of the *Code of Student Conduct*, the University can investigate incidents of hazing that occur on- or off-campus.

During the committee's review process, the Director of Student Conduct made it clear to the committee that individuals who participate in acts of hazing as perpetrators or participants should be held personally accountable under the recommended policy and the *Code of Student Conduct*. This includes, for instance, individuals who attempt to obstruct investigations by lying to investigators or by protecting those who haze. The committee agreed that while hazing may be initiated through the acts of a few perpetrators, its longevity stems from the continued tolerance of that behavior by the larger community, often through willing participants who incorrectly view hazing as a rite of passage, or part of a particular group's 'traditions.' Thus, the SCC asserts that apathy in the presence of hazing or acquiescence to hazing are not the behaviors of a responsible campus citizen.

In addition, because student perceptions of hazing incidents vary greatly, the Director of Student Conduct also advised the committee against providing examples of hazing or lists of acts in the official policy. However, the presentation of examples of hazing and/or anecdotal material may be more appropriately utilized in an educational campaign for hazing prevention, which the OSC actively supports as part of this overall effort to eliminate hazing in the campus community.

### *Criminal Law*

According to Annotated Code of Maryland ([Md. Criminal Law Code Ann. 3-607](#)), the act of hazing is prohibited by Maryland Criminal Law. The Code states, "A person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university." The violation of hazing constitutes a misdemeanor crime. According to the Code, any person "who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both." The implied or expressed consent of a student to hazing may not be used as a defense.

The recommended policy and procedures for the University are consistent with Maryland law.

### *Overall Findings*

On the whole, the committee found that the University makes a considerable effort regarding hazing prevention, rather than focusing solely on punishment and sanctioning for such acts, as the University's goal is to keep hazing from occurring in the first place. To echo the sentiments of the Department of Fraternity and Sorority Life, the committee affirms that there are many ways to build unity, bond together, and teach respect – the use of hazing to achieve these kinds of outcomes is never justified. Hazing must continue to be an issue on which the University focuses its attention, with continual input from various entities on campus, including the Interfraternity Council (IFC) and the Department of Fraternity & Sorority Life. The committee also asserts that hazing itself will likely only cease to exist once students from all over band together to develop ways to educate each other on the detriments of hazing and declare that hazing is never an acceptable practice on college campuses.



## **RECOMMENDATION**

After much deliberation, in January 2015, the Student Conduct Committee voted unanimously in favor of recommending the creation and implementation of the proposed 'University of Maryland, College Park Policy and Procedures on Hazing,' which immediately follows this report.

The Student Conduct Committee asks that this new policy be added to the official list of Consolidated USM and UMD Policies and Procedures.

The committee also recommends that all entities providing information on hazing to students (e.g., Campus Recreation Services, Division of Student Affairs, Office of Student Conduct, Department of Fraternity & Sorority Life, Department of Intercollegiate Athletics) update their materials and websites, etc., to reflect the newly codified policy and procedures, if approved by the Senate and President.

## **APPENDICES**

Appendix A – Proposal from the Office of Student Conduct (OSC), March 27, 2014

Appendix B – Charge from the Senate Executive Committee (SEC), April 14, 2014

Appendix C – Table of Peer Research (Hazing Policies and Procedures amongst Big Ten Institutions)

## UNIVERSITY OF MARYLAND, COLLEGE PARK POLICY AND PROCEDURES ON HAZING

### I. Policy

Hazing is a fundamental violation of human dignity. It is strictly prohibited at the University of Maryland, College Park. The following conduct is defined as hazing when engaged in, whether on or off University premises, for the purpose of admission, initiation, or continued association with a group or organization:

Recklessly or intentionally:

- 1) engaging in or enabling an act or situation that subjects another person to the risk of
  - a) physical harm
  - b) emotional distress, humiliation, degradation;
  - c) harm from unreasonable requirements which interfere with a student's ability to function as a student, including financial requirements outside of membership dues;
  - d) diminished physical or mental capacity,<sup>1</sup> or
- 2) causing or encouraging another person to violate any law or University regulation.

The implied or express consent of another person is not a defense under this section.<sup>2</sup>

### A. Penalties for Hazing

Aggravated violations of this policy, as defined in Part 2(a)<sup>3</sup> of the *Code of Student Conduct*, normally result in suspension or expulsion of the responsible student from the University. Sanctions for a student group or organization found responsible for violating the policy, even for a first offense, may include revocation or denial of recognition or registration, as well as other appropriate sanctions, pursuant to Part 11(f)<sup>4</sup> of the *Code of Student Conduct*. Individuals who participate in acts of hazing are personally accountable under this policy and the *Code of Student Conduct*, regardless of the outcome of any related case brought against a student group or organization.

### B. Responsibilities to Challenge and Report Hazing

All members of the University community share the responsibility to challenge hazing and report acts of apparent hazing to the Office of Student Conduct. Apathy in the presence of, and acquiescence to, hazing are not neutral acts. Individuals who voluntarily participate in acts of hazing as perpetrators or recipients and/or victims will be held personally accountable under this policy and the *Code of Student Conduct*.

In cases of alleged acts of hazing, the University normally does not pursue disciplinary action against those who have been hazed unless evidence exists that the recipient and/or victim was a willing participant or has provided false information to a University official. Other charges may apply depending on the unique circumstances of the case.

---

<sup>1</sup> Diminished mental or physical capacity within this section means reduced ability to perform mental or physical tasks due to drugs, alcohol, or physical or mental trauma.

<sup>2</sup> This policy shall not be interpreted to apply to speech that is protected under the First Amendment to the United States Constitution.

<sup>3</sup> The term "aggravated violation" means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University or University-sponsored activities.

<sup>4</sup> Part 11(f) provides in part: "OTHER SANCTIONS: other sanctions may be imposed instead of or in addition to those specified in sections (a) through (e) of this part."

## C. Contacts

Office of Student Conduct	(301) 314-8204	<a href="http://osc.umd.edu/">http://osc.umd.edu/</a>
Department of Public Safety	(301) 405-3333 or 911	<a href="http://www.umpd.umd.edu/">http://www.umpd.umd.edu/</a>
University Counseling Center	(301) 314-7651	<a href="http://www.counseling.umd.edu/">http://www.counseling.umd.edu/</a>
University Health Center	(301) 314-8106	<a href="http://www.health.umd.edu/">http://www.health.umd.edu/</a>

## II. Procedures

The health and safety of all members of the campus community are the University's primary concern. Hazing is considered a fundamental violation of human dignity. If you believe hazing has occurred or is ongoing, you are strongly encouraged to seek assistance from one or more of the following resources 24 hours a day, seven days a week:

- University Police (Department of Public Safety, Service Building)  
Emergency: (301) 405-3333 / Mobile Phone: #3333  
Non-Emergency: (301) 405-3555
- Local Police in ANY location – Emergency: 911
- Report the incident (Monday - Friday between the hours of 8:00 a.m. - 5:00 p.m.) to the Office of Student Conduct at (301) 314-8204 or via this online form:  
<http://www.osc.umd.edu/OSC/NonAcademicIncidentReferralForm.aspx>

### A. Anonymous/Confidential Resources

The following campus entities will keep information about alleged hazing as private and confidential as allowed by applicable law (contact information for normal business hours):

- i. University Counseling Center (Shoemaker Building) / Telephone: (301) 314-7651  
The Counseling Center provides comprehensive psychological and counseling services to meet the mental health and developmental needs of students and others in the University community. Staffed by counseling and clinical psychologists, the Counseling Center offers a variety of services to help students, faculty, staff, and other members of the community deal with issues concerning them.
- ii. University Mental Health Service (Health Center) / Telephone: (301) 314-8106  
The Mental Health Service is staffed by psychiatrists and licensed clinical social workers and offers confidential services including short-term psychotherapy, medication evaluations, crisis intervention, and group psychotherapy.

Reporting to either of the foregoing campus entities does not constitute a formal report to the University and no additional action will be taken unless there is an imminent threat to health or safety or other basis for disclosure as required by law.

### B. Reporting

The University encourages all alleged acts of hazing to be reported promptly to University officials and/or law enforcement agencies. The criminal process and the University disciplinary process are separate and independent. Reporting to the University does not preclude a victim from filing a report with the police.

The University does not normally wait for the conclusion of criminal investigations or proceedings to conduct its own investigation and may take interim measures to protect the complainant and University community.

Notice to the campus entities listed below is formal notice to the University. Victims have the right to, and can, expect that all reports of hazing will be taken seriously and investigated when formally reported.

- i. University Police (Department of Public Safety, Service Building)  
Emergency (301) 405-3333 / Mobile Phone #3333  
Non-Emergency (301) 405-3555

The University's Department of Public Safety is a full-service police agency serving the students, faculty, staff, and visitors within its jurisdiction. The safety and well-being of hazing victims is a primary concern of the University. Student, faculty, staff, parents, and/or others are encouraged to report any hazing allegations to the University Police as soon as is reasonably possible. Upon receipt of a report, University Police will normally conduct a criminal investigation. University Police officials can also assist hazing victims in notifying other law enforcement authorities, as appropriate.

- ii. Office of Student Conduct (Mitchell Building) / Telephone: (301) 314-8204

All reports of hazing will be reviewed in accordance with the procedures outlined in this policy. Any person may file a complaint of hazing against a University student, defined as a person who is taking or auditing courses at the University either on a full- or part-time basis. Alumni are not precluded from being charged if the victim is a student and the incident occurred while the alumnus was enrolled as a student.

There is no time limit to filing a formal complaint with the Office of Student Conduct; however, persons are encouraged to promptly report alleged acts of hazing in order to maximize the University's ability to investigate and respond. The University strives to resolve all complaints within 60 calendar days of receiving a formal complaint. The resolution time may vary depending on the complexity of the investigation and severity and extent of the alleged misconduct.

### **C. University Disciplinary Procedures**

The Office of Student Conduct is responsible for adjudicating alleged violations of this policy. If the accused is a student, a group of students, or a student organization, any person may file a complaint with the Office of Student Conduct.

University student disciplinary procedures and procedural rights are set forth in the *Code of Student Conduct* and published in the Undergraduate and Graduate Catalogs. Both complainants and respondents are granted a number of important rights, including the right to pose questions to the other party, the right to be advised by their own attorney or advisor, the right to present their side of the case, the right to question witnesses, the right to be informed of the outcome of the case, and the ability to appeal decisions made by hearing boards. The burden of proof is on the complainant, who must establish the responsibility of the respondent by clear and convincing evidence.

Students found responsible for acts of hazing may be suspended or expelled from the University, and organizational sanctions may include revocation or denial of recognition or registration as provided by the

*Code of Student Conduct*. Students who violate federal, state, and/or local laws may also be subject to criminal charges.

#### **D. Retaliation**

Retaliation against any person filing a complaint or cooperating in the investigation of such complaint is strictly prohibited. Retaliation includes, but is not limited to, direct or indirect intimidation, threats, and/or harassment involving any party in the investigation. Students found responsible for retaliation will be subject to disciplinary action under the *Code of Student Conduct*. Retaliatory conduct may also constitute a criminal offense.

#### **E. Interim Measures**

All formal reports (as set forth in Section B, above) of alleged hazing, regardless of whether the complainant chooses to pursue resolution through the University disciplinary process, will be investigated, and steps will be taken to provide support to the complainant. This support may include taking appropriate interim action prior to completion of the investigation and conclusion of the student disciplinary process.

Interim measures may include a “no contact” directive serving as notice to the organization or its members that they must not have verbal, electronic, written, or third party communication with one another or with the student(s) seeking membership. Interim measures may also include modification of students’ academic schedules, University housing and/or University employment arrangements, and an order to cease and desist all activities of the organization being investigated. Failure to comply with interim measures may result in an individual(s), a student group(s), or an organization(s) being charged with additional disciplinary violations.

#### **IV. Educational Programs and Prevention**

- Hazing Prevention Steering Committee  
For more information contact the Office of the Vice President for Student Affairs at (301) 314-8428
- Department of Fraternity and Sorority Life (DFSL)  
For more information contact DFSL at (301) 314-7172
- Emergency Phones  
University Police Emergency Response Telephones (PERT), recognized by a blue light affixed to each station, are available throughout the campus. By activating the phone, an individual will be automatically connected to a Police Dispatcher, who is immediately alerted to the location of the phone

#### **V. Additional Resources and Applicable Policies**

- The Student Legal Aid Office, located in South Campus Dining Hall, provides free, confidential legal advice to any University student. Undergraduates may contact (301) 314-7756 or <http://studentorg.umd.edu/legalaid>. Graduate students may contact (301) 405-5807 or <http://gsg.umd.edu/resources/graduate-legal-aid>
- The University of Maryland *Code of Student Conduct* is available online at <http://president.umd.edu/policies/v100b.html>



## University Senate PROPOSAL FORM

<b>Name:</b>	Andrea Goodwin
<b>Date:</b>	March 27, 2014
<b>Title of Proposal:</b>	Hazing Policy Revision
<b>Phone Number:</b>	301-314-8204
<b>Email Address:</b>	agoodwin@umd.edu
<b>Campus Address:</b>	2118 Mitchell Building
<b>Unit/Department/College:</b>	Office of Student Conduct, Division of Student Affairs
<b>Constituency (faculty, staff, undergraduate, graduate):</b>	Staff
<b>Description of issue/concern/policy in question:</b>	<p>In Fall 2012, The Office of the Vice President for Student Affairs hosted a Hazing Summit. Faculty, staff and students from across the University convened to discuss the serious problem of Hazing. The purpose of the summit was to:</p> <ul style="list-style-type: none"> <li>A. Conduct analysis of hazing at the University;</li> <li>B. Review current hazing policies;</li> <li>C. Review existing hazing prevention efforts;</li> <li>D. Identify short and long term goals; and, develop a system to</li> <li>E. Monitor and evaluate progress.</li> </ul> <p>Following the summit a steering committee was formed to help reduce and eliminate acts of hazing on our campus. Three subgroups were formed, one specifically to review the University's current policy.</p> <p>The University currently has a Hazing Policy that has been in place for several years. The policy belongs to the Division of Student Affairs and is enforced by the Office of Student Conduct.</p> <p>The subgroup, consisting of staff, faculty and students met to consider whether the policy should be revised. The committee determined that the language in the current policy should be amended and that the policy should be reviewed and approved by the University Senate.</p>

<b>Description of action/changes you would like to see implemented and why:</b>	I would like to see the Hazing Policy revised and approved by the University Senate in an effort to better educate the campus community, increase the University's ability to hold individuals and groups responsible for hazing, and help to reduce Hazing at the University.
<b>Suggestions for how your proposal could be put into practice:</b>	
<b>Additional Information:</b>	Please see the attached draft of the policy as well as the current University hazing policy.

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



## Office of Student Conduct

*Promoting Integrity, Character, & Ethics*

# HAZING POLICY

---

### **Hazing Is Strictly Prohibited**

Hazing is a fundamental violation of human dignity. It is strictly prohibited at the University of Maryland, College Park. The University defines hazing as intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, or causing or encouraging any person to commit an act that would be a violation of law or university regulations, for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization, as defined by the *Code of Student Conduct*. The express or implied consent of the victim will not be a defense.

### **Examples Of Hazing**

Examples of hazing include, but are not limited to: forced consumption of alcohol or other substances; sleep deprivation; use of alcohol in drinking games or contests; paddling; forced tattooing or branding; creation of excessive fatigue; severe psychological shocks or humiliation (as defined by a reasonable person under all the circumstances); compulsory servitude; theft or misuse of property belonging to others.

### **Penalties For Hazing**

Aggravated violations of this policy, as defined in Part 2 (a) of the *Code of Student Conduct*, normally result in suspension or expulsion from the University, or revocation of registration for a student group or denial of recognition or registration for a student group or organization, even for a first offense. Individuals who participate in acts of hazing are personally accountable under this policy, and the *Code of Student Conduct*, regardless of the outcome of any related case brought against a student group or organization.

### **Responsibilities To Challenge And Report Hazing**

All members of the university community share the responsibility to challenge and make known to the Office of Student Conduct acts of apparent hazing.

Apathy in the presence of hazing, or acquiescence to hazing, are not neutral acts. Individuals who participate in acts of hazing as perpetrators or victims are personally accountable under this policy, and the *Code of Student Conduct*.



## UNIVERSITY OF MARYLAND PROPOSED POLICY ON HAZING

Hazing is a fundamental violation of human dignity. It is strictly prohibited at the University of Maryland - College Park. The following conduct is defined as hazing when engaged in for the purpose of admission, initiation, or continued association with a group or organization:

Recklessly or intentionally...

- 1) engaging in or enabling an act or situation that subjects another person to the risk of:
  - a) bodily injury;
  - b) emotional distress, humiliation, degradation;
  - c) harm from unreasonable requirements which interfere with a student's ability to function as a student, including financial requirements outside of membership dues;
  - d) diminished physical or mental capacity\*, or
- 2) causing or encouraging another person to violate any law or University regulation.

The implied or express consent of another person is not a defense under this section.\*\*

### Penalties for Hazing

Aggravated violations of this policy, as defined in Part 2 (a) of the *Code of Student Conduct*, normally result in suspension or expulsion of the responsible student from the University. Sanctions for a student group or organization found responsible for violating the policy, even for a first offense, may include revocation or denial of recognition or registration, as well as other appropriate sanctions, pursuant to Part 10 (f) of the *Code*. Individuals who participate in acts of hazing are personally accountable under this policy and the *Code of Student Conduct*, regardless of the outcome of any related case brought against a student group or organization.

### Responsibilities to Challenge and Report Hazing

All members of the university community share the responsibility to challenge hazing and report acts of apparent hazing to the Office of Student Conduct. Apathy in the presence of, and acquiescence to, hazing are not neutral acts. Individuals who voluntarily participate in acts of hazing as perpetrators or victims will be held personally accountable under this policy and the *Code of Student Conduct*.

### Contacts

Office of Student Conduct	(301) 314-8204
Department of Public Safety	(301) 405-3333 or 911
Counseling Center	(301) 314-7651

\*Diminished mental or physical capacity within this section means reduced ability to perform mental or physical tasks due to drugs, alcohol, or physical or mental trauma.

\*\* This policy shall not be interpreted to apply to speech that is protected under the First Amendment to the U.S. Constitution.

# UNIVERSITY OF MARYLAND PROPOSED POLICY AND PROCEDURES ON HAZING

**March 2014**

## **II. Hazing Reporting Procedures**

The health and safety of all members of the campus community are the University's primary concern. Hazing is considered a fundamental violation of human dignity. If you believe hazing has occurred or is ongoing, you are strongly encouraged to seek assistance from one or more of the following resources 24 hours a day, seven days a week:

- University Police (Department of Public Safety) - Emergency: (301) 405-3333 / Mobile Phone: #3333 / Non-Emergency: (301) 405-3555
- Local Police in ANY location – Emergency: 911
- Report the incident (Monday - Friday between the hours of 8:00am and 5:00pm) to the Office of Student Conduct at (301) 314-8204 or via this online form <http://www.osc.umd.edu/OSC/NonAcademicIncidentReferralForm.aspx>.

### **A. Anonymous/Confidential Reporting**

The following campus agencies will keep information as private and confidential as allowed by law (contact information for normal business hours):

- i. Counseling Center (Shoemaker Building) / Telephone: (301) 314-7651
- ii. Mental Health Service (Health Center) / Telephone: (301) 314-8106

### **B. Formal Reporting**

Notice to the campus agencies listed below is official notice to the University. Victims have the right to, and can, expect that all reports of hazing will be taken seriously and investigated when formally reported.

- i. University Police (Department of Public Safety, Service Building)  
Emergency (301) 405-3333 | Mobile Phone #3333 Non-Emergency (301) 405-3555
- ii. Office of Student Conduct (Mitchell Building) Telephone: (301) 314-8204

The University encourages all alleged acts of hazing to be reported promptly to University Officials and/or law enforcement agencies. The criminal process and the University disciplinary process are separate and independent. Reporting to the University does not preclude a victim from filing a report with the police. The University does not normally wait for the conclusion of criminal investigations or proceedings to conduct its own investigation and may take interim measures to protect the complainant and University community.

### **C. Criminal Reporting**

The University's Department of Public Safety is a full-service police agency serving the students, faculty, staff, and visitors within its jurisdiction. The safety and well-being of hazing victims is a primary concern of the University. Student, faculty, staff, parents, etc. are encouraged to report any hazing allegations to the University Police as soon as is reasonably possible. Upon receipt of a report, University Police will normally conduct a criminal investigation. University Police officials can also assist hazing victims in notifying other law enforcement authorities, as appropriate.

### **D. Student Disciplinary Reporting**

All reports of hazing will be reviewed in accordance with the procedures outlined in this policy. Any person may file a complaint of hazing against a University student, defined as a person who is taking or auditing courses at the institution either on a full- or part-time basis. Alumni are not precluded from being charged if the victim is a student and the incident occurred while the alumnus was enrolled as a student.

There is no time limit to filing a formal complaint; however, persons are encouraged to promptly report alleged acts of hazing in order to maximize the University's ability to investigate and respond. The University strives to resolve all complaints within 60 calendar days of receiving a formal complaint. The resolution time may vary depending on the complexity of the investigation and severity and extent of the alleged misconduct.

### **E. Retaliation**

Retaliation against any person filing a complaint or cooperating in the investigation of such complaint is strictly prohibited. Retaliation includes, but is not limited to, direct or indirect intimidation, threats, and/or harassment for or against any party involved in the investigation. Students found to be responsible for retaliation will be subject to disciplinary action under the *Code of Student Conduct*. Retaliatory conduct may also constitute a criminal offense.

In cases of alleged acts of hazing, the University usually does not pursue disciplinary action against a victim unless the individual is perceived as a willing participant or provides false information to a University official. Other charges may apply depending on the unique circumstances of the case.

### **F. Interim Measures**

All formal reports of alleged hazing, regardless of whether the complainant chooses to pursue resolution through the student conduct process, will be investigated, and steps will be taken to provide support to the complainant. This support may include taking appropriate interim action prior to the completion of the investigation and conclusion of the student conduct process.

Interim measures may include a “no contact” directive serving as notice to the organization or its members that they must not have verbal, electronic, written or third party communication with one another or with the student(s) seeking membership. Interim measures may also include alteration of students’ academic schedules, University housing, and/or University employment arrangements and an order to cease and desist all organizational activities of the group being investigated. Failure to comply with interim measures may result in a student being charged with additional disciplinary violations.

### **III. University Disciplinary Procedures**

The Office of Student Conduct is responsible for adjudicating the Hazing Policy. If the accused is a student, a group of students, or a student organization, any person may file a complaint with the Office of Student Conduct.

University student disciplinary procedures and procedural protections are set forth in the *Code of Student Conduct* and published in the Undergraduate and Graduate Catalogs. Both complainants and respondents are given a number of important rights, including the right to pose questions to the other party, the right to be advised by their own attorney or advisor, the right to address the board, the right to question witnesses, the right to be informed of the outcome of the case, and the ability to appeal decisions made by hearing boards. The burden of proof is on the complainant, who must establish the responsibility of the respondent by clear and convincing evidence.

Acts of hazing may result in individual suspension or expulsion from the University, and organizational sanctions may include revocation or denial of recognition or registration as provided by the *Code of Student Conduct*. Students who violate federal, state, and/or local laws may also be subject to criminal charges.

### **IV. Educational Programs and Prevention**

#### **A. Hazing Task Force**

For more information contact the Office of the Vice President for Student Affairs at (301) 314-8428.

#### **B. Department of Fraternity and Sorority Life (DFSL)**

For more information contact DFSL at (301) 314-7172.

#### **C. Emergency Phones**

University Police Emergency Response Telephones (PERT), recognized by a blue light affixed to each station, are available throughout the campus. By activating the phone, an individual will be automatically connected to a Police Dispatcher, who is immediately alerted to the location of the phone.

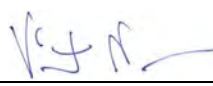
## **V. Additional Resources and Applicable Policies**

- A. The Student Legal Aid Office, located in South Campus Dining Hall, provides free, confidential legal advice to any University student. Undergraduates may contact 301-314-7756 or <http://studentorg.umd.edu/legalaid>. Graduate students may contact 301-405-5807 or <http://gsg.umd.edu/resources/graduate-legal-aid>.
- B. The University of Maryland Code of Student Conduct is available online at <http://president.umd.edu/policies/v100b.html>.

## Appendix B - Charge



### University Senate CHARGE

<b>Date:</b>	April 14, 2014
<b>To:</b>	Jason Speck Chair, Student Conduct Committee
<b>From:</b>	Vincent Novara Chair, University Senate 
<b>Subject:</b>	Hazing Policy Revision
<b>Senate Document #:</b>	13-14-31
<b>Deadline:</b>	November 14, 2014

The Senate Executive Committee (SEC) requests that the Student Conduct Committee review the proposal entitled “Hazing Policy Revision” and consider whether the requested changes are appropriate.

Specifically, we ask that you:

1. Review the Office of Student Conduct’s hazing policy.
2. Review similar hazing policies at our peer institutions and other system schools.
3. Consider whether recommendations for revisions to our hazing policy are appropriate.
4. Consult with the Director of the Office of Student Conduct.
5. Consult with the University’s Office of Legal Affairs.
6. If appropriate, make recommendations as to whether the University of Maryland Policy and Procedures on Hazing should be developed.

We ask that you submit your report and recommendations to the Senate Office no later than November 14, 2014. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

**HAZING POLICIES AMONG BIG 10 INSTITUTIONS (2013-2014)**

<b>Institution</b>	<b>Stated Policy/Definition</b>	<b>Penalties</b>	<b>Other Information and Examples</b>
University of Maryland	Intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, or causing or encouraging any person to commit an act that would be a violation of law or university regulations, for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization. The express or implied consent of the victim will not be a defense.	May result in suspension or expulsion or registration for a student group or denial of recognition or registration for a student group or organization, even for first offense	
University of Illinois	Student Code defines hazing as "any act that endangers the mental or physical health or safety of any person, or that defaces, destroys, or removes public or private property for the purpose of initiation into, admission into, affiliation with, or as a condition for continued membership in, a group or organization."		Interfraternity Council (IFC) and Sorority Affairs Council have specific statements related to University policy. Such statements were not available for National Pan-Hellenic Council (NPHC) or multicultural Greek organizations.
Indiana University	Hazing is strictly prohibited and defined as any conduct which subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.		

University of Wisconsin	Zero tolerance policy. Hazing is defined as any means, action, or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the jurisdiction of the Interfraternity Council of the University. Hazing is prohibited at all times by any person affiliated with or under the jurisdiction of the IFC		Hazing is inconsistent with Wisconsin laws, University policies, Student Code of Conduct, and fraternal/organizational laws.
University of Iowa	Hazing is any intentional or unintentional reckless action or situation – with or without consent – that endangers a student or creates risk of injury, mental or physical discomfort, harassment, embarrassment, and/or ridicule – whether on campus or off campus – for the purpose of initiation into, affiliation with, or as a condition for continued membership in any student organization or team recognized by the University of Iowa Student Government or by any other University sponsor.	<p>Sanctions applied to individuals and organizations</p> <p>Sanctions up to and including derecognition from the university are imposed upon a group or club when one or more members or associates of the group or club commit an act of hazing. Criminal sanctions may apply as well.</p>	<p>Applies to all UI students and UI student organizations and clubs.</p> <p>Acts of hazing include, but are not limited to: compulsory alcohol or drug consumption; physical brutality; psychological cruelty; public humiliation; morally degrading activities; forced confinement; creation of excessive fatigue; required removal or destruction of public or private property; or any other activity that endangers the physical, mental, psychological, or academic well-being and/or safety of an individual. Any requirement imposed upon prospective, new, or current members which is not related to the organization's purpose is discouraged and will become the subject of a University investigation once the practice is brought to the attention of the Office of Student Life.</p>



University of Michigan	The University of Michigan condemns hazing practices as requirements for membership, advancement, or continued good standing in organization. Hazing includes willful acts, with or without the consent of the individuals involved: physical injury, assault or battery; kidnapping or imprisonment; intentionally placing at risk of severe mental or emotional harm (putting "over the edge"); degradation, humiliation, or compromising of moral or religious values; forced consumption of any liquid or solid; placing an individual in physical danger (at risk) which includes abandonment; impairment of physical liberties which include curfews or other interference with academic endeavors.	The university community urges appropriate sanctions to violators to the extent legally possible.	Institution posts Michigan state law, and UM policy in the following areas: Greek Life, Student Organizations and Recognition, and Office of Student Conflict Resolution
Michigan State University	Hazing is not tolerated and any acts of hazing are prohibited. Hazing is a broad term encompassing any action or activity which does not contribute to the positive development of a person; which inflicts or intends to cause physical or mental harm or anxieties; and/or demeans, degrades or disgraces any person regardless of location, intent or consent of participants. Hazing can also be defined as any action or situation which intentionally or unintentionally endangers a student for admission to or affiliation with any team.		

University of Minnesota	Hazing is prohibited whenever it occurs on university premises or in connection with any university affiliated group or activity. Defined as any act taken on university property or in connection with any university-related group or activity that endangers the mental or physical health or safety of an individual (including, without limitation, an act intended to cause personal degradation or humiliation), or that destroys or removes public or private property, for the purpose of initiation in, admission to, affiliation with, or as a condition for continued membership in a group or organization.	<p>Individuals: Disciplinary probation, suspended from a team or student group, or dismissed from the University. Students may also be subject to criminal liability.</p> <p>Student groups: sanctions from respective national organizations, loss of University privileges, social probation, suspension, or dismissal by the University</p>	
Northwestern University	University forbids hazing and all other activities that interfere with the personal liberty of an individual. Defines hazing as any action taken or situation created, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation into, affiliation with, or admission to, or as a condition for continued membership in a group, team, club, or other organization. Policy further describes hazing activities.		Examples included in the policy: Paddling; excessive fatigue; physical and psychological shocks; scavenger hunts and road trips; wearing conspicuous apparel; engaging in stunts and buffoonery; requiring sleep-overs or morally degrading or humiliating games and activities; late work sessions/activities; consumption of food; removing public or private property; falsely leading an individual to believe that they will be inducted/initiated by participating in activities; forcing participation in activities not consistent with university mission, rules, policies, or federal, state, or local law

Ohio State University	Hazing defined as doing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.		Separate violation of the Code of Student Conduct.
Penn State University	Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student or that willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any registered student organization.		Hazing includes, but not limited to, brutality of physical nature, exposure to the elements, forced consumption of food, liquor, drugs, forced physical activity that could adversely affect the physical health and safety of the individual to extreme mental stress, exclusion from social contact, embarrassment.
Purdue University	Hazing is forcing or requiring another person, regardless of that person's consent, to perform an act that creates a substantial risk of physical harm; substantially or seriously demeans or degrades any person; or interferes with any person's scholastic activities	University action occurs whether or not civil or criminal actions take place; can take action against organization or individual	Person suffering or witnessing a hazing activity is strongly encouraged to report the incidents; presidents of student organizations responsible for informing others of this policy, including guests.

Rutgers	Hazing is defined as an act that is an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization. Hazing is a broad term encompassing any action or activity which does not contribute to the positive development of a person; which inflicts or intends to cause physical or mental harm or anxieties; and/or which demeans, degrades, or disgraces any person regardless of locations, intent or consent of participants.		No student or advisor shall knowingly permit the hazing of another; no student or advisor shall fail to report hazing; Greek life office outlines further enforcement of the hazing policy
University of Nebraska	Any activity by an organization or by a member of an organization in which a member, prospective member, pledge or associate of the organization is subjected to acts which cause harm or create the risk of harm to the physical or mental health of the member, prospective member, or pledge. The intent of any person engaging in hazing activity or the consent or cooperation of any person who is a victim of hazing will not constitute a defense to an allegation of misconduct for hazing.	Any individual or fraternity member found in violation is subject to IFC bylaws and disciplinary proceedings outlined in the Student Code of Conduct.	Hazing includes, but is not limited to, any act or activity which causes or might reasonably be expected to cause fear or intimidation, extended deprivation of sleep or rest, forced consumption of any substance, physical exhaustion, physical harm (beating, boarding, paddling, branding or exposure to weather), or damage to property.



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	13-14-15
<b>Title:</b>	Update Adjunct 1 & 2 Classification Policy
<b>Presenter:</b>	Devin Ellis, Chair, Senate Faculty Affairs Committee
<b>Date of SEC Review:</b>	January 21, 2015
<b>Date of Senate Review:</b>	February 11, 2015
<b>Voting (highlight one):</b>	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
<b>Statement of Issue:</b>	<p>In December 2013, a proposal was submitted to the Senate Executive Committee (SEC) to consider amendments to the University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A]) to modify the eligibility requirements for Adjunct Faculty II status. Current policy requirements for Adjunct Faculty II status exclude from consideration courses taught in the winter and summer terms or at times outside of the traditional academic calendar. In January 2014, the SEC charged the Senate Faculty Affairs Committee with reviewing the proposal and with considering whether changes to the criteria for designating Adjunct Faculty II status would be appropriate.</p>
<b>Relevant Policy # &amp; URL:</b>	II-1.07(A) UMD Policy on the Employment of Adjunct Faculty <a href="http://www.president.umd.edu/policies/docs/II-107A.pdf">http://www.president.umd.edu/policies/docs/II-107A.pdf</a>
<b>Recommendation:</b>	<p>The Senate Faculty Affairs Committee recommends that the University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A]) be amended to reflect the proposed language as shown in Appendix 1, to revise the definition of adjunct faculty and the eligibility criteria for Adjunct Faculty II status, and to institute the ability of unit heads to recommend designation of Adjunct Faculty II status in exceptional cases.</p>
<b>Committee Work:</b>	<p>The Faculty Affairs Committee (FAC) considered its charge in fall 2014. The FAC reviewed the charge and proposal, met with the proposers, and considered the history of adjunct faculty policies in the USM and at UMD. The FAC consulted with the Office of Faculty Affairs and the Office of Legal Affairs during its review.</p> <p>The FAC considered whether the definitions and criteria set forth in the UMD policy appropriately serves the needs of adjunct faculty at UMD. The FAC considered amendments intended to</p>

	<p>expand the policy definition of adjunct faculty, revise the eligibility criteria for Adjunct Faculty II status, and give units flexibility to award Adjunct Faculty II status in exceptional cases.</p> <p>As it considered the definitions of adjunct faculty, the FAC learned that some adjunct faculty cannot be covered by the policy because the State of Maryland's payroll system prevents adjunct faculty who teach courses that are not offered on the traditional semester schedule from being entered into the payroll system on a salaried appointment. The FAC voted to amend the definition of adjunct faculty within the UMD policy to include these faculty who meet all other components of the definition of adjunct faculty but who are given hourly appointments because of limitations of the payroll system.</p> <p>The FAC reviewed the eligibility requirements for Adjunct Faculty II status and considered the credit threshold as well as the exclusion of credits taught in winter and summer terms. The FAC could find no compelling reason why credits taught during the summer and winter terms should be valued any less than courses taught during traditional academic semesters. The FAC voted to remove the exclusion of summer and winter terms to allow adjunct faculty who play a critical role in departments during these non-traditional terms to apply these credits towards eligibility. The FAC also voted to lower the threshold of credits to 30 credits within five years.</p> <p>Additionally, the FAC agreed that there may be cases of deserving adjunct faculty who do not meet the UMD policy criteria. The FAC considered whether the policy could be amended to allow units to recognize these faculty while still ensuring that the status was not granted arbitrarily. The FAC voted to propose amending the policy to give units the flexibility to recommend Adjunct Faculty II status in exceptional cases for adjunct faculty who may not meet all University policy criteria but who satisfy all criteria determined by the unit itself.</p>
<b>Alternatives:</b>	The Senate could reject the proposed amendments to the UMD policy. However, the University would lose the opportunity to adequately recognize the roles and contributions of adjunct faculty to the institution.
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	Minimal financial implications may be associated with new designations of Adjunct Faculty II status under revised criteria.
<b>Further Approvals Required:</b>	Senate approval, Presidential approval.

# **Senate Faculty Affairs Committee**

## **Senate Document #13-14-15**

### **Update Adjunct 1 & 2 Classification Policy**

**January 2015**

#### **BACKGROUND**

In December 2013, a proposal was submitted to the Senate Executive Committee (SEC) to consider amendments to the University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A]) to modify the eligibility requirements for Adjunct Faculty II status. The proposal noted that the current policy requirements for Adjunct Faculty II status exclude from consideration deserving faculty who teach courses in the winter and summer terms or at times outside of the traditional academic calendar. In January 2014, the SEC charged the Senate Faculty Affairs Committee with reviewing the proposal and with considering whether changes to the criteria for designating Adjunct Faculty II status would be appropriate (Appendix 3).

#### **CURRENT PRACTICE**

The University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A]) defines adjunct faculty in II.A. of the policy as those “faculty who are:

1. Employed to provide instructional services;
2. Neither tenured nor eligible for tenure; and
3. Appointed to teach specific courses and compensated either
  - i. on a course-by-course basis or
  - ii. on a salaried appointment at less than 50% FTE and are ineligible for health benefits.”

The vast majority of adjunct faculty are currently designated as Adjunct Faculty I, but the policy establishes criteria for certain faculty to be designated as Adjunct Faculty II. In III.B. of the policy, the criteria indicate that eligible adjunct faculty:

1. “Are currently teaching in the department;
2. Have taught a minimum of 36 credits at the University within the past 5 academic years (excluding summer and winter terms); and
3. Are supported by a series of high-level performance evaluations.

“Adjunct Faculty II” status shall be granted upon the recommendation of the department or unit chair and Dean, subject to approval by the Provost.”

#### **COMMITTEE WORK**

The Faculty Affairs Committee (FAC) began its review of the charge at its meeting on September 11, 2014. The FAC reviewed the charge and proposal, and considered the history of adjunct faculty policies at UMD. The FAC consulted with representatives of the Office of Faculty Affairs and the Office of Legal Affairs throughout its review.

The FAC reviewed the University System of Maryland (USM) Policy on the Employment of Adjunct Faculty (II-1.07) and reviewed past Senate action related to the University's policy (Senate Document # 11-12-06, Appendix 2). The USM policy was approved during the 2010-2011 academic year, as part of a larger effort to improve the conditions of adjunct faculty at all USM institutions. The policy was established to create baseline standards for adjunct faculty searches, appointments, and contracts, and to require that adjunct faculty be provided with certain resources, such as email addresses, office space, and access to photocopying. In reviewing the policy, the FAC noted that while the USM policy set specific criteria, particularly related to Adjunct Faculty II status, the policy also included a stipulation that each individual institution may adopt alternative criteria as long as it is not more restrictive than the criteria set forth in the USM policy. As such, the FAC focused much of its review on whether the criteria set forth in the USM and UMD policies are appropriate for use at UMD, or whether changes should be made to more adequately serve the needs of adjunct faculty at this institution.

During its review, the FAC met with the original proposers to better understand the motivation behind the proposal and to learn more about the perspectives and experiences of adjunct faculty. The proposers explained that the intent of the proposal was in part to allow and encourage adjunct faculty to be more engaged in the life of the University. They noted that while the benefits of Adjunct Faculty II status are important, the symbolic significance of Adjunct Faculty II status is critical as well, in that it demonstrates that the faculty and administrators of the department value the work of the adjunct faculty member. The proposers explained that adjunct faculty play an important role in working with non-traditional students, in mentorship of students, and in promoting lifelong learning through their work with executive and continuing education programs at UMD.

The proposers explained a few key concerns with the policy on adjunct faculty and its implementation at UMD. They shared their concerns related to the exclusion of executive program courses and courses in the summer and winter terms that cannot count towards Adjunct Faculty II status. They explained that among adjunct faculty, there is often much ambiguity about how the policy works, in part because the underlying administrative mechanisms used to appoint adjunct faculty do not align well with existing system or university policy. During traditional fall and spring semesters, when teaching full 3-credit courses, adjunct faculty can be given salaried appointments at less than 50% full-time employment (FTE), as envisioned in policy. However, during summer and winter terms or when teaching non-traditional classes, such as those in executive education programs, the human resources infrastructure of the university does not allow for salaried appointments. In those instances, adjunct faculty are appointed as hourly employees. Courses taught while on an hourly appointment cannot count towards qualification for Adjunct Faculty II status, since the faculty member is not salaried.

Additionally, the proposers raised concerns that since the policy is implemented by staff within each department, implementation of any policy changes may be difficult. The proposers suggested drafting policy language that would be easily interpreted, and asked that the committee consider whether a communication plan related to the changes as well as to the role of adjunct faculty on campus and the details related to Adjunct Faculty II status would assist in implementation.

As it considered the definitions of adjunct faculty and eligibility for Adjunct Faculty II status, representatives of the Office of Faculty Affairs provided the FAC with detailed information on adjunct faculty at UMD. The FAC learned that there are likely between 350 and 400 individuals within the policy definition of adjunct faculty in any given semester at UMD. However, there are additional faculty members who do not currently fall within the policy definition of adjunct faculty because they are not salaried employees, as discussed above. Because of limitations within the State of Maryland's payroll system, adjunct faculty who teach courses that are not offered on the traditional semester schedule cannot be entered into the payroll system on a salaried appointment. There are likely 100 to 150 faculty members with hourly appointments in a given semester.



The FAC discussed the system limitations that cause these faculty to be given hourly appointments at great length, and through discussion with representatives of the Office of Faculty Affairs and of University Human Resources, the FAC recognized that the system could not be altered to allow for these faculty to be appointed as salaried employees. The FAC also agreed, however, that the policy did not anticipate technical constraints which would make it impossible for individuals carrying out the same duties at different times of year to be appointed in the same status, and therefore the difference was both unintentional and artificial. After much consideration, the committee agreed that the definition of adjunct faculty within the UMD policy should be amended to include faculty who meet all other components of the definition of adjunct faculty but who are given hourly appointments because of limitations of the payroll system. After consultation with the Office of Legal Affairs, the FAC agreed to add a new stipulation under the applicability section of the policy (II.A.iii.) to include faculty who are compensated “on a basis whereby the faculty member is ineligible for employer-subsidized health benefits” to include hourly adjunct faculty.

The FAC considered the distinction between designations of adjunct faculty and benefits of Adjunct Faculty II status. Adjunct Faculty II status gives priority assignment to courses faculty have taught in the past. Adjunct Faculty II are also eligible for longer-term contracts and receive a compensation increment once a year. The amount of this increment is set by the Senior Vice President and Provost, and is generally ten percent of the lowest per-course payment on campus. In fiscal year 2014, the amount of the increment was \$325 per annum. The compensation increment is not added to the salary of an adjunct faculty member, but is an extra non-standard payment given once during the academic year for faculty members who are designated as Adjunct Faculty II.

In examining the criteria for Adjunct Faculty II status, the committee considered whether the exclusion of credits taught in the winter and summer terms was appropriate. The FAC could find no compelling reason why credits taught during the summer and winter terms should be considered any less of a contribution to the teaching mission of the university or of the department than courses taught during traditional academic semesters. The FAC further recognized that many adjunct faculty members are relied upon by departments to teach during the summer and winter terms, and agreed that the parenthetical “(excluding summer and winter terms)” in III.B.2. of the policy should be removed so that adjunct faculty who play a critical role in departments during these non-traditional terms can apply these credits towards eligibility for Adjunct Faculty II status.

The FAC also debated at length how many credits a faculty member should have taught in order to be eligible for Adjunct Faculty II status. Currently, an adjunct faculty member must teach 36 credits within five years in order to be eligible for Adjunct Faculty II status. The FAC considered whether this was reasonable, since to meet the criteria, a faculty member would need to teach more than two three-credit courses each year for five years. Members noted that there may be deserving adjunct faculty who only teach one or two courses each year, who would likely never become eligible for Adjunct Faculty II status. After much discussion, in order to provide additional flexibility while upholding the principle of requiring a significant commitment over a defined period of time, the FAC agreed to propose amending the requirement to be 30 credits within five years, which could equate to one course per semester each year or two courses per academic year.

Finally, the FAC agreed that there may be cases in which an adjunct faculty member is felt to be clearly deserving of Adjunct Faculty II status by her or his unit administrators, but does not meet every aspect of the criteria as stipulated in the UMD policy. Members gave examples of adjunct faculty who are relied upon by departments every year to teach a highly technical or otherwise critical course that is a core component of a program, but who only teach that one course each year. Other members noted that some adjunct faculty play a significant role within departments through their work with students, but do not

teach enough courses to be eligible for Adjunct Faculty II status. Members also referenced those individuals who are leading scholars in their fields, busily employed elsewhere, but have consistently made time to teach unique or important courses at UMD. The FAC considered whether the policy could be amended to allow units to recognize these faculty while still ensuring that the status was not granted arbitrarily. The FAC noted that each unit should have procedures for evaluation of adjunct faculty and for recommending Adjunct Faculty II status. After much discussion, the FAC determined that satisfaction of the unit's criteria should be a necessary component of recommending Adjunct Faculty II status, and voted to propose amending the policy to give units the flexibility to recommend Adjunct Faculty II status in exceptional cases for any faculty member who may not meet all the criteria as stated in university policy but who satisfies all criteria set forth by the unit.

In addition to these substantive changes to the policy, the FAC agreed on two additional technical amendments. While reviewing the criteria for Adjunct Faculty II status, the FAC considered how adjunct faculty are evaluated. The FAC found that the components of evaluations for adjunct faculty as described in VI.C. of the policy are appropriate, but the FAC agreed that the stipulation requiring high-level performance evaluations (in III.B.3. of the policy) should include a reference to the components described in VI.C. Additionally, the FAC noted that the list of titles adjunct faculty may hold should be updated to include new professional track faculty titles recently approved for use at UMD. To include these titles and to allow for inclusion of any titles that may be approved in the future, the FAC voted to include a reference to the titles defined in the University of Maryland Policy on Professional Track Faculty (II-1.00[G]) to complete the list of titles adjunct faculty may hold.

## **RECOMMENDATION**

The Senate Faculty Affairs Committee recommends that the University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A]) be amended to reflect the proposed language as shown below and in Appendix 1, to revise the definition of adjunct faculty and the eligibility criteria for Adjunct Faculty II status, and to institute the ability of unit heads to recommend designation of Adjunct Faculty II status in exceptional cases.

## **PROPOSED AMENDMENTS TO THE UNIVERSITY OF MARYLAND POLICY ON THE EMPLOYMENT OF ADJUNCT FACULTY (II-1.07[A])**

### **II. APPLICABILITY**

- A. This policy applies to adjunct faculty defined as faculty who are:
  - 1. Employed to provide instructional services;
  - 2. Neither tenured nor eligible for tenure; and
  - 3. ~~Appointed~~ **Approved** to teach specific courses and compensated ~~either~~
    - i. on a course-by-course basis or
    - ii. on a salaried appointment at less than 50% FTE ~~or and are ineligible for health benefits.~~
    - iii. **on a basis whereby the faculty member is ineligible for employer-subsidized health benefits.**
- B. Policies for Salaried Part-Time, Non-Tenure Track Faculty. Part-Time, Non-Tenure Track (PTNTT) faculty who are appointed to salaried positions at 50% FTE or more are not included as “adjunct faculty” for the purposes of this policy, and are covered instead by II-1.00(F) University of Maryland Policy on Full-Time and Part-Time Non-Tenure Track Instructional Faculty.

### III. CATEGORIES OF ADJUNCT FACULTY

For the purposes of this policy, adjunct faculty shall be designated as one of the following:

- A. “Adjunct Faculty I”: All adjunct faculty, except those faculty members who have been designated by an institution as “Adjunct Faculty II”;
- B. “Adjunct Faculty II”: ~~Adjunct faculty members who have been determined by the University to have a consistent record of high-quality instruction.~~ Upon the written request of the faculty member to the department chair or unit head, the University shall consider granting Adjunct Faculty II status to adjunct faculty who **have a consistent record of high-quality instruction.** **Adjunct Faculty II shall** have met the following criteria:
  - 1. Are currently teaching in the department;
  - 2. Have taught a minimum of ~~306~~ credits at the University within the past 5 academic years ~~(excluding summer and winter terms)~~; and
  - 3. Are supported by a series of high-level performance evaluations, **as described in VI.C. below.**

**In exceptional cases, a unit head may also recommend faculty who have a consistent record of high-quality instruction but do not meet all of the above criteria for consideration, provided they meet the criteria set forth in the unit’s Adjunct implementation plan.**

“Adjunct Faculty II” status shall be granted upon the recommendation of the department or unit chair and Dean, subject to approval by the Provost.

### IV. ADJUNCT FACULTY POSITION TITLES

Adjunct faculty who are designated as Adjunct Faculty I or Adjunct Faculty II by the University may hold the titles of Lecturer, Senior Lecturer, Adjunct Assistant Professor, Adjunct Associate Professor, ~~or~~ Adjunct Professor, **or any other professional track faculty titles as defined in the University of Maryland Policy on Professional Track Faculty (II-1.00[G]).**

### APPENDICES

Appendix 1 – Proposed Revisions to the University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A])

Appendix 2 – Past Senate Action: Senate Document # 11-12-06, Policies on the Employment of Adjunct Faculty

Appendix 3 – Charge from the Senate Executive Committee on Update Adjunct 1 & 2 Classification Policy

# APPENDIX 1 - PROPOSED REVISIONS TO THE UNIVERSITY OF MARYLAND POLICY ON THE EMPLOYMENT OF ADJUNCT FACULTY (II-1.07[A])

## II-1.07(A) UNIVERSITY OF MARYLAND POLICY ON THE EMPLOYMENT OF ADJUNCT FACULTY

(Interim Policy approved by the President August 30, 2011 pending University Senate Action; Approved by the President March 13, 2012)

### I. POLICY STATEMENT

This policy is designed to establish baseline standards for the University related to search processes, appointments, contracts and conditions of employment for adjunct faculty. The goal of the policy is to assure a high quality of instruction by individuals with appropriate credentials and experience and to facilitate a continuous improvement in the status of adjunct faculty at the University.

### II. APPLICABILITY

A. This policy applies to adjunct faculty defined as faculty who are:

1. Employed to provide instructional services;
2. Neither tenured nor eligible for tenure; and
3. ~~Appointed~~ **Approved** to teach specific courses and compensated ~~either~~
  - i. on a course-by-course basis or
  - ii. on a salaried appointment at less than 50% FTE ~~or and are ineligible for health benefits.~~
  - iii. **on a basis whereby the faculty member is ineligible for employer-subsidized health benefits.**

B. Policies for Salaried Part-Time, Non-Tenure Track Faculty. Part-Time, Non-Tenure Track (PTNTT) faculty who are appointed to salaried positions at 50% FTE or more are not included as “adjunct faculty” for the purposes of this policy, and are covered instead by II-1.00(F) University of Maryland Policy on Full-Time and Part-Time Non-Tenure Track Instructional Faculty.

### III. CATEGORIES OF ADJUNCT FACULTY

For the purposes of this policy, adjunct faculty shall be designated as one of the following:

- A. “Adjunct Faculty I”: All adjunct faculty, except those faculty members who have been designated by an institution as “Adjunct Faculty II”;
- B. “Adjunct Faculty II”: ~~Adjunct faculty members who have been determined by the University to have a consistent record of high-quality instruction.~~ Upon the written request of the faculty member to the department chair or unit head, the University shall consider granting Adjunct Faculty II status to adjunct faculty who **have a consistent record of high-quality instruction.** **Adjunct Faculty II shall** have met the following criteria:
  1. Are currently teaching in the department;
  2. Have taught a minimum of ~~306~~ credits at the University within the past 5 academic years ~~(excluding summer and winter terms);~~ and
  3. Are supported by a series of high-level performance evaluations, **as described in VI.C. below.**

**In exceptional cases, a unit head may also recommend faculty who have a consistent record of high-quality instruction but do not meet all of the above criteria for consideration, provided they meet the criteria set forth in the unit’s Adjunct implementation plan.**

“Adjunct Faculty II” status shall be granted upon the recommendation of the department or unit chair and Dean, subject to approval by the Provost.

#### IV. ADJUNCT FACULTY POSITION TITLES

Adjunct faculty who are designated as Adjunct Faculty I or Adjunct Faculty II by the University may hold the titles of Lecturer, Senior Lecturer, Adjunct Assistant Professor, Adjunct Associate Professor, ~~or~~ Adjunct Professor, **or any other professional track faculty titles as defined in the University of Maryland Policy on Professional Track Faculty (II-1.00[G])**.

#### V. RECRUITMENT AND SELECTION OF ADJUNCT FACULTY

- A. **Credentials.** The University shall develop written standards for the academic degrees or professional certification and professional experience required for appointment as adjunct faculty. These standards may vary depending on the level of courses to be taught.
- B. **Selection Procedures.** The Provost shall assure that each college or hiring unit has in place written procedures for selecting adjunct faculty. Procedures shall include verification of credentials and shall reflect the University’s commitment to equal opportunity and affirmative action.

#### VI. PROFESSIONAL DEVELOPMENT AND WORKING CONDITIONS

- A. **Support for Teaching.** The University shall provide each Adjunct Faculty member with the support it determines to be necessary for the execution of the appointee’s duties, which may include access through the University’s website or other electronic resources, including the following:
  - 1. Information on the university, college, and department’s policies, requirements, learning outcomes and goals for each course, along with access to examples of past course syllabi (if available);
  - 2. Official schedule of classes, including academic calendar and time frames of class meetings;
  - 3. Assistance with textbook ordering and completing textbook compliance form.
  - 4. A University email account along with access to on-campus computing facilities; and
  - 5. For Adjunct Faculty teaching face-to-face classes on campus;
    - a. Telephone or other voice access, as appropriate;
    - b. Necessary office supplies;
    - c. Copying services for course materials; and
    - d. Appropriate space for meeting with students during scheduled office hours.
- B. **Professional Development.** To the extent feasible, professional development opportunities for new Adjunct Faculty shall include:
  - 1. Departmental orientation and overview
  - 2. Campus orientation
  - 3. Introduction to teaching resources
  - 4. Training in using UMEG, TESTUDO; ELMS and other course administration and learning instruction information technology.

Subsequent opportunities for development also will be provided to the extent feasible. Such opportunities may include invitations to departmental, college, University, and external faculty development events, mentoring from senior faculty, and support for attending academic

conferences.

- C. Performance Evaluation. The Senior Vice President and Provost will assure that each department has in place written procedures for evaluating Adjunct Faculty performance on a regular schedule, as required by BOR II-1.20 Policy on Evaluation of Performance of Faculty and II-1.20(A) UMCP Policy on Periodic Evaluation of Faculty Performance.

1. Among other things, performance evaluation procedures shall include student evaluations and faculty classroom visitation and observation.
2. Departments shall evaluate the teaching by Adjunct Faculty members on the same basis used to evaluate the teaching of tenure-track faculty members.
3. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, compensation, and any subsequent appointments are made.

## VII. Appointment, Designation and Assignment

### A. Appointment of Adjunct Faculty Members

1. Contracts and Letters of Appointment. Each Adjunct Faculty member, including both Adjunct Faculty I and Adjunct Faculty II, shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
  - a. Position title;
  - b. Contract term;
  - c. Per-course compensation or salary rate and % FTE appointment;
  - d. Description of the assignment;
  - e. Institution benefits, if any;
  - f. Information regarding faculty policies and procedures, including performance evaluation policies;
  - g. Explanation of the implications of the cancellation of a course before the start date;
  - h. Information about eligibility for and benefits associated with designation of Adjunct Faculty II status;
2. Provisions for Adjunct Faculty II
  - a. After designation of “Adjunct Faculty II” status, a faculty member:
    - i. Shall be sent a letter of notification from the Dean’s Office. The letter shall stipulate the benefits of designation of “Adjunct Faculty II” status, including provisions (2) through (4) below.
    - ii. Shall receive a compensation increment beginning the following year and continuing each year thereafter in the amount of at least 10% of the minimum, annual compensation for adjunct faculty at the University set by the Provost for that year, consistent with State and USM budget policies;
    - iii. Shall be given priority consideration, to the extent operationally feasible, among adjunct faculty for future teaching assignments in the subjects for which the adjunct faculty member has had consistent instructional experience at the University;
    - iv. May be eligible for longer-term appointments that assure the adjunct faculty member assignment to a fixed number of classes during the term of the appointment.
  - b. Designation of “Adjunct Faculty II” status does not prevent an adjunct faculty member from competition for or selection into a salaried part-time non-tenure-track or other faculty position.

3. Teaching Assignments. The appointing department shall provide adjunct faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes.
  - a. The University has the goal of providing such notice 45 days before the class start date, to the extent feasible. Nothing in this section shall prevent a department from making an adjunct faculty teaching appointment on short notice based on changed circumstances in class enrollments, the availability of resources, or other factors.
  - b. If the University has a fall or spring semester class to which an adjunct faculty member has been assigned that is cancelled less than 30 days prior to the class start date, and has been unable to offer the adjunct faculty member re-assignment to a comparable class, the University shall compensate the adjunct faculty member 10% of the payment amount specified in the contract or appointment letter for that class.

#### VIII. Compensation and Benefits

- A. Compensation. Every effort should be made to make adjunct faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.
- B. Benefits for Adjunct Faculty. Adjunct faculty shall be entitled to receive institutional benefits as designated in their written contract or formal letter of appointment.
- C. Sabbatical and Terminal Leave. Adjunct faculty members are ineligible for sabbatical leave or for terminal leave, regardless of length of service.

#### IX. Grievance and Appointment Rights

- A. Grievance Procedure. Adjunct faculty shall have available the same grievance procedures as all other faculty, consistent with the USM Policy on Faculty Grievances, II-4.00 and UMCP Policy and Procedure Governing Faculty Grievances II-4.00(A).
- B. Process Related to the Termination of Adjunct Faculty. Prior to terminating an Adjunct faculty member's appointment before the end of its term, the faculty member shall be offered an opportunity to meet and discuss the matter at the level of the College or School. The University may remove the Adjunct faculty member from the classroom, provided, however, it shall continue to pay the Adjunct faculty member pending a reasonable opportunity to be heard.

#### X. Participation in the Campus Community

- A. Adjunct faculty members shall be invited, to the extent feasible, to participate in the scholarly, intellectual, academic, and social life aspects of the department, college and University.
- B. Shared Governance Participation: The University shall provide opportunities for adjunct faculty to communicate their concerns to campus administration, provide advice in the development and implementation of policies and procedures related to adjunct faculty, and otherwise participate fully in shared governance through participation in existing shared governance bodies, with sufficient numbers of positions designated for adjunct faculty to ensure their representation.

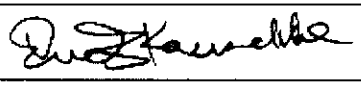


UNIVERSITY OF  
MARYLAND

UNIVERSITY SENATE

1100 Marie Mount Hall  
College Park, Maryland 20742-7541  
301.405.5805 TEL 301.405.5749 FAX  
<http://www.senate.umd.edu>

### SENATE LEGISLATION APPROVAL

<b>Date:</b>	March 9, 2012
<b>To:</b>	Wallace D. Loh
<b>From:</b>	Eric Kasischke Chair, University Senate 
<b>Subject:</b>	Policies on the Employment of Adjunct Faculty
<b>Senate Document #:</b>	11-12-06

I am pleased to forward for your consideration the attached legislation entitled, "Policies on the Employment of Adjunct Faculty." Charles Fenster, Chair of the Faculty Affairs Committee, presented the proposal. The University Senate approved the proposal at its March 8, 2012 meeting.

We request that you inform the Senate Office of your decision as well as any subsequent action related to your conclusion.

Enclosure: Policies on the Employment of Adjunct Faculty  
Senate Document # 11-12-06

EK/rm

Cc: Ann Wylie, Senior Vice President & Provost  
Reka Montfort, Executive Secretary and Director, University Senate  
Juan Uriagereka, Associate Provost for Faculty Affairs  
Terry Roach, Executive Assistant to the President  
Janet Turnbull, President's Legal Office  
Elizabeth Beise, Associate Provost for Academic Planning & Programs  
Sylvia B. Andrews, Academic Affairs

Approved: \_\_\_\_\_

Wallace D. Loh  
President

Date: \_\_\_\_\_

March 13, 2012





## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	11-12-06
<b>PCC ID #:</b>	N/A
<b>Title:</b>	Policies on the Employment of Adjunct Faculty
<b>Presenter:</b>	Charles Fenster, Chair, Senate Faculty Affairs Committee
<b>Date of SEC Review:</b>	February 22, 2012
<b>Date of Senate Review:</b>	March 8, 2012
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. In a single vote</li> <li>3. To endorse entire report</li> </ol>
<b>Statement of Issue:</b>	<p>On October 3, 2010 the Board of Regents approved the USM II-1.07 Policy on the Employment of Adjunct Faculty, which required all institutions of the University System of Maryland (USM) to adopt and implement an adjunct faculty policy by September 1, 2011. Because of the short timeline, the University of Maryland's Office of Faculty Affairs developed an interim policy (II-1.07(A)) to satisfy the USM request. In addition, an amendment to the University of Maryland Policy on Full-Time and Part-time Non-Tenure Track Instructional Faculty policy (II-1.00(F)) was also approved on interim basis for clarification purposes.</p>
<b>Relevant Policy # &amp; URL:</b>	<a href="http://president.umd.edu/policies/ii107a.html">http://president.umd.edu/policies/ii107a.html</a> <a href="http://president.umd.edu/policies/II-100F.html">http://president.umd.edu/policies/II-100F.html</a>
<b>Recommendation:</b>	<p>The Faculty Affairs Committee (FAC) recommends that the new policy, UMCP Policy on the Employment of Adjunct Faculty II-1.07(A) be approved as it appears in Appendix 1. In addition, the FAC recommends that the amendment to the University of Maryland Policy on Full-Time and Part-Time Non-Tenure-Track Instructional Faculty policy II-1.00(F) be approved as it appears in Appendix 2.</p>
<b>Committee Work:</b>	<p>The FAC reviewed these policies during the Fall 2011 semester. The committee consulted with the Office of Faculty Affairs and the President's Legal Office to ensure that the proposed amendments were appropriate. The committee also held an open forum to get input from the affected adjunct faculty and reviewed similar policies at peer institutions. The FAC also</p>

	<p>reviewed suggestions from the Senate Executive Committee</p> <p>At its meeting on February 16, 2012, following deliberation, the FAC voted unanimously in favor of recommending the University make proposed amendments to both policies.</p>
<b>Alternatives:</b>	The University could use the USM policy, which only affects a small group of adjunct faculty on our campus.
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	Individual units will have to bear the cost of the compensation increment for those adjunct faculty I who are promoted to adjunct faculty II status.
<b>Further Approvals Required:</b>	Senate Approval, Presidential Approval.

# **Senate Faculty Affairs Committee**

**Senate Document 11-12-06**

## **Policies on the Employment of Adjunct Faculty**

**February 2012**

### **BACKGROUND:**

On October 3, 2010 the Board of Regents approved the USM II-1.07 Policy on the Employment of Adjunct Faculty, which required all institutions of the University System of Maryland (USM) to adopt and implement an adjunct faculty policy by September 1, 2011. Because of the short timeline, the University of Maryland's Office of Faculty Affairs developed an interim policy (II-1.07(A)) to satisfy the USM request. In addition, an amendment to the University of Maryland Policy on Full-Time and Part-time Non-Tenure Track Instructional Faculty policy (II-1.00(F)) was also approved on interim basis for clarification purposes.

The new policy is designed to establish baseline standards related to searches, appointments, contracts, and conditions of employment for adjunct faculty. Its goal is to assure the quality of instruction by individuals with appropriate credentials and experience and to facilitate a continuous improvement in their status at the University. The policy applies to non-tenure-track instructors appointed to teach specific courses who are (a) compensated on a course-by-course basis or (b) on a salaried appointment at less than 50% FTE and ineligible for benefits. The amendment to the existing policy ((II-1.00(F)) clarifies that that particular policy applies only to instructional faculty with appointments of 50% or more FTE.

The Senior Vice President and Provost, Ann Wylie, submitted a proposal for the Senate to conduct a thorough official review of the new interim policy (II-1.07(A)) as well as the amendment to the existing policy (II-1.00(F)) in August 2011.

### **COMMITTEE WORK:**

The Senate Faculty Affairs Committee (FAC) was charged (Appendix 3) by the Senate Executive Committee (SEC) with reviewing the proposal, "Policies on the Employment of Adjunct Faculty" on September 12, 2011 (Appendix 4). The SEC asked the FAC to review the proposed new policy and amendment to existing policy to determine whether they are appropriate.

The SEC asked the FAC to consult with the Office of Faculty Affairs and the Office of Legal Affairs. Dr. Juan Uriagereka, Associate Provost for Faculty Affairs, sits on the

FAC and provided input throughout the review process. A member of the University's Office of Legal Affairs was also consulted on the proposed revisions to the policy.

The FAC created a working group to determine any necessary revisions to the interim policy. In addition, the FAC held an open forum on November 15, 2011 to gather input from adjunct faculty whom the new policy would affect. The FAC also reviewed data from the Office of Institutional Research, Planning, and Assessment (IRPA) to better understand the total population that would be affected based on the revised guidelines that the working group was proposing. In addition, the committee reviewed similar policies at peer institutions and found that the proposed policy was in line or slightly better than what they currently have in place. The FAC also reviewed suggestions from the Senate Executive Committee (SEC)

### **RECOMMENDATIONS:**

At its meeting on February 16, 2012, the Faculty Affairs Committee voted unanimously in favor of recommending that the new policy, UMCP Policy on the Employment of Adjunct Faculty II-1.07(A) be approved as it appears in Appendix 1. In addition, the FAC recommends that the amendment to the University of Maryland Policy on Full-Time and Part-time Non-Tenure Track Instructional Faculty policy II-1.00(F) be approved as it appears in Appendix 2.

### **APPENDICES:**

- Appendix 1 – Recommended Policy Changes to the Interim UMCP Policy on the Employment of Adjunct Faculty II-1.07(A)
- Appendix 2 – Recommended Amendment to the University of Maryland Policy on Full-Time and Part-time Non-Tenure Track Instructional Faculty policy II-1.00(F)
- Appendix 3 – Charge from the Senate Executive Committee, September 12, 2011
- Appendix 4 – Policies on the Employment of Adjunct Faculty Proposal

## **APPENDIX 1**

### **Recommended Policy Changes to the Interim UMCP Policy on the Employment of Adjunct Faculty II-1.07(A)**

#### **II-1.07(A) UNIVERSITY OF MARYLAND POLICY ON THE EMPLOYMENT OF ADJUNCT FACULTY**

##### **I. POLICY STATEMENT**

This policy is designed to establish baseline standards for the University related to search processes, appointments, contracts and conditions of employment for adjunct faculty. The goal of the policy is to assure a high quality of instruction by individuals with appropriate credentials and experience and to facilitate a continuous improvement in the status of adjunct faculty at the University.

##### **II. APPLICABILITY**

- A. This policy applies to adjunct faculty defined as faculty who are:
  - 1. Employed to provide instructional services;
  - 2. Neither tenured nor eligible for tenure; and
  - 3. Appointed to teach specific courses and compensated either
    - i. on a course-by-course basis or
    - ii. on a salaried appointment at less than 50% FTE **and are ineligible for health benefits.**
- B. Policies for Salaried Part-Time, Non-Tenure Track Faculty. Part-Time, Non-Tenure Track (PTNTT) faculty who are appointed to salaried positions at 50% FTE or more are not included as “adjunct faculty” for the purposes of this policy, and are covered instead by II-1.00(F) University of Maryland Policy on Full-Time and Part-Time Non-Tenure Track Instructional Faculty.

##### **III. CATEGORIES OF ADJUNCT FACULTY**

For the purposes of this policy, adjunct faculty shall be designated as one of the following:

- A. “Adjunct Faculty I”: All adjunct faculty, except those faculty members who have been designated by an institution as “Adjunct Faculty II”;
- B. “Adjunct Faculty II”: Adjunct faculty members who have been determined by the University to have a consistent record of high-quality instruction. Upon the written request of the faculty member to the department chair or unit head, the University shall consider granting Adjunct Faculty II status to adjunct faculty members who meet the following criteria:
  - 1. ~~Have an established record of teaching for at least six (6) semesters, e.g., Fall and Spring; and~~ **Are currently teaching in the department;**
  - 2. **Have taught a minimum of 36 credits at the University within the past 5 academic years (excluding summer and winter terms); and**

3. Are supported by a series of high-level performance evaluations.

“Adjunct Faculty II” status shall be granted upon the recommendation of the department or unit chair and Dean, subject to approval by the Provost.

#### **IV. ADJUNCT FACULTY POSITION TITLES**

Adjunct faculty who are designated as Adjunct Faculty I or Adjunct Faculty II by the University may hold the titles of Lecturer, Senior Lecturer, Adjunct Assistant Professor, Adjunct Associate Professor, or Adjunct Professor.

#### **V. RECRUITMENT AND SELECTION OF ADJUNCT FACULTY**

- A. Credentials. The University shall develop written standards for the academic degrees or professional certification and professional experience required for appointment as adjunct faculty. These standards may vary depending on the level of courses to be taught.
- B. Selection Procedures. The Provost shall assure that each college or hiring unit has in place written procedures for selecting adjunct faculty. Procedures shall include verification of credentials and shall reflect the University’s commitment to equal opportunity and affirmative action.

#### **VI. PROFESSIONAL DEVELOPMENT AND WORKING CONDITIONS**

- A. Support for Teaching. The University shall provide each Adjunct Faculty member with the support it determines to be necessary for the execution of the appointee’s duties, which may include access through the University’s website or other electronic resources, including the following:
  1. Information on the [university](#), college, and department’s policies, requirements, learning outcomes and goals for each course, along with access to examples of past course syllabi (if available);
  2. Official schedule of classes, including academic calendar and time frames of class meetings;
  3. Assistance with textbook ordering and completing textbook compliance form.
  4. A University email account along with access to on-campus computing facilities; and
  5. For Adjunct Faculty teaching face-to-face classes on campus;
    - a. Telephone or other voice access, as appropriate;
    - b. Necessary office supplies;
    - c. Copying services for course materials; and
    - d. Appropriate space for meeting with students during scheduled office hours.

B. Professional Development. To the extent feasible, professional development opportunities for new Adjunct Faculty shall include:

1. Departmental orientation and overview
2. Campus orientation
3. Introduction to teaching ~~policies and~~ resources
4. Training in using UMEG, TESTUDO; ELMS and other course administration and learning instruction information technology.

Subsequent opportunities for development also will be provided to the extent feasible. Such opportunities may include invitations to departmental, college, University, and external faculty development events, mentoring from senior faculty, and support for attending academic conferences.

C. Performance Evaluation. The Senior Vice President and Provost will assure that each department has in place written procedures for evaluating Adjunct Faculty performance on a regular schedule, as required by BOR II-1.20 Policy on Evaluation of Performance of Faculty and ~~Policy-II-1.20(A)~~ UMCP Policy on Periodic Evaluation of Faculty Performance.

1. Among other things, performance evaluation procedures shall include student evaluations and faculty classroom visitation and observation.
2. Departments shall evaluate the teaching by Adjunct Faculty members on the same basis used to evaluate the teaching of tenure-track faculty members.
3. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, compensation, and any subsequent appointments are made.

## **VII. Appointment, Designation and Assignment**

A. Appointment of Adjunct Faculty Members

1. Contracts and Letters of Appointment. Each Adjunct Faculty member, including both Adjunct Faculty I and Adjunct Faculty II, shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
  - a. Position title;
  - b. Contract term;
  - c. Per-course compensation **or salary rate and % FTE appointment;**
  - d. Description of the assignment;
  - e. Institution benefits, if any;
  - f. Information regarding faculty policies and procedures, including performance evaluation policies;
  - g. Explanation of the implications of the cancellation of a course before the start date;
  - h. Information about eligibility for and benefits associated with designation of Adjunct Faculty II status;

2. Provisions for Adjunct Faculty II
  - a. After designation of “Adjunct Faculty II” status, a faculty member:
    - i. Shall be sent a letter of notification from the Dean’s Office. The letter shall stipulate the benefits of designation of “Adjunct Faculty II” status, including provisions (2) through (4) below.
    - ii. Shall receive a compensation increment **beginning the following year and continuing each year thereafter in the amount** of at least 10% of the ~~average per course minimum, annual~~ compensation ~~of his/her department or unit~~ **for adjunct faculty at the University set by the Provost for that year**, consistent with State and USM budget policies;
    - iii. Shall be given priority consideration, to the extent operationally feasible, among adjunct faculty for future teaching assignments in the subjects for which the adjunct faculty member has had consistent instructional experience at the University;
    - iv. May be eligible for longer-term appointments that assure the adjunct faculty member assignment to a fixed number of classes during the term of the appointment.
  - b. Designation of “Adjunct Faculty II” status does not prevent an adjunct faculty member from competition for or selection into a salaried part-time non-tenure-track or other faculty position.
3. Teaching Assignments. The appointing department shall provide adjunct faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes.
  - a. The University has the goal of providing such notice 45 days before the class start date, to the extent feasible. Nothing in this section shall prevent a department from making an adjunct faculty teaching appointment on short notice based on changed circumstances in class enrollments, the availability of resources, or other factors.
  - b. If the University has a fall or spring semester class to which an adjunct faculty member has been assigned that is cancelled less than 30 days prior to the class start date, and has been unable to offer the adjunct faculty member re-assignment to a comparable class, the University shall compensate the adjunct faculty member 10% of the payment amount specified in the contract or appointment letter for that class.

## VIII. Compensation and Benefits



- A. Compensation. Every effort should be made to make adjunct faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.
- B. Benefits for Adjunct Faculty. Adjunct faculty shall be entitled to receive institutional benefits as designated in their written contract or formal letter of appointment.
- C. Sabbatical and Terminal Leave. Adjunct faculty members are ineligible for sabbatical leave or for terminal leave, regardless of length of service.

## **IX. Grievance and Appointment Rights**

- A. Grievance Procedure. Adjunct faculty shall have available the same grievance procedures as all other faculty, consistent with the USM Policy on Faculty Grievances, II-4.00 and UMCP Policy and Procedure Governing Faculty Grievances II-4.00(A).
- B. Process Related to the Termination of Adjunct Faculty. Prior to terminating an Adjunct faculty member's appointment before the end of its term, the faculty member shall be offered an opportunity to meet and discuss the matter at the level of the College or School. The University may remove the Adjunct faculty member from the classroom, provided, however, it shall continue to pay the Adjunct faculty member pending a reasonable opportunity to be heard.

## **X. Participation in the Campus Community**

- A. Adjunct faculty members shall be invited, to the extent feasible, to participate in the scholarly, intellectual, academic, and social life aspects of the department, college and University.
- B. Shared Governance Participation: The University shall provide opportunities for adjunct faculty to communicate their concerns to campus administration, provide advice in the development and implementation of policies and procedures related to adjunct faculty, and otherwise participate fully in shared governance through participation in existing shared governance bodies, with sufficient numbers of positions designated for adjunct faculty to ensure their ~~significant~~ representation.

## APPENDIX 2

### Recommended Amendment to the University of Maryland Policy on Full-Time and Part-time Non-Tenure Track Instructional Faculty policy II-1.00(F)

II-1.00(F) UNIVERSITY OF MARYLAND POLICY ON FULL-TIME and PART-TIME NON-TENURE TRACK INSTRUCTIONAL FACULTY

APPROVED BY THE PRESIDENT May 16, 2002; Technical Amendments February 23, 2009

**This policy applies to faculty employed to provide instructional services who (1) have salaried appointments of 50% FTE or greater and (2) are neither tenured nor eligible for tenure. This policy does not apply to adjunct faculty as defined by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty. Instructional faculty who are: (1) neither tenured nor eligible for tenure and (2) are either compensated on a course-by-course basis or on salaried appointments at less than 50% are covered by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty.**

#### STANDARD EMPLOYMENT ELEMENTS

1. Credentials: Each department or unit shall develop written standards for the academic degrees or professional certifications and/or professional experience required for appointment to part time non-tenure track (PTNTT) and full-time non-tenure track instructional faculty (FTNTT) ranks. These standards should be appropriate for the needed instructional level.
2. Search Procedures: Hiring of PTNTT and FTNTT faculty members should be conducted under procedures that will ensure the selection of qualified professionals. Each department or unit shall develop written procedures for evaluating credentials and selecting faculty.
3. Written Contracts: All FTNTT and PTNTT faculty members shall be provided with clear written and approved contracts prior to the beginning of their assignment. The contract shall stipulate the term of the contract, the salary, assignments and expectations, expected notification about renewal or non-renewal, resources, and performance-evaluation policies and procedures.
4. Support for Teaching: In the best interest of students, all FTNTT and PTNTT instructional faculty members should be provided with the necessary and appropriate department or unit support for the execution of their duties. These resources should conform to departmental practices with respect to assistance in ordering books, duplication of class syllabi and examination questions, provision of teaching supplies. Care should be taken to ensure that students can have access

to FTNTT and PTNTT faculty members through mailboxes, appropriate spaces for meeting students, electronic mail, telephones, etc. Where appropriate and feasible, and with the agreement of the department faculty, the professional development of FTNTT and PTNTT faculty members should be supported. This may include extending invitations to departmental and institutional faculty development events.

5. Performance Evaluation: Each department shall have written procedures for evaluating FTNTT and PTNTT faculty performance on a regular schedule, as required by BOR Policy II-1.20. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions are made about rank, salary, and contract renewal. FTNTT and PTNTT faculty members shall have the opportunity to review each evaluation and sign off on it.

## CONTRACT COMPONENTS

6. Term of Employment: Normally, initial contracts for FTNTT instructional faculty should be for one academic year, and initial contracts for PTNTT instructional faculty should be for a period of one semester. Departments are encouraged to offer two or three year contracts to FTNTT faculty members with records of long-term satisfactory service verified by written evaluations of performance and to offer longer-term contracts, not to exceed three years, to PTNTT instructional faculty in cases of demonstrated departmental need.
7. Notice of Non-Renewal: FTNTT instructional faculty should receive adequate notice of non-renewal of contracts as specified in Board of Regents Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty (section 1. C. 12). PTNTT instructional faculty should receive at least 30 days of notice of non-renewal prior to the end of a current contract. After five or more years of continuous service, any PTNTT or FTNTT instructional faculty member whose contract is not renewed should be informed in writing of the basis of a decision not to renew. The faculty member has the right to appeal the decision consistent with the institution's faculty grievance policy and procedures.
8. Faculty Grievance: Departments shall inform PTNTT and FTNTT instructional faculty members that they have full access to the faculty grievance procedure. Grievances may include the non-renewal of a contract.
9. Teaching Assignment: Whenever possible, departments should provide notice of projected teaching assignment(s) at least 45 days prior to the start of classes to allow for appropriate preparation. In addition, all contracts should specify the consequences of the class being cancelled prior to the start of classes.

## INTEGRATION INTO THE INSTITUTION

10. Faculty Participation: Each department or unit should make every effort to integrate FTNTT and PTNTT faculty members into the scholarly, intellectual and academic life of the department or unit, and institution. Departments are encouraged to have policies aimed toward this integration.
11. Shared Governance: All FTNTT and PTNTT faculty should be informed of the procedures and calendar for the election of their representatives in the University Senate.
12. Ranks: The University should confer appropriate, non-tenure track instructional ranks commensurate with credentials and professional experience. For long-term PTNTT and FTNTT instructional faculty, academic units should consider the development of procedures for progression in rank.

## APPENDIX 3



### University Senate CHARGE

<b>Date:</b>	September 12, 2011
<b>To:</b>	Charles Fenster Chair, Faculty Affairs Committee
<b>From:</b>	Eric Kasischke Chair, University Senate 
<b>Subject:</b>	Interim Policies on the Employment of Adjunct Faculty
<b>Senate Document #:</b>	11-12-03
<b>Deadline:</b>	November 18, 2011

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee review the attached proposal entitled, “Interim Policies on the Employment of Adjunct Faculty” and make recommendations on whether the draft policy and amendment to a related policy are appropriate.

The Board of Regents approved the USM II-1.07 Policy on the Employment of Adjunct Faculty. They have tasked the University with developing a campus policy that aligns with the University System of Maryland (USM) policy. The attached proposed adjunct policy and amendment to the existing UMCP II-1.00(F) University of Maryland Policy on Full-Time and Part-Time Non-Tenure Track Instructional Faculty responds to this request. The SEC requests that the Faculty Affairs Committee review the proposed new policy and amendment to existing policy to determine whether they are appropriate.

Specifically, we ask that you:

1. Review similar policies for adjunct faculty at our peer institutions.
2. Consult with the University’s Office of Faculty Affairs on the impact of this new policy on our adjunct faculty.
3. Review whether the proposed new policy aligns with the USM Policy.
4. Review whether additional UMCP policies must be amended to address the new policy.
5. If appropriate, recommend whether the proposed policy and amendment should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than November 18, 2011. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

## APPENDIX 4



### University Senate PROPOSAL FORM

<b>Name:</b>	Ann Wylie
<b>Date:</b>	August 31, 2011
<b>Title of Proposal:</b>	<b>INTERIM POLICIES ON THE EMPLOYMENT OF ADJUNCT FACULTY</b>
<b>Phone Number:</b>	x-56814
<b>Email Address:</b>	<a href="mailto:juan@umd.edu">juan@umd.edu</a>
<b>Campus Address:</b>	1119 Main Administration, College Park, MD 20742
<b>Unit/Department/College:</b>	Office of the Senior Vice President and Provost
<b>Constituency (faculty, staff, undergraduate, graduate):</b>	Instructional non-tenure-track Faculty (adjunct faculty)
<b>Description of issue/concern/policy in question:</b>	<p>USM II-1.07 Policy on the Employment of Adjunct Faculty (approved by the Board of Regents 10.3.10) requires all campuses in the USM to adopt an implementing adjunct faculty policy by 9.1.11. The attached proposed adjunct policy satisfies that request. In addition, a clarification to the existing UMCP II-1.00(F) FT and PT NTT Instructional Faculty policy is also proposed to delimit the instructional faculty constituency each policy serves (depending on whether the employee is appointed above or below 50% FTE). Because of the 9.1.11 USM deadline, although President Loh approved the interim policies on August 30, 2011, both policies are presented to the SEC as “interim”, and pending University Senate Action in Fall 2011. The Senate should review the draft policies and submit them for presidential approval before they are finalized, as is normally the case.</p>
<b>Description of action/changes you would like to see implemented and why:</b>	<p>The new Adjunct policy is designed to establish baseline standards related to searches, appointments, contracts and conditions of employment for adjunct faculty. Its goal is to assure the quality of instruction by individuals with appropriate credentials and experience, and to facilitate a continuous improvement in their status at the University. The policy applies to non-tenure-track instructors appointed to teach specific courses and compensated (a) on a course-by-course basis or (b) on a salaried appointment at less than 50% FTE. The FT PT NTT Instructional policy modification clarifies that the policy applies only to instructional faculty with appointments of 50% or more FTE.</p>

<b>Suggestions for how your proposal could be put into practice:</b>	The USM requires a version of this policy by 9.1.11.
<b>Additional Information:</b>	The present draft has been carefully reviewed by the Chancellor.

***Please send your completed form and any supporting documents to [senate-admin@umd.edu](mailto:senate-admin@umd.edu) or University of Maryland Senate Office, 1100 Marie Mount Hall.***



## **II-1.07(A) UNIVERSITY OF MARYLAND POLICY ON THE EMPLOYMENT OF ADJUNCT FACULTY (Interim Policy: Pending University Senate Action in Fall 2011)**

### **I. POLICY STATEMENT**

This policy is designed to establish baseline standards for the University related to search processes, appointments, contracts and conditions of employment for adjunct faculty. The goal of the policy is to assure a high quality of instruction by individuals with appropriate credentials and experience and to facilitate a continuous improvement in the status of adjunct faculty at the University.

### **II. APPLICABILITY**

- A. This policy applies to adjunct faculty defined as faculty who are:
  - 1. Employed to provide instructional services;
  - 2. Neither tenured nor eligible for tenure; and
  - 3. Appointed to teach specific courses and compensated either
    - i. on a course-by-course basis or
    - ii. on a salaried appointment at less than 50% FTE.
- B. Policies for Salaried Part-Time, Non-Tenure Track Faculty. Part-Time, Non-Tenure Track (PTNTT) faculty who are appointed to salaried positions at 50% FTE or more are not included as “adjunct faculty” for the purposes of this policy, and are covered instead by II-1.00(F) University of Maryland Policy on Full-Time and Part-Time Non-Tenure Track Instructional Faculty.

### **III. CATEGORIES OF ADJUNCT FACULTY**

For the purposes of this policy, adjunct faculty shall be designated as one of the following:

- A. “Adjunct Faculty I”: All adjunct faculty, except those faculty members who have been designated by an institution as “Adjunct Faculty II”;
- B. “Adjunct Faculty II”: Adjunct faculty members who have been determined by the University to have a consistent record of high-quality instruction. Upon the written request of the faculty member to the department chair or unit head, the University shall consider granting Adjunct Faculty II status to adjunct faculty who have met the following criteria:
  - 1. Have an established record of teaching for at least six (6) semesters, e.g., Fall and Spring; and
  - 2. Are supported by a series of high-level performance evaluations.

“Adjunct Faculty II” status shall be granted upon the recommendation of the department or unit chair and Dean, subject to approval by the Provost.

### **IV. ADJUNCT FACULTY POSITION TITLES**

Adjunct faculty who are designated as Adjunct Faculty I or Adjunct Faculty II by the University may hold the titles of Lecturer, Senior Lecturer, Adjunct Assistant Professor, Adjunct Associate Professor, or Adjunct Professor.

## **V. RECRUITMENT AND SELECTION OF ADJUNCT FACULTY**

- A. **Credentials.** The University shall develop written standards for the academic degrees or professional certification and professional experience required for appointment as adjunct faculty. These standards may vary depending on the level of courses to be taught.
- B. **Selection Procedures.** The Provost shall assure that each college or hiring unit has in place written procedures for selecting adjunct faculty. Procedures shall include verification of credentials and shall reflect the University's commitment to equal opportunity and affirmative action.

## **VI. PROFESSIONAL DEVELOPMENT AND WORKING CONDITIONS**

- A. **Support for Teaching.** The University shall provide each Adjunct Faculty member with the support it determines to be necessary for the execution of the appointee's duties, which may include access through the University's website or other electronic resources, including the following:
  - 1. Information on the college and department's policies, requirements, learning outcomes and goals for each course, along with access to examples of past course syllabi (if available);
  - 2. Official schedule of classes, including academic calendar and time frames of class meetings;
  - 3. Assistance with textbook ordering and completing textbook compliance form.
  - 4. A University email account along with access to on-campus computing facilities; and
  - 5. For Adjunct Faculty teaching face-to-face classes on campus;
    - a. Telephone or other voice access, as appropriate;
    - b. Necessary office supplies;
    - c. Copying services for course materials; and
    - d. Appropriate space for meeting with students during scheduled office hours.
- B. **Professional Development.** To the extent feasible, professional development opportunities for new Adjunct Faculty shall include:
  - 1. Departmental orientation and overview
  - 2. Campus orientation
  - 3. Introduction to teaching policies and resources
  - 4. Training in using UMEG, TESTUDO; ELMS and other course administration and learning instruction information technology.

Subsequent opportunities for development also will be provided to the extent feasible. Such opportunities may include invitations to departmental, college, University, and external faculty development events, mentoring from senior faculty, and support for attending academic conferences.

- C. **Performance Evaluation.** The Senior Vice President and Provost will assure that each department has in place written procedures for evaluating Adjunct Faculty performance on a regular schedule, as required by BOR II-1.20 Policy on Evaluation of Performance of Faculty and Policy II-1.20(A) UMCP Policy on Periodic Evaluation of Faculty Performance.
  - 1. Among other things, performance evaluation procedures shall include student evaluations and faculty classroom visitation and observation.

2. Departments shall evaluate the teaching by Adjunct Faculty members on the same basis used to evaluate the teaching of tenure-track faculty members.
3. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, compensation, and any subsequent appointments are made.

## **VII. Appointment, Designation and Assignment**

### **A. Appointment of Adjunct Faculty Members**

1. Contracts and Letters of Appointment. Each Adjunct Faculty member, including both Adjunct Faculty I and Adjunct Faculty II, shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
  - a. Position title;
  - b. Contract term;
  - c. Per-course compensation;
  - d. Description of the assignment;
  - e. Institution benefits, if any;
  - f. Information regarding faculty policies and procedures, including performance evaluation policies;
  - g. Explanation of the implications of the cancellation of a course before the start date;
  - h. Information about eligibility for and benefits associated with designation of Adjunct Faculty II status;
2. Provisions for Adjunct Faculty II
  - a. After designation of “Adjunct Faculty II” status, a faculty member:
    1. Shall be sent a letter of notification from the Dean’s Office. The letter shall stipulate the benefits of designation of “Adjunct Faculty II” status, including provisions (2) through (4) below.
    2. Shall receive a compensation increment of at least 10% of the average per course compensation of his/her department or unit, consistent with State and USM budget policies;
    3. Shall be given priority consideration, to the extent operationally feasible, among adjunct faculty for future teaching assignments in the subjects for which the adjunct faculty member has had consistent instructional experience at the University;
    4. May be eligible for longer term appointments that assure the adjunct faculty member assignment to a fixed number of classes during the term of the appointment.
  - b. Designation of “Adjunct Faculty II” status does not prevent an adjunct faculty member from competition for or selection into a salaried part-time non-tenure-track or other faculty position.
3. Teaching Assignments. The appointing department shall provide adjunct faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes.
  - a. The University has the goal of providing such notice 45 days before the class start date, to the extent feasible. Nothing in this section shall prevent a department from making an adjunct faculty teaching appointment on short notice based on changed circumstances in class enrollments, the availability of resources, or other factors.

- b. If the University has a fall or spring semester class to which an adjunct faculty member has been assigned that is cancelled less than 30 days prior to the class start date, and has been unable to offer the adjunct faculty member re-assignment to a comparable class, the University shall compensate the adjunct faculty member 10% of the payment amount specified in the contract or appointment letter for that class.

## **VIII. Compensation and Benefits**

- A. Compensation. Every effort should be made to make adjunct faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.
- B. Benefits for Adjunct Faculty. Adjunct faculty shall be entitled to receive institutional benefits as designated in their written contract or formal letter of appointment.
- C. Sabbatical and Terminal Leave. Adjunct faculty members are ineligible for sabbatical leave or for terminal leave, regardless of length of service.

## **IX. Grievance and Appointment Rights**

- A. Grievance Procedure. Adjunct faculty shall have available the same grievance procedures as all other faculty, consistent with the USM Policy on Faculty Grievances, II-4.00 and UMCP Policy and Procedure Governing Faculty Grievances II-4.00(A).
- B. Process Related to the Termination of Adjunct Faculty. Prior to terminating an Adjunct faculty member's appointment before the end of its term, the faculty member shall be offered an opportunity to meet and discuss the matter at the level of the College or School. The University may remove the Adjunct faculty member from the classroom, provided, however, it shall continue to pay the Adjunct faculty member pending a reasonable opportunity to be heard.

## **X. Participation in the Campus Community**

- A. Adjunct faculty members shall be invited, to the extent feasible, to participate in the scholarly, intellectual, academic, and social life aspects of the department, college and University.
- B. Shared Governance Participation: The University shall provide opportunities for adjunct faculty to communicate their concerns to campus administration, provide advice in the development and implementation of policies and procedures related to adjunct faculty, and otherwise participate fully in shared governance through participation in existing shared governance bodies, with sufficient numbers of positions designated for adjunct faculty to ensure their significant representation.

DRAFT  
08/29/11 Version 8

II-1.00(F) UNIVERSITY OF MARYLAND POLICY ON FULL-TIME and PART-TIME  
NON-TENURE TRACK INSTRUCTIONAL FACULTY

APPROVED BY THE PRESIDENT May 16, 2002; Technical Amendments  
February 23, 2009 ([Amendments Pending University Senate Action in Fall 2011](#))

**This policy applies to faculty employed to provide instructional services who (1) have salaried appointments of 50% FTE or greater and (2) are neither tenured nor eligible for tenure. This policy does not apply to adjunct faculty as defined by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty. Instructional faculty who are: (1) neither tenured nor eligible for tenure and (2) are either compensated on a course-by-course basis or on salaried appointments at less than 50% are covered by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty.**

STANDARD EMPLOYMENT ELEMENTS

1. Credentials: Each department or unit shall develop written standards for the academic degrees or professional certifications and/or professional experience required for appointment to part time non-tenure track (PTNTT) and full-time non-tenure track instructional faculty (FTNTT) ranks. These standards should be appropriate for the needed instructional level.
2. Search Procedures: Hiring of PTNTT and FTNTT faculty members should be conducted under procedures that will ensure the selection of qualified professionals. Each department or unit shall develop written procedures for evaluating credentials and selecting faculty.
3. Written Contracts: All FTNTT and PTNTT faculty members shall be provided with clear written and approved contracts prior to the beginning of their assignment. The contract shall stipulate the term of the contract, the salary, assignments and expectations, expected notification about renewal or non-renewal, resources, and performance-evaluation policies and procedures.
4. Support for Teaching: In the best interest of students, all FTNTT and PTNTT instructional faculty members should be provided with the necessary and appropriate department or unit support for the execution of their duties. These resources should conform to departmental practices with respect to assistance in ordering books, duplication of class syllabi and examination questions, provision of teaching supplies. Care should be taken to ensure that students can have access to FTNTT and PTNTT faculty members through mailboxes, appropriate spaces for meeting students, electronic mail, telephones, etc. Where appropriate and feasible, and with the agreement of the department faculty, the professional development of FTNTT and PTNTT faculty members should be supported. This may include extending invitations to departmental and institutional faculty development events.

5. Performance Evaluation: Each department shall have written procedures for evaluating FTNTT and PTNTT faculty performance on a regular schedule, as required by BOR Policy II-1.20. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions are made about rank, salary, and contract renewal. FTNTT and PTNTT faculty members shall have the opportunity to review each evaluation and sign off on it.

## CONTRACT COMPONENTS

6. Term of Employment: Normally, initial contracts for FTNTT instructional faculty should be for one academic year, and initial contracts for PTNTT instructional faculty should be for a period of one semester. Departments are encouraged to offer two or three year contracts to FTNTT faculty members with records of long-term satisfactory service verified by written evaluations of performance and to offer longer-term contracts, not to exceed three years, to PTNTT instructional faculty in cases of demonstrated departmental need.
7. Notice of Non-Renewal: FTNTT instructional faculty should receive adequate notice of non-renewal of contracts as specified in Board of Regents Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty (section 1. C. 12). PTNTT instructional faculty should receive at least 30 days of notice of non-renewal prior to the end of a current contract. After five or more years of continuous service, any PTNTT or FTNTT instructional faculty member whose contract is not renewed should be informed in writing of the basis of a decision not to renew. The faculty member has the right to appeal the decision consistent with the institution's faculty grievance policy and procedures.
8. Faculty Grievance: Departments shall inform PTNTT and FTNTT instructional faculty members that they have full access to the faculty grievance procedure. Grievances may include the non-renewal of a contract.
9. Teaching Assignment: Whenever possible, departments should provide notice of projected teaching assignment(s) at least 45 days prior to the start of classes to allow for appropriate preparation. In addition, all contracts should specify the consequences of the class being cancelled prior to the start of classes.

## INTEGRATION INTO THE INSTITUTION

10. Faculty Participation: Each department or unit should make every effort to integrate FTNTT and PTNTT faculty members into the scholarly, intellectual and academic life of the department or unit, and institution. Departments are encouraged to have policies aimed toward this integration.
11. Shared Governance: All FTNTT and PTNTT faculty should be informed of the

procedures and calendar for the election of their representatives in the University Senate.

12. Ranks: The University should confer appropriate, non-tenure track instructional ranks commensurate with credentials and professional experience. For long-term PTNTT and FTNTT instructional faculty, academic units should consider the development of procedures for progression in rank.



# UNIVERSITY OF MARYLAND

OFFICE OF THE SENIOR VICE PRESIDENT AND PROVOST

1119 Main Administration Building  
College Park, Maryland 20742-5031  
301.405.5252 TEL 301.405.8195 FAX

## MEMORANDUM

**DATE:** August 30, 2011

**TO:** Wallace D. Loh  
President

**FROM:** Ann G. Wylie  
Senior Vice President and Provost

A handwritten signature in black ink, appearing to read "Ann G. Wylie".

**SUBJECT:** Interim University of Maryland Policy on the Employment of Adjunct Faculty

1. This is to request that you approve, on an interim basis, the attached *Policy on the Employment of Adjunct Faculty* effective immediately. Speaking generally, the policy offers more job security to adjunct faculty. I am comfortable with it.
2. This is a new policy required by the Board of Regents. A USM Policy on the Employment of Adjunct Faculty was issued to USM institutions during Fall Semester, 2010, with a requirement they adopt parallel implementing policies. There followed significant discussion about the intended scope by of the policy. This has only recently been decided. Nevertheless, we are supposed to have a University policy in place by September 1.
3. Typically, University policies of this nature would emanate from the University Senate for your approval. However, where time constraints such as presently exist, the practice has been for the President to institute a policy on an interim basis, pending further study and possible recommended amendment by the Senate. Like in previous instances, we have informed the Senate Executive Committee and shared the proposed policy with them. We have incorporated its suggested changes into the document. The policy has also been reviewed for form and legal sufficiency by Legal Affairs.
4. I recommend you approve the policy on an interim basis. If you concur, please approve it below.

APPROVED: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Wallace D. Loh".

Wallace D. Loh  
President

Date: \_\_\_\_\_

8/30/11

Attachment (1)



## **II-1.07(A) UNIVERSITY OF MARYLAND POLICY ON THE EMPLOYMENT OF ADJUNCT FACULTY**

(Interim Policy Approved by the President August 30, 2011 pending University Senate Action)

### **I. POLICY STATEMENT**

This policy is designed to establish baseline standards for the University related to search processes, appointments, contracts and conditions of employment for adjunct faculty. The goal of the policy is to assure a high quality of instruction by individuals with appropriate credentials and experience and to facilitate a continuous improvement in the status of adjunct faculty at the University.

### **II. APPLICABILITY**

- A. This policy applies to adjunct faculty defined as faculty who are:
  - 1. Employed to provide instructional services;
  - 2. Neither tenured nor eligible for tenure; and
  - 3. Appointed to teach specific courses and compensated either
    - i. on a course-by-course basis or
    - ii. on a salaried appointment at less than 50% FTE.
- B. Policies for Salaried Part-Time, Non-Tenure Track Faculty. Part-Time, Non-Tenure Track (PTNTT) faculty who are appointed to salaried positions at 50% FTE or more are not included as "adjunct faculty" for the purposes of this policy, and are covered instead by II-1.00(F) University of Maryland Policy on Full-Time and Part-Time Non-Tenure Track Instructional Faculty.

### **III. CATEGORIES OF ADJUNCT FACULTY**

For the purposes of this policy, adjunct faculty shall be designated as one of the following:

- A. "Adjunct Faculty I": All adjunct faculty, except those faculty members who have been designated by an institution as "Adjunct Faculty II";
- B. "Adjunct Faculty II": Adjunct faculty members who have been determined by the University to have a consistent record of high-quality instruction. Upon the written request of the faculty member to the department chair or unit head, the University shall consider granting Adjunct Faculty II status to adjunct faculty who have met the following criteria:
  - 1. Have an established record of teaching for at least six (6) semesters, e.g., Fall and Spring; and
  - 2. Are supported by a series of high-level performance evaluations.

"Adjunct Faculty II" status shall be granted upon the recommendation of the department or unit chair and Dean, subject to approval by the Provost.

### **IV. ADJUNCT FACULTY POSITION TITLES**

Adjunct faculty who are designated as Adjunct Faculty I or Adjunct Faculty II by the University may hold the titles of Lecturer, Senior Lecturer, Adjunct Assistant Professor, Adjunct Associate Professor, or Adjunct Professor.

## **V. RECRUITMENT AND SELECTION OF ADJUNCT FACULTY**

- A. **Credentials.** The University shall develop written standards for the academic degrees or professional certification and professional experience required for appointment as adjunct faculty. These standards may vary depending on the level of courses to be taught.
- B. **Selection Procedures.** The Provost shall assure that each college or hiring unit has in place written procedures for selecting adjunct faculty. Procedures shall include verification of credentials and shall reflect the University's commitment to equal opportunity and affirmative action.

## **VI. PROFESSIONAL DEVELOPMENT AND WORKING CONDITIONS**

- A. **Support for Teaching.** The University shall provide each Adjunct Faculty member with the support it determines to be necessary for the execution of the appointee's duties, which may include access through the University's website or other electronic resources, including the following:
  - 1. Information on the college and department's policies, requirements, learning outcomes and goals for each course, along with access to examples of past course syllabi (if available);
  - 2. Official schedule of classes, including academic calendar and time frames of class meetings;
  - 3. Assistance with textbook ordering and completing textbook compliance form.
  - 4. A University email account along with access to on-campus computing facilities; and
  - 5. For Adjunct Faculty teaching face-to-face classes on campus;
    - a. Telephone or other voice access, as appropriate;
    - b. Necessary office supplies;
    - c. Copying services for course materials; and
    - d. Appropriate space for meeting with students during scheduled office hours.
- B. **Professional Development.** To the extent feasible, professional development opportunities for new Adjunct Faculty shall include:
  - 1. Departmental orientation and overview
  - 2. Campus orientation
  - 3. Introduction to teaching policies and resources
  - 4. Training in using UMEG, TESTUDO; ELMS and other course administration and learning instruction information technology.Subsequent opportunities for development also will be provided to the extent feasible. Such opportunities may include invitations to departmental, college, University, and external faculty development events, mentoring from senior faculty, and support for attending academic conferences.
- C. **Performance Evaluation.** The Senior Vice President and Provost will assure that each department has in place written procedures for evaluating Adjunct Faculty performance on a regular schedule, as required by BOR II-1.20 Policy on Evaluation of Performance of Faculty and Policy II-1.20(A) UMCP Policy on Periodic Evaluation of Faculty Performance.
  - 1. Among other things, performance evaluation procedures shall include student evaluations and faculty classroom visitation and observation.



2. Departments shall evaluate the teaching by Adjunct Faculty members on the same basis used to evaluate the teaching of tenure-track faculty members.
3. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, compensation, and any subsequent appointments are made.

## **VII. Appointment, Designation and Assignment**

### **A. Appointment of Adjunct Faculty Members**

1. Contracts and Letters of Appointment. Each Adjunct Faculty member, including both Adjunct Faculty I and Adjunct Faculty II, shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
  - a. Position title;
  - b. Contract term;
  - c. Per-course compensation;
  - d. Description of the assignment;
  - e. Institution benefits, if any;
  - f. Information regarding faculty policies and procedures, including performance evaluation policies;
  - g. Explanation of the implications of the cancellation of a course before the start date;
  - h. Information about eligibility for and benefits associated with designation of Adjunct Faculty II status;
2. Provisions for Adjunct Faculty II
  - a. After designation of "Adjunct Faculty II" status, a faculty member:
    1. Shall be sent a letter of notification from the Dean's Office. The letter shall stipulate the benefits of designation of "Adjunct Faculty II" status, including provisions (2) through (4) below.
    2. Shall receive a compensation increment of at least 10% of the average per course compensation of his/her department or unit, consistent with State and USM budget policies;
    3. Shall be given priority consideration, to the extent operationally feasible, among adjunct faculty for future teaching assignments in the subjects for which the adjunct faculty member has had consistent instructional experience at the University;
    4. May be eligible for longer term appointments that assure the adjunct faculty member assignment to a fixed number of classes during the term of the appointment.
  - b. Designation of "Adjunct Faculty II" status does not prevent an adjunct faculty member from competition for or selection into a salaried part-time non-tenure-track or other faculty position.
3. Teaching Assignments. The appointing department shall provide adjunct faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes.
  - a. The University has the goal of providing such notice 45 days before the class start date, to the extent feasible. Nothing in this section shall prevent a department from making an adjunct faculty teaching appointment on short notice based on changed circumstances in class enrollments, the availability of resources, or other factors.

- b. If the University has a fall or spring semester class to which an adjunct faculty member has been assigned that is cancelled less than 30 days prior to the class start date, and has been unable to offer the adjunct faculty member re-assignment to a comparable class, the University shall compensate the adjunct faculty member 10% of the payment amount specified in the contract or appointment letter for that class.

#### **VIII. Compensation and Benefits**

- A. Compensation. Every effort should be made to make adjunct faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.
- B. Benefits for Adjunct Faculty. Adjunct faculty shall be entitled to receive institutional benefits as designated in their written contract or formal letter of appointment.
- C. Sabbatical and Terminal Leave. Adjunct faculty members are ineligible for sabbatical leave or for terminal leave, regardless of length of service.

#### **IX. Grievance and Appointment Rights**

- A. Grievance Procedure. Adjunct faculty shall have available the same grievance procedures as all other faculty, consistent with the USM Policy on Faculty Grievances, II-4.00 and UMCP Policy and Procedure Governing Faculty Grievances II-4.00(A).
- B. Process Related to the Termination of Adjunct Faculty. Prior to terminating an Adjunct faculty member's appointment before the end of its term, the faculty member shall be offered an opportunity to meet and discuss the matter at the level of the College or School. The University may remove the Adjunct faculty member from the classroom, provided, however, it shall continue to pay the Adjunct faculty member pending a reasonable opportunity to be heard.

#### **X. Participation in the Campus Community**

- A. Adjunct faculty members shall be invited, to the extent feasible, to participate in the scholarly, intellectual, academic, and social life aspects of the department, college and University.
- B. Shared Governance Participation: The University shall provide opportunities for adjunct faculty to communicate their concerns to campus administration, provide advice in the development and implementation of policies and procedures related to adjunct faculty, and otherwise participate fully in shared governance through participation in existing shared governance bodies, with sufficient numbers of positions designated for adjunct faculty to ensure their significant representation.





# UNIVERSITY OF MARYLAND

OFFICE OF THE SENIOR VICE PRESIDENT AND PROVOST

1119 Main Administration Building  
College Park, Maryland 20742-5031  
301.405.5252 TEL 301.405.8195 FAX

## MEMORANDUM

**DATE:** August 30, 2011

**TO:** Wallace D. Loh  
President

**FROM:** Ann G. Wylie  
Senior Vice President and Provost

A handwritten signature in black ink, appearing to read "Ann G. Wylie".

**SUBJECT:** Interim University of Maryland Policy on Full-Time and Part-Time Non-Tenure-Track Instructional Faculty

1. This is to request that you approve, on an interim basis, an amendment to the University's existing *Policy on Full-Time and Part-Time Non-Tenure-Track Instructional Faculty* effective immediately. The amendment is shown in bold on the attached document. The amendment is required by USM policy. It complements the proposed interim *University Policy on the Employment of Adjunct Faculty*. I think it is helpful.
2. The amendment should be in place by September 1.
3. Typically, an amendment of this nature would emanate from the University Senate for your approval. However, where time constraints such as presently exist, the practice has been for the President to institute an amendment on an interim basis, pending further study and possible recommended changes by the Senate. Like in previous instances, we have informed the Senate Executive Committee and shared the proposed amendment with them. The policy has also been reviewed for form and legal sufficiency by Legal Affairs.
4. I recommend that you approve the amendment on an interim basis. If you concur, please approve it below.

APPROVED: Wallace D. Loh Date: 8/30/11  
Wallace D. Loh  
President

Attachment (1)

II-1.00(F) UNIVERSITY OF MARYLAND POLICY ON FULL-TIME and PART-TIME  
NON-TENURE TRACK INSTRUCTIONAL FACULTY

APPROVED BY THE PRESIDENT May 16, 2002; Technical Amendments  
February 23, 2009; (Interim Amendments approved by the President August 30,  
2011 pending University Senate Action)

This policy applies to faculty employed to provide instructional services who (1) have salaried appointments of 50% FTE or greater and (2) are neither tenured nor eligible for tenure. This policy does not apply to adjunct faculty as defined by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty. Instructional faculty who are: (1) neither tenured nor eligible for tenure and (2) are either compensated on a course-by-course basis or on salaried appointments at less than 50% are covered by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty.

STANDARD EMPLOYMENT ELEMENTS

1. Credentials: Each department or unit shall develop written standards for the academic degrees or professional certifications and/or professional experience required for appointment to part time non-tenure track (PTNTT) and full-time non-tenure track instructional faculty (FTNTT) ranks. These standards should be appropriate for the needed instructional level.
2. Search Procedures: Hiring of PTNTT and FTNTT faculty members should be conducted under procedures that will ensure the selection of qualified professionals. Each department or unit shall develop written procedures for evaluating credentials and selecting faculty.
3. Written Contracts: All FTNTT and PTNTT faculty members shall be provided with clear written and approved contracts prior to the beginning of their assignment. The contract shall stipulate the term of the contract, the salary, assignments and expectations, expected notification about renewal or non-renewal, resources, and performance-evaluation policies and procedures.
4. Support for Teaching: In the best interest of students, all FTNTT and PTNTT instructional faculty members should be provided with the necessary and appropriate department or unit support for the execution of their duties. These resources should conform to departmental practices with respect to assistance in ordering books, duplication of class syllabi and examination questions, provision of teaching supplies. Care should be taken to ensure that students can have access to FTNTT and PTNTT faculty members through mailboxes, appropriate spaces for meeting students, electronic mail, telephones, etc. Where appropriate and feasible, and with the agreement of the department faculty, the professional development of FTNTT and PTNTT faculty members should be supported. This may include extending invitations to departmental and institutional faculty



development events.

5. Performance Evaluation: Each department shall have written procedures for evaluating FTNTT and PTNTT faculty performance on a regular schedule, as required by BOR Policy II-1.20. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions are made about rank, salary, and contract renewal. FTNTT and PTNTT faculty members shall have the opportunity to review each evaluation and sign off on it.

#### CONTRACT COMPONENTS

6. Term of Employment: Normally, initial contracts for FTNTT instructional faculty should be for one academic year, and initial contracts for PTNTT instructional faculty should be for a period of one semester. Departments are encouraged to offer two or three year contracts to FTNTT faculty members with records of long-term satisfactory service verified by written evaluations of performance and to offer longer-term contracts, not to exceed three years, to PTNTT instructional faculty in cases of demonstrated departmental need.
7. Notice of Non-Renewal: FTNTT instructional faculty should receive adequate notice of non-renewal of contracts as specified in Board of Regents Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty (section 1. C. 12). PTNTT instructional faculty should receive at least 30 days of notice of non-renewal prior to the end of a current contract. After five or more years of continuous service, any PTNTT or FTNTT instructional faculty member whose contract is not renewed should be informed in writing of the basis of a decision not to renew. The faculty member has the right to appeal the decision consistent with the institution's faculty grievance policy and procedures.
8. Faculty Grievance: Departments shall inform PTNTT and FTNTT instructional faculty members that they have full access to the faculty grievance procedure. Grievances may include the non-renewal of a contract.
9. Teaching Assignment: Whenever possible, departments should provide notice of projected teaching assignment(s) at least 45 days prior to the start of classes to allow for appropriate preparation. In addition, all contracts should specify the consequences of the class being cancelled prior to the start of classes.

#### INTEGRATION INTO THE INSTITUTION

10. Faculty Participation: Each department or unit should make every effort to integrate FTNTT and PTNTT faculty members into the scholarly, intellectual and academic life of the department or unit, and institution. Departments are encouraged to have policies aimed toward this integration.

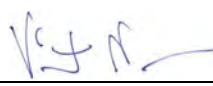
11. Shared Governance: All FTNTT and PTNTT faculty should be informed of the procedures and calendar for the election of their representatives in the University Senate.
12. Ranks: The University should confer appropriate, non-tenure track instructional ranks commensurate with credentials and professional experience. For long-term PTNTT and FTNTT instructional faculty, academic units should consider the development of procedures for progression in rank.



**APPENDIX 3 - CHARGE FROM THE SENATE EXECUTIVE COMMITTEE  
ON UPDATE ADJUNCT 1 & 2 CLASSIFICATION POLICY**



**University Senate  
CHARGE**

<b>Date:</b>	May 29, 2014
<b>To:</b>	Ellin Scholnick Chair, Faculty Affairs Committee
<b>From:</b>	Vincent Novara Chair, University Senate 
<b>Subject:</b>	Update Adjunct 1 & 2 Classification Policy
<b>Senate Document #:</b>	13-14-15
<b>Deadline:</b>	March 27, 2015

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee (FAC) review the attached proposal entitled, "Update Adjunct 1 & 2 Classification Policy," and make recommendations on whether changes to existing policy are appropriate.

Specifically, we ask that you:

1. Review the University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A]).
2. Review the University System of Maryland Policy On The Employment Of Adjunct Faculty In The University System Of Maryland (II-1.07) and consider whether the requested changes align with the guidelines of the USM policy.
3. Consult with the proposers about their specific concerns.
4. Consult with a representative from the University's Office of Faculty Affairs.
5. Consult with representatives from the adjunct faculty population.
6. Consider whether the current criteria for designating adjunct status appropriately addresses the needs of both the adjunct faculty population and the University.
7. Consider whether a mechanism for exceptions in the current criteria for designating adjunct faculty status should be instituted.
8. Review adjunct faculty policies at our peer universities, including those in the Big Ten.
9. Consult with the University's Office of Legal Affairs.

10. If appropriate, recommend whether the current policy should be revised.

We ask that you submit a report to the Senate Office no later than March 27, 2015. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Attachment

VN/rm



## University Senate PROPOSAL FORM

<b>Name:</b>	James Sanders & Tony McCann
<b>Date:</b>	
<b>Title of Proposal:</b>	Update Adjunct 1 & 2 Classification Policy
<b>Phone Number:</b>	410 531-7559
<b>Email Address:</b>	<a href="mailto:jsanders@rhsmith.umd.edu">jsanders@rhsmith.umd.edu</a> mccannsa@verizon.net
<b>Campus Address:</b>	Van Munching Hall
<b>Unit/Department/College:</b>	Smith School of Business School of Public Policy
<b>Constituency (faculty, staff, undergraduate, graduate):</b>	Adjunct Faculty
<b>Description of issue/concern/policy in question:</b>	<p>Adjunct Policy II-1.07(A) provides Adjunct 1 &amp; 2 classifications to recognizing high-level contributions from long-term adjuncts to accomplish the goal of increasing engagement. However, the policy excludes a large number of long time adjunct faculty from consideration for Adjunct 2 status because the policy fails to consider the differences in the scheduling, curriculum, and staffing needs of the different schools.</p> <p>The current policy limits adjunct 2 statuses to faculty who have taught 36 credits within 5 years, and only counts courses taught during fall and spring semesters. It excludes winter and summer courses, as well as courses taught outside of the traditional semester calendar. <a href="http://www.faculty.umd.edu/policies/adjunct.html">www.faculty.umd.edu/policies/adjunct.html</a></p> <p>Problems:</p> <ul style="list-style-type: none"> <li>-Ignores year around schedule of many schools</li> <li>-36 credits misses long term role in teaching specialist classes which meet on intermittent schedule.</li> <li>-Misses impact of schools with 2 credit courses (Smith School)</li> <li>-Misses executive and contract credit courses that are taught on irregular schedule.</li> </ul>
<b>Description of action/changes you would like to see implemented and why:</b>	<p>Proposed solution:</p> <p>Amend the policy and delegate responsibility to each school to determine criteria for “substantial engagement” with the school taking into account</p>

	<p>the differing staffing and teaching requirements across campus.</p> <p>Rational: Intent of adjunct classification scheme is to improve engagement of ongoing contributors. The proposal in the Non-Tenure Track Faculty Task Force Report to include Winter and Summer courses in the classification does not work for the business school and other schools because of the 2 credit and low volume of specialist courses and because of the number of courses taught outside the traditional fall-winter-spring-summer academic windows.</p>
<b>Suggestions for how your proposal could be put into practice:</b>	<p>Review by Senate Faculty Affairs committee based on their current agenda item to review implementation of the recommendations of the <i>Task Force on Non-Tenure Track Faculty</i></p> <p>Proposed action: revise policy as noted above so that schools could either use the current eligibility criteria for Adjunct 2 status or define their own criteria</p>
<b>Additional Information:</b>	

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