February 7, 2013

MEMORANDUM

TO: University Senate Members

FROM: Martha Nell Smith
              Chair of the University Senate

SUBJECT: University Senate Meeting on Thursday, February 14, 2013

The next meeting of the University Senate will be held on Thursday, February 14, 2013. 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[1] by calling 301-405-5805 or sending an email to senate-admin@umd.edu for an excused absence. Your response will assure an accurate quorum count for the meeting.

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

Meeting Agenda

1. Call to Order

2. Approval of the December 5, 2012, Senate Minutes (Action)

3. Report of the Chair

4. Special Order of the Day
        Mary Ann Rankin
        Senior Vice President & Provost of the University of Maryland,
        College Park
        Provost's Address

5. PCC Proposal to Establish a Post-Baccalaureate Certificate in Achievement Motivation & Adolescent Self and Social Processes (Senate Doc. No. 12-13-31) (Action)

6. PCC Proposal to Establish a Post-Baccalaureate Certificate in Adolescent Cognitive Development and Motivation to Read (Senate Doc. No. 12-13-32) (Action)

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

7. Promoting Innovation: The University of Maryland Information Technology Strategic Plan (Senate Doc. No. 12-13-35) (Action)

8. Expansion of Promoting Responsible Action in Medical Emergencies (Senate Doc. No. 11-12-22) (Action)

9. Report of the Joint Provost/Senate Open Access Task Force (Senate Doc. No. 12-13-36) (Action)

10. Proposal to Implement a Retroactive Withdrawal Policy at the University of Maryland (Senate Doc. No. 11-12-30) (Action)

11. Implementation of the Policy On Smoking At USM Institutions (Senate Doc. No. 12-13-07) (Action)

12. New Business

13. Adjournment

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

December 5, 2012

Members Present

Members present at the meeting: 100

Call to Order

Senate Chair Smith called the meeting to order at 3:20 p.m.

Approval of the Minutes

Chair Smith asked for additions or corrections to the minutes of the November 1, 2012 meeting. Hearing none she declared the minutes approved as distributed.

Report of the Chair

Senate Elections
Smith announced that the Senate Office would begin the candidacy/election process for all staff, student, and single-member constituency senators for 2013-2014 on January 22, 2013. She encouraged those in attendance to run for senator and indicated that details about the timeline and process could be found under the "Elections" tab on the Senate website.

Spring 2013 Senate Meetings
Smith reminded the Senate that the first Senate meeting of the spring semester would be on February 14, 2013. The new Provost, Mary Ann Rankin, will make a presentation at that meeting. She asked senators to mark all of the spring 2013 senate meeting dates on your calendar. We expect to have a very busy semester with much of the work that is currently in our various committees coming to the Senate. You can review pending items on the Senate website under the legislation tab.

Special Order – President Wallace D. Loh, Discussion of the University's Move to the Big 10

Smith expressed her gratitude to the President for making time to meet with the campus community on this important issue and then welcomed President Loh, who gave a brief overview and took questions and input regarding the University's recent move to the Big 10 Conference.

President Loh stated that the University's integration with the Committee on Institutional Cooperation (CIC) and the Big 10 is more than a change of athletic conference; it is a comprehensive integration that involves athletics, academics, finances, administration, and procurement with the Big 10 institutions. President

Loh thanked Provost Rankin for spearheading the effort to get our University approved to be a part of the CIC as of July 1 2013, one year ahead of our official move to the Big 10. Loh spoke about the advantages of joining the CIC, including shared library acquisitions, purchasing power, the possibility of joining the Google digitization project, access to study abroad programs in 70 different countries, summer research programs for undergraduates, online courses, research fellowships for graduate students, research collaborations for faculty, and administrative workshops. The CIC is a "super-university," which can leverage resources to get discounted rates and increased opportunities.

The President opened the floor for questions.

Speaker: Asked the President how the University will handle the $50M exit penalty imposed by the ACC.
President Loh responded that the University is currently in litigation and the ACC has sued us. Therefore, he cannot speak to it. However, he can say that no other conference has been charged anywhere near $50M and that no other school has paid the full penalty amount. He explained that we took that into account when the decision was made and noted that these funds will not come out of taxpayer money.

Senator Cooperman, Faculty, College of Arts & Humanities, introduced Jeffrey Herf, History. Herf stated that the Big 10 is a vastly superior athletic conference to the ACC and that a lot of money will be needed to compete in this conference. He then asked, "Can you promise us that you will not permit this to take place and that you will accept the prospect of losing seasons in favor of spending more money on athletics? If you are committed to fielding teams that can be competitive, will not these additional expenses be deducted from research and teaching? The second question is: are you committed to being competitive with graduate students offers? What will you do to deemphasize the role of big-time athletics at this university and fight the distortion of values caused by athletics?" Loh responded that he is committed to the continued academic excellence of this University, noting that we are about to conclude our first $1B campaign, which includes $330M for scholarships and fellowships to support our students. He also noted that we continue to work on the academic side of the house and that the University of Maryland has risen dramatically in the last 15-20 years. Not a single penny of appropriations goes to athletics; it is a completely self-sustaining enterprise. Some of our most generous donors to academics are also loyal athletic donors. Loh went on record to say that some of the revenue generated by the Big 10 deal will go to academics and financial aid for students. We are uncertain about how much that might be at this time. He noted that the Big 10 realized that money is not made by attendance at games but through the Big 10 network which reaches a larger audience through mobile devices, TVs, etc., and that we are in the global world where geographical boundaries no longer matter as much as they have in the past. Though we do not plan to invest more money into athletics, we have to address the deficit that athletics already has. President

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

Loh noted that we made the hard choice of cutting teams and vowed that his successors would not inherit a program in a deficit.

Senator Farshchi, Undergraduate, Robert H. Smith School of Business, commended President Loh on the academic move to the Big 10, noting that students were concerned about losing the Duke rivalry. He asked if it is possible to still have the Duke game for the first few years of the transition.
President Loh stated that he received a lot of emails from athletic fans who were upset about the move. However, it is possible to schedule pre-conference games with Duke and the University of North Carolina (UNC). He noted that with the new ACC structure, we would only play Duke and UNC once every two years. He questioned the loyalty of the ACC to the University of Maryland when we are not scheduled with our strongest rivals. President Loh did wish the best for the ACC in the future.

Senator Lieb, Undergraduate, College of Computer, Mathematical, and Natural Sciences, commended President Loh on the move to the Big 10 but objected to how the campus was informed. We did not have time to let it sink in before the vote. Why was the campus community not informed earlier?

President Loh stated that normally we believe in shared governance, but there are certain issues that if you consult in advance, and knowledge of the possible actions becomes public, the initiative will not be realized. The Big 10 made it clear that we could not talk and review its data without signing a confidentiality agreement for ten years. The Big 10 was negotiating with several other schools simultaneously. The amount that they offer each school varies. If he sat down with the University Senate and others, leaks could ruin our negotiations. The deal was not sealed until 10:30 a.m. Saturday morning before it was announced on Monday. We had been negotiating intensely for a week. The Board of Regents and members of the University's leadership were not aware because we would have had to reveal the terms of the negotiations. All conference realignments have been fast and confidential. Loh stated that he assembled a team of external experts including lawyers, sports economists, and former commissioners to scrub the numbers. We did due diligence over two months. He also noted that the BOR could have voted it down. Loh stated that he consulted with the political leaders in the state, major donors, the Chair of the Senate, and the Chancellor. He likened the confidential negotiations to those with companies that would like to be a part of our Research Park or for research grants. Loh reiterated that if the negotiations had not been kept confidential, we would not have had the opportunity.

Senator Gullickson, Faculty, College of Arts & Humanities, stated that she wished that President Loh would go further and would identify a minimum amount or percentage from the revenue generated that goes annually to academics. Can a specific percentage be written into the contract?

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

Loh stated that the negotiations are for a lump sum, not a specific breakdown, and that implementation would be transparent. He also pointed out that we are forming a commission on the UM Big 10 CIC Integration. The commission will be asked to come up with a plan to ensure the financial sustainability of athletics for 20 years and properly support student athletes, as well as a plan for how revenue can be distributed to academics.

Gullickson stated that comparisons should be made of how much we pay graduate students, undergraduate scholarships, etc., in relation to other Big 10 schools. She hoped that this would allow us to truly compete on all levels.

Dean Steele, Libraries, thanked President Loh and Provost Rankin for their work on getting us into the Big 10 and the CIC. The Libraries will now be a part of the Center for Library Initiatives (CLI), which is the largest and most active group. The CLI did the negotiations with Google to get all of the collections within the CIC digitized. They also came up with the idea of the Hathi Trust, which is a digital repository that libraries from across the country own and operate. Our users will now have access to 80-90 millions volumes that are accessible through a single search site. There is a new, shared copy program being developed though the CIC, that assures that physical copies of books are available and a service method is attached to them. The buying power of the consortia saves the libraries $6.5M a year because of the wealth and clout of the group. This is a group that thinks and does big things, one that will be transformational for the libraries here.

Senator Meharg, Faculty, Athletic Coaches, commended President Loh on a very bold move. She stated that she was not met with a lot of love from the ACC at her annual end-of-season meeting. However, the coaches from the other institutions were committed to continuing competition with our University. She stated that she was on the commission and was shocked by the numbers that underscore how favorable the move is. She stated that the she was not aware of the decision being made and thanked the President for the secrecy involved because it could have made recruiting very complicated. She also noted that we have not had a lot of Olympic athletes because we have not been able to support our athletes to get to that level, and that the Big 10 does have the resources to support athletes in that way. She thanked the President for have the foresight to make the move to the Big 10.

Dean Hamilton, Undergraduate Studies, stated that she is hosting the ACC International Academic Collaborative (IAC) Advisory Committee and that we want to offer our good will to the ACC. The other institutions have been collegial about maintaining that relationship.

Chair Smith thanked President Loh for meeting with the Senate and for engaging questions.

**Nominations Committee Slate 2012-2013 (Senate Doc. No. 12-13-27)
(Action)**

Vincent Novara, Chair of the Committee on Committees, presented the
Nominations Committee Slate and provided background information.

Smith opened the floor to any additional nominations; hearing none, she called
for a vote on the slate. The result was 83 in favor, 0 opposed, and 1 abstention.
The motion to approve the proposal passed.

**PCC Proposal on Environmental Science and Policy Environmental
Geosciences and Restoration Proposed New/Merged Concentration
(Senate Doc. No. 12-13-28) (Action)**

William Idsardi, Chair of the Programs Curricula and Courses (PCC) Committee,
presented the PCC Proposal on Environmental Science and Policy
Environmental Geosciences and Restoration Proposed New/Merged
Concentration and provided background information.

Smith opened the floor to discussion of the proposal.

Senator Gullickson, Faculty, College of Arts & Humanities, noted that the name
of the new merged concentration was confusing and unclear.

Hearing no further discussion, Smith called for a vote on the proposal. The result
was 80 in favor, 0 opposed, and 1 abstention. **The motion to approve the
proposal passed.**

**Modify the Membership of the Educational Affairs Committee to Include a
Representative of the Division of Information Technology (Senate Doc. No.
12-13-15) (Action)**

Devin Ellis, Chair of the Elections, Representation, and Governance (ERG)
Committee, presented the Proposal to Modify the Membership of the Educational
Affairs Committee to Include a Representative of the Division of Information
Technology and provided background information.

Smith opened the floor to discussion of the proposal; hearing none, she called for
a vote on the proposal. The result was 72 in favor, 7 opposed, and 1 abstention.
The motion to approve the proposal passed.

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

**Special Order of the Day - Brian D. Voss, Vice President & Chief
Information Officer, Promoting Innovation: The University of Maryland
Information Technology Strategic Plan – Draft**

Chair Smith asked the consent of the Senate to live-stream the next presentation
so that those that could not attend the meeting could watch it online. Hearing no
objections, she granted approval to stream the presentation.

Smith introduced Brian D. Voss, Vice President & Chief Information Officer to
present the draft Information Technology Strategic Plan.

Voss thanked the Senate for the opportunity to address the Senate.

Overview
IT abundance is the philosophy that guides what we are trying to do strategically.
How can we make IT not just something that we have to figure out that we need
and then go out and acquire, but anticipate the technology, tools, and
environment we need the technological support to do? How can we get to a
place not to have to think about what might be possible if we had particular tools
but actually to have those tools in place so that we can create what might be
possible. These possibilities are there when IT is advanced, current, readily
available, and prudently funded. Instead of an approach where if you want a
service you have to pay for it, we are looking at having resources that are readily
available, holistically funded, and promoted. An IT abundant environment
demonstrates the institution's embrace of technology in order to advance its
mission.

We want to bring that philosophy to IT because it supports the President's
priorities, which include student opportunity and achievement, innovation and
entrepreneurship, internationalization, and service to the State of Maryland. In
addition, the overriding strategy of the University states that, "we should embrace
the power of technology and what it can do for us in the 21st Century." These are
all reasons for creating this environment at the University.

Important to understand is how IT can affect the institution by enabling the
fundamental things that we do, such as create, share, and preserve knowledge.
In order to accomplish these goals in the 21st Century, we have to have
technology. We have to accept that IT is a fundamental strategic asset of the
institution. IT abundance is the foundation of IT enablement, which enables our
faculty to teach more effectively, our students to learn faster and better, our
researchers to open up new and expand older frontiers, and our institution's
decision-makers to manage more efficiently and effectively.

We need goals for IT at Maryland that support the strategic mission, goals, and
plan of the university. We need a plan to achieve those goals. We can achieve
this by providing excellent and abundant IT infrastructure and services and

striving to be a global leader in the creative and innovative use, application, and provision of IT. By doing this, we will position ourselves to be one of the great Universities of the 21st century.

Strategic Planning
When developing the plan, we did not focus on the types of technology but rather the outcomes that the community wanted and the challenges that we face for which IT can find a solution. The plan does not focus on the how, how much, and when, but instead focuses on what is important and why. The process of planning will help us prepare for what lies ahead.

We focused on the areas of planning that aligned with the strategic priorities for the institution as well as those that arise from an IT perspective. These include scholarly enablement, research and innovation, infrastructure, and resource allocation and efficient and effective use.

Faculty from the campus chaired groups for each focus area. These groups were also made up of faculty, IT staff, and students to inform the process more capaciously. The recommendations include physical infrastructure, support and enablement of resources, scholarly enablement, research enablement, student experience, IT and the enterprise, funding IT strategically, IT security, policy, and business continuity, and IT governance.

The planning also included engaging individuals with an interest in contributing to IT enhancement, feedback from the broader community, the Campus IT staff, and the Senate. The timeline included initial stages of learning about the environment in Fall 2011, preparing for the planning in Spring 2012, refining input, and discussing possible recommendations in Summer 2012, and distributing a draft of the plan and incorporating feedback in Fall 2012. We will seek final input, finalize the plan, and seek the formal endorsement of the Plan at the start of the Spring 2013. Following endorsement of the senate and presidential approval, we will print 'hard-copy' versions and begin implementation plans. Implementation will involve the broader campus community. We will also look towards developing IT governance with the help of the University Senate.

Voss asked for the feedback and endorsement of the University Senate.

Q & A
Senator Shneiderman, Faculty, College of Computer, Mathematical, and Natural Sciences, stated that he appreciates the vision but forward, however, 50 members of the Department of Computer Science and UMIACS have raised concerns and offered amendments about sections within the plan, which does not address the unique needs of specific groups such as CS/UMIACS.

Voss responded that of the five items expressed, two have already been adopted verbatim; in two others significant modifications to the text were made that meet

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the spirit of the suggestions. The last one concerned the confidentiality of the external review. Voss assured the senators that the Division of IT will get guidance and support from the community on the recommendations that came out of that review.

Senator Reynolds, Faculty, College of Computer, Mathematical, and Natural Sciences, thanked Voss for putting forward the Plan and for being responsive to the feedback.
Voss responded that this Plan has to be embraced by the community. We need to build a collegial environment where we can work together to meet our needs.

Senator Walters, Faculty, College of Computer, Mathematical, and Natural Sciences, stated that he served on the IT Council a few years ago. He suggested that the number of faculty on that council be increased, since addressing the variety of issues on this campus is difficult with just three faculty offering input on the Council.
Voss responded that he is looking at a whole new structure instead of the IT Council, one that is faculty rich, and noted that we could consider the task forces used to make permanent governance committees that advise on specific areas.

Dean Townshend, College of Behavioral and Social Sciences, stated that one of the issues within his college is IT scarcity. He thoroughly reviewed the Plan to see, "What is the response to the comments and feedback provided?" He stated that he welcomes the ideas and recommendations within the Plan.

Adjournment

Senate Chair Smith adjourned the meeting at 4:46 p.m.

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

University Senate
TRANSMITTAL FORM

Senate Document #:	12-13-31
PCC ID #:	12000
Title:	Proposal to Establish a Post-Baccalaureate Certificate in Achievement Motivation and Adolescent Self and Social Processes (AMASSP)
Presenter:	William Idsardi, Chair, Senate Programs, Curricula, and Courses Committee
Date of SEC Review:	February 1, 2013
Date of Senate Review:	February 14, 2013
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	The College of Education's Human Development and Quantitative Methodology (HDQM) department requests to establish a Post-Baccalaureate Certificate in Achievement Motivation and Adolescent Self and Social Processes. This new Post-Baccalaureate Certificate program has been developed for the Montgomery County Public School (MCPS) system, which seeks training in this specific area for their teachers. According to MCPS, many teachers have a need for a specialized certificate program rather than a 30-credit Master's Degree program. This certificate program is one of two certificate programs that the department is developing for MCPS (see also PCC ID# 12001). The course requirements for this certificate program are as follows: EDHD600: Introduction to Human Development and Child Study (3 credits); EDHD602: Social Bases of Behavior (3 credits); EDHD617: Achievement Motivation in Adolescence (3 credits); EDHD635: Adolescents at Risk (3 credits); and EDHD674: Self Processes in Adolescence: Implications for Academic Achievement and School Adjustment (3 credits). The courses are designed to help teachers understand the motivational, self, and social aspects of development during adolescence. The teachers will also learn how

	different teaching practices can facilitate adolescents' motivation to learn. The department anticipates that each cohort size will be approximately ten students. The Academic Planning Advisory Committee approved the proposal on November 27, 2012. The Graduate PCC committee approved the proposal on November 28, 2012. The Senate PCC committee approved the proposal at its meeting on December 7, 2012.
Relevant Policy # & URL:	Not Applicable
Recommendation:	The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this new Post-Baccalaureate Certificate program.
Committee Work:	The Committee considered the proposal at its meeting on December 7, 2012. Maggie McLaughlin, Associate Dean of Education, and Ann Battle of the Department of Human Development and Quantitative Methodology presented the proposal. After discussion, the Committee voted unanimously to recommend the proposal.
Alternatives:	The Senate could decline to approve the new Post-Baccalaureate Certificate program.
Risks:	If the Senate does not approve the new Post-Baccalaureate Certificate program, the University will lose an opportunity to provide a valuable continuing education opportunity to teachers in Montgomery County, Maryland.
Financial Implications:	There are no significant financial implications with this proposal.
Further Approvals Required: *(*Important for PCC Items)*	If the Senate approves this proposal, it would still require further approval by the President, the Chancellor, and the Maryland Higher Education Commission.

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

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

<table>
<tr><td>PCC LOG NO.</td></tr>
<tr><td>12000</td></tr>
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- Please submit the signed form to the Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus.

College/School: Education
Please also add College/School Unit Code-First 8 digits: 1310101
Unit Codes can be found at: https://hypprod.umd.edu/Html_Reports/units.htm

Department/Program: Human Development and Quantitative Methodology
Please also add Department/Program Unit Code-Last 7 digits: 1310801

Type of Action (choose one):

❏ Curriculum change (including informal specializations)   **X** *New academic degree/award program*
❏ *Renaming of program or formal Area of Concentration*   ❏ New Professional Studies award iteration
❏ *Addition/deletion of formal Area of Concentration*   ❏ New Minor
❏ *Suspend/delete program*   ❏ Other

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

Summary of Proposed Action: Creating a new certificate as a subset of an existing degree program

The Department of Human Development and Quantitative Methodology is proposing a new Graduate Certificate Program, comprised of five, 3 - credit courses, all of which are already included in the department's existing 30 – credit Master of Education Program in partnership with Montgomery County Public Schools (MCPS). The certificate program is being designed in response to discussions with Staff Development administrators in MCPS, who have advised us that many teachers have need for a 15 - credit certificate in specialized content areas from an institution of higher education. These teachers wish to complete their master's equivalency requirements, but do not seek an academic degree program. A letter of support from Dr. Russ Fazio, Instructional Specialist, MCPS Staff Development, is included with this proposal. Our intention is to continue our Masters program offering, while simultaneously admitting certificate students who will take five of the nine courses required for the M.Ed. degree. Students will take these courses over the same two year period as the masters students.

Title of Certificate
 Graduate Certificate in Achievement Motivation & Adolescent Self and Social Processes (AMASSP)

Courses
EDHD 600: Introduction to Human Development and Child Study (3 credits)
EDHD 602: Social Bases of Behavior (3 credits)
EDHD 617: Achievement Motivation in Adolescence (3 credits)
EDHD 635: Adolescents at Risk (3 credits)
EDHD 674: Self Processes in Adolescence: Implications for Academic Achievement and School Adjustment

Rationale

The courses in this certificate program combine to provide teachers with an understanding of motivational, self, and social aspects of development during adolescence. The courses are designed to help teachers understand better these important aspects of development, and also to understand how different teaching practices can facilitate adolescents' motivation to learn, as well as the quality of their social relations both in and out of the classroom. Adolescence is a time of great change in students' motivation, social relations, and self-concepts, and it is crucial for teachers to understand these changes in order for them to be more effective in the classroom,

both in the ways they teach and how they relate to their students. Teacher training programs often focus primarily on the subject areas teachers will teach and methods of teaching them effectively, but do not provide as much information about aspects of adolescent development covered in this certificate program. Thus this certificate program supports teachers' professional development in unique ways and fills important gaps in their knowledge. It gives them many opportunities to interact with one another in each of the courses, to deal with the specific motivational and social issues they are facing on a daily basis with their adolescent students, and to understand how these non-cognitive aspects of development can influence student achievement and adjustment in school. The course sequence begins with a general overview of adolescent development (EDHD 600), and then moves to particular topics including achievement motivation (EDHD 617) and social aspects of development (EDHD 602). Because adolescence can be a challenging time there also is a course on adolescents at risk (EDHD 635), which looks at factors that produce risk for school failure and how teachers can help students deal with these difficulties. The self-processes course (EDHD 674) focuses on self and identity during adolescence and examines empirical research that links self processes to achievement and school adjustment.

Supplemental Information

The information provided in this section is in response to the following questions, which were issued to the College upon Campus review of the first version of this proposal. The questions are from Dr. Beise, Associate Provost, Academic Planning and Programs, in an email dated 5/23/12:

"It would be helpful to have the following in a proposal…
The full curriculum of the M.Ed. and a short description of the program, who typically enrolls, etc.
A statement of the admissions requirements for the M.Ed., along with a clear statement that they will be the same for the certificate.
How is the M.Ed. program funded and supported?
Is it state-supported or "outreach"?
Where are the classes taught?
What are the current enrollments?
What is the typical schedule of classes?
Who are the faculty who teach in the program?

For the two certificates:
What are the expected enrollments? How will you accommodate the additional students?
What are the learning outcome goals for the certificate and how are they measured?"

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      Campus approval for the Human Development Master of Education Program in partnership with Montgomery County Public Schools was granted in June, 2000 (see below). The curriculum for the program is as follows:

Semester 1 (Fall, Year 1):
EDHD 600: Introduction to Human Development (3 credits)
EDHD 692: Cognitive Bases of Instruction (3 credits)

Semester 2 (Spring, Year 1):
EDHD 624: Cognitive and Motivational Bases of Reading: Reading in Content Areas I and II (6 credits)

Semester 3 (Summer, Year 1):

EDHD 602: Social Bases of Behavior (3 credits)
EDMS 645: Quantitative Research Methods I (3 credits)

Semester 4 (Fall, Year 2):
EDHD 662: Research Methods in Education Settings (3 credits)
EDHD 617: Achievement Motivation in Adolescence (3 credits)

Semester 5 (Spring, Year 2):
EDHD 635: Adolescents at Risk (3 credits)
EDHD 674: (3 credits) Self Processes in Adolescence: Implications for Academic Achievement and School Adjustment (3 credits)

This is a two year, 30-credit M.Ed. program, from which 139 MCPS secondary education teachers have graduated since 2002, typically in cohorts that range from 10-15 students per year. Students take courses related to adolescent cognitive, social, and emotional development; achievement motivation, reading at the secondary level, cognitive bases of instruction in secondary classrooms; adolescents at-risk and research methods. Admission to University of Maryland graduate programs is competitive and space is limited. At a minimum, applicants must meet the following admission criteria: a 3.0 undergraduate grade point average, three letters of recommendation from supervisory personnel in MCPS or former professors, and an applicant goal statement consistent with the program objectives and content. GRE's are not required for this program. Academic programs review admissions applications and credentials and make recommendations to the Graduate Dean, who makes the final admission decision and notifies applicants. The admissions requirements for the proposed certificate programs will be the same as those for the M.Ed. The M.Ed. program is an Outreach offering from the Department of Human Development and Quantitative Methodology, and as such, is self-supporting.

Courses in the M.Ed. program are taught at the Universities at Shady Grove, with an occasional class scheduled in an MCPS secondary school. Currently, the program enrollments are as follows: 10 students graduated in May, 2012 (Cohort 11); 9 students are entering year 2 (Cohort 12); and 9 students are accepted for a fall 2012 start date (Cohort 13 – applications still under review). Courses are taught primarily by full-time faculty in the department, specializing in developmental science and educational psychology. With Chair approval, selected courses may be taught by post-doctoral graduates who have been trained by our faculty or highly qualified part-time adjunct instructors. Instructors in the program must be approved as members of the Graduate Faculty at the University. In accordance with the new MHEC guidelines for academic programs (April 2012), it will be ensured that at least one-third, or three of the nine courses offered in the M.Ed. program will be taught by full-time faculty; historically, the percentage of full-time faculty teaching in the program has often been higher.

The certificate program under review will be embedded in the existing M.Ed. program, and according to the class schedule above, can be completed in four semesters: Fall Year 1(EDHD 600), Summer Year 1(EDHD 602), Fall Year 2 (EDHD 617), and Spring Year 2 (EDHD 635 & 674). Priority consideration for admission will be given to applicants for the degree granting program. Certificate students will be admitted on a space available basis such that no cohort exceeds a total enrollment of 25 students across both the M.Ed. and certificate students. Typical cohorts in the existing M.Ed. program range from 10 – 15 students. If this trend continues, the certificate cohorts are expected to be comprised of approximately 10 students. Once again, in accordance with new MHEC guidelines, it will be ensured that at least one-third (two of the five courses offered) in the certificate program will be taught by full-time faculty.

Certificate learning outcomes and assessment methods are as follow:

Students will demonstrate understanding of
1. Theories of social development;

2. How children and adolescents interact with and are socialized by parents and caregivers, develop social relationships with peers, and interpret and respond to social-cultural messages and ideologies;
3. How social development relates to school adjustment and academic achievement;
4. The psychological and social issues secondary education minority students face;
5. Strategies (personal and academic) that target at-risk and diverse secondary student populations;
6. The ability to translate understanding of adolescent self processes into models for secondary education teacher practice that will support students' social and emotional adjustment and achievement in school cultures.

Assessment Measures:

Assessments include journals, short reaction papers, end of semester term papers, student presentations and action research projects, and in-class demonstrations of practical application of both theory and research in support of students' social and emotional adjustment in school settings.

Final Approval

UNIVERSITY OF MARYLAND

OFFICE OF THE SENIOR VICE PRESIDENT
FOR ACADEMIC AFFAIRS AND PROVOST

1119 Main Administration B
College Park, Maryland 207-
301.405.5252 TEL

June 22, 2000

Memorandum

TO: James Cibulka
           Associate Dean, College of Education

FROM: Victor Korenman *VK*
           Assistant Provost

SUBJECT: Off Campus Master of Education Program in Human Development

This is in response to your memorandum of June 1, 2000, in which you request approval from the Office of Academic Affairs to offer the M.Ed. in Human Development at an offsite location.

Based on your memorandum and a subsequent conversation my understanding is that this will be a closed site program (available only to a specific cohort of secondary school teachers) offered at the request of the Montgomery County Public Schools, and to be given during evenings and on weekends at the Julius West Middle School in Rockville. The program will be substantially identical to the corresponding program offered on campus, and will be delivered mostly by regular University faculty. These faculty will also serve as advisors to the enrolled students and will arrange regular times at which they will be available for this purpose. There will be a staff coordinator who will help ensure the smooth functioning of the program. As the students will be regularly admitted to and enrolled in the Graduate School of the University of Maryland, they will have full access to library materials at College Park and online. In addition, special efforts will be made to ensure easy access to the most important materials needed for the program.

On behalf of the Office of Academic Affairs I am pleased to approve the offering of the M.Ed in Human Development at the Julius West Middle School.

CC: Gregory L. Geoffroy, Senior Vice President for Academic Affairs and Provost
       Trudy Lindsey, Director of Graduate Admissions and Records
       Mary-Ann Granger, Associate Registrar

Office of Human Resources and Development
45 West Gude Drive
Rockville, Maryland 20850
301-315-7384

Dr. Ann Battle, Assistant Director
Institute for Child Study
University of Maryland at College Park

Ann,

I enjoyed our conversation about the potential for bringing a Human Development 15 credit hour certificate program to the Montgomery County Public Schools (MCPS). Certificate programs have been quite popular in assisting MCPS teachers to reach a new pay level. Those that already have master's degrees find it helpful to apply for a certificate program to reach the Master's plus 30 MCPS pay scale, rather than having to go through another degree program. Also, teachers who want to complete their master's equivalency find certificate programs useful in getting there. Another reason is that those veteran teachers that want to keep up with the latest in their field of education, find these programs a viable less expensive way to continue their professional growth.
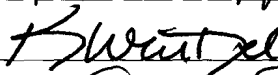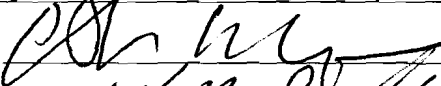
I look forward to discussing with you in the near the potential for bringing just such a certificate program in human development to MCPS.

Best Regards,
Russ Fazio, Ph.D

Instructional Specialist

==

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

1. Department Committee Chair   ROBERT F. MARCUS *[signature]* 6/13/2012

2. Department Chair   KATHRYN WENTZEL *[signature]* 6/14/12

3. College/School PCC Chair   Denis Sullivan *[signature]* 9-13-2012

4. Dean   *[signature]* MARGARET J MCLAUGHLIN

5. Dean of the Graduate School (if required)   *[signature]* 1/23/13

6. Chair, Senate PCC   W. Idsard. *[signature]* 12/7/2012

7. University Senate Chair (if required) _____

8. Senior Vice President and Provost _____

University Senate
TRANSMITTAL FORM

Senate Document #:	12-13-32
PCC ID #:	12001
Title:	Proposal to Establish a Post-Baccalaureate Certificate in Adolescent Cognitive Development and Motivation to Read (ACDMR)
Presenter:	William Idsardi, Chair, Senate Programs, Curricula, and Courses Committee
Date of SEC Review:	February 1, 2013
Date of Senate Review:	February 14, 2013
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	The College of Education's Human Development and Quantitative Methodology (HDQM) department requests to establish a Post-Baccalaureate Certificate in Adolescent Cognitive Development and Motivation to Read. This new Post-Baccalaureate Certificate program has been developed for the Montgomery County Public School (MCPS) system, which seeks training in this specific area for their teachers. According to MCPS, many teachers have a need for a specialized certificate program rather than a 30-credit Master's Degree program. This certificate program is one of two certificate programs that the department is developing for MCPS (see also PCC ID# 12000). The course requirements for this certificate program are as follows: EDHD600: Introduction to Human Development and Child Study (3 credits); EDHD617: Achievement Motivation in Adolescence (3 credits); EDHD624: Cognitive and Motivational Bases of Reading: Reading in Content Areas I and II (6 credits); and EDHD692: Cognitive Basis of Instruction (3 credits). The courses are designed to help teachers understand the motivational and cognitive aspects that affect adolescent reading comprehension. The department anticipates that each cohort size will be approximately ten students.

	The Academic Planning Advisory Committee approved the proposal on November 27, 2012. The Graduate PCC committee approved the proposal on November 28, 2012. The Senate PCC committee approved the proposal at its meeting on December 7, 2012.
Relevant Policy # & URL:	Not Applicable
Recommendation:	The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this new Post-Baccalaureate Certificate program.
Committee Work:	The Committee considered the proposal at its meeting on December 7, 2012. Maggie McLaughlin, Associate Dean of Education, and Ann Battle of the Department of Human Development and Quantitative Methodology presented the proposal. After discussion, the Committee voted unanimously to recommend the proposal.
Alternatives:	The Senate could decline to approve the new Post-Baccalaureate Certificate program.
Risks:	If the Senate does not approve the new Post-Baccalaureate Certificate program, the University will lose an opportunity to provide a valuable continuing education opportunity to teachers in Montgomery County, Maryland.
Financial Implications:	There are no significant financial implications with this proposal.
Further Approvals Required: *(*Important for PCC Items)*	If the Senate approves this proposal, it would still require further approval by the President, the Chancellor, and the Maryland Higher Education Commission.

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

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

<table>
<tr><td>PCC LOG NO.

<div align="center" style="font-size:2em">12001</div></td></tr>
</table>

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

College/School: Education
Please also add College/School Unit Code-First 8 digits: 1310101
Unit Codes can be found at: https://hypprod.umd.edu/Html_Reports/units.htm

Department/Program: Human Development and Quantitative Methodology
Please also add Department/Program Unit Code-Last 7 digits: 1310801

Type of Action (choose one):

❏ Curriculum change (including informal specializations)   **X** *New academic degree/award program*
❏ *Renaming of program or formal Area of Concentration*   ❏ New Professional Studies award iteration
❏ *Addition/deletion of formal Area of Concentration*   ❏ New Minor
❏ *Suspend/delete program*   ❏ Other

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

Summary of Proposed Action: Creating a new certificate as a subset of an existing degree program

The Department of Human Development and Quantitative Methodology is proposing a new Graduate Certificate Program, comprised of three 3 - credit courses and one 6 - credit course, all of which are already included in the department's existing 30 – credit Master of Education Program in partnership with Montgomery County Public Schools (MCPS). The certificate program is being designed in response to discussions with Staff Development administrators in MCPS, who have advised us that many teachers have need for a 15 - credit certificate in specialized content areas from an institution of higher education. These teachers wish to complete their master's equivalency requirements, but do not seek an academic degree program. A letter of support from Dr. Russ Fazio, Instructional Specialist, MCPS Staff Development, is included with this proposal. Our intention is to continue our Masters program offering, while simultaneously admitting certificate students who will take four of the nine courses required for the M.Ed. Students will take these courses over the same two year period as the masters students.

Title of Certificate
 Graduate Certificate in Adolescent Cognitive Development and Motivation to Read (ACDMR)

Courses
EDHD 600: Introduction to Human Development and Child Study (3 credits)
EDHD 617: Achievement Motivation in Adolescence (3 credits)
EDHD 624: Cognitive and Motivational Bases of Reading: Reading in Content Areas I and II (6 credits)
EDHD 692: Cognitive Bases of Instruction (3 credits)

Rationale

Over the course of development, there are important changes in adolescents' ways of thinking, in their motivation for school in general, and for reading in particular. Courses in this certificate program provide current research-based information about these changes. A unique feature of this series of courses is the focus on both cognitive and motivational factors affecting reading comprehension. Reading comprehension often has been studied primarily from a cognitive developmental perspective, but there is increasing interest in how students' motivation affects their comprehension and involvement in reading. If students are not motivated to read then even those with strong cognitive skills will not engage in reading. The course sequence begins with a

general overview of adolescent development (EDHD 600) to provide important background information about the adolescent time period. Other courses focus on the particular topics of achievement motivation (EDHD 617) and cognition (EDHD 692), with a special focus on how each is impacted by different kinds of instruction. A unique course in the program (EDHD 624) integrates cognitive and motivational bases of reading within teachers' specific content areas. This course helps teachers apply the information about cognitive and motivational development directly to their specific content area (e.g., science). This course also satisfies State of Maryland requirements for initial and re-certification in reading at the secondary level. This proposed certificate program supports teachers' professional development not only through the targeted curriculum, but also by giving teachers from different schools and content areas many opportunities to interact with one another in each of the courses, and to discuss the course material in the context of their own instructional activities.

Supplemental Information

        The information provided in this section is in response to the following questions, which were issued to the College upon Campus review of the first version of this proposal. The questions are from Dr. Beise, Associate Provost, Academic Planning and Programs, in an email dated 5/23/12:

"It would be helpful to have the following in a proposal…
The full curriculum of the M.Ed. and a short description of the program, who typically enrolls, etc.
A statement of the admissions requirements for the M.Ed., along with a clear statement that they will be the same for the certificate.
How is the M.Ed. program funded and supported?
Is it state-supported or "outreach"?
Where are the classes taught?
What are the current enrollments?
What is the typical schedule of classes?
Who are the faculty who teach in the program?

For the two certificates:
What are the expected enrollments? How will you accommodate the additional students?
What are the learning outcome goals for the certificate and how are they measured?"

_____

        Campus approval for the Human Development Master of Education Program in partnership with Montgomery County Public Schools was granted in June, 2000 (see approval letter below). The curriculum for the program is as follows:

Semester 1 (Fall, Year 1):
EDHD 600: Introduction to Human Development (3 credits)
EDHD 692: Cognitive Bases of Instruction (3 credits)

Semester 2 (Spring, Year 1):
EDHD 624: Cognitive and Motivational Bases of Reading: Reading in Content Areas I and II (6 credits)

Semester 3 (Summer, Year 1):
EDHD 602: Social Bases of Behavior (3 credits)
EDMS 645: Quantitative Research Methods I (3 credits)

Semester 4 (Fall, Year 2):

EDHD 662: Research Methods in Education Settings (3 credits)
EDHD 617: Achievement Motivation in Adolescence (3 credits)

Semester 5 (Spring, Year 2):
EDHD 635: Adolescents at Risk (3 credits)
EDHD 674: Self Processes in Adolescence: Implications for Academic Achievement and School Adjustment (3 credits)

This is a two year, 30-credit M.Ed. program, from which 139 MCPS secondary education teachers have graduated since 2002, typically in cohorts that range from 10-15 students per year. Students take courses related to adolescent cognitive, social, and emotional development; achievement motivation, reading at the secondary level, cognitive bases of instruction in secondary classrooms; adolescents at-risk and research methods. Admission to University of Maryland graduate programs is competitive and space is limited. At a minimum, applicants must meet the following admission criteria: a 3.0 undergraduate grade point average, three letters of recommendation from supervisory personnel in MCPS or former professors, and an applicant goal statement consistent with the program objectives and content. GRE's are not required for this program. Academic programs review admissions applications and credentials and make recommendations to the Graduate Dean, who makes the final admission decision and notifies applicants. The admissions requirements for the proposed certificate programs will be the same as those for the M.Ed. The M.Ed. program is an Outreach offering from the Department of Human Development and Quantitative Methodology, and as such, is self-supporting.

Courses in the M.Ed. program are taught at the Universities at Shady Grove, with an occasional class scheduled in an MCPS secondary school. Currently, the program enrollments are as follows: 10 students graduated in May, 2012 (Cohort 11); 9 students are entering year 2 (Cohort 12); and 9 students are accepted for a fall 2012 start date (Cohort 13 – applications still under review). Courses are taught primarily by full-time faculty in the department, specializing in developmental science and educational psychology. With Chair approval, selected courses may be taught by post-doctoral graduates who have been trained by our faculty, or highly qualified part-time adjunct instructors. Instructors in the program must be approved as members of the Graduate Faculty at the University. In accordance with new MHEC guidelines for academic programs (April 2012), it will be ensured that at least one-third, or three of the nine courses offered in the M.Ed. program will be taught by full-time faculty; historically, the percentage of full-time faculty teaching in the program has often been higher.

The proposed certificate program will be embedded in the existing M.Ed. program, and according to the class schedule above, can be completed in three semesters: Fall (EDHD 600 & 692) & Spring (EDHD 624) Year 1, and Fall (EDHD 617) Year 2. Priority consideration for admission will be given to applicants for the degree granting program. Certificate students will be admitted on a space available basis such that no cohort exceeds a total enrollment of 25 students across both the M.Ed. and certificate students. Typical cohorts in the existing M.Ed. program range from 10 – 15 students. If this trend continues, the certificate cohorts are expected to be comprised of approximately 10 students. Once again, in accordance with new MHEC guidelines, it will be ensured that at least one-third (two of the four courses offered) in the certificate program will be taught by full-time faculty.

Certificate Learning Outcomes and Assessment Methods are as follows:

Learning Outcomes: Students will demonstrate

1. A knowledge of theory and research in foundational areas related to learning and teaching;
2. An ability to explicate instructional implications based on understanding of contemporary theory and research in areas of cognitive development, knowledge acquisition, teaching strategies, motivation to achieve, and assessment;

3. Competencies related to the understanding and translation of relevant readings on a given topic into specific, applied principles of secondary education practice pertaining to cognitive development, knowledge acquisition, teaching strategies, motivation to achieve, and assessment in the content areas.

Assessment Measures:

Assessments include journals, short reaction papers, end of semester term papers, student presentations and action research projects, and in-class demonstrations of practical application of both theory and research in support of students' cognitive development and motivation to achieve.

Final Approval

UNIVERSITY OF
MARYLAND

OFFICE OF THE SENIOR VICE PRESIDENT
FOR ACADEMIC AFFAIRS AND PROVOST

June 22, 2000

Memorandum

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            Associate Dean, College of Education

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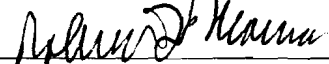
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Instructional Specialist

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2. Department Chair   KATHRYN WENTZEL   *(signature)*   6/14/1~

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6. Chair, Senate PCC   W. Idsardi   *(signature)*   12/7/2012

7. University Senate Chair (if required) _____

8. Senior Vice President and Provost _____

Promoting Innovation

**The University of Maryland
Information Technology Strategic Plan**

Promoting Innovation

The University of Maryland Information Technology Strategic Plan

Dear Vice President Voss,

As chairs of the four IT Strategic Planning Task Forces, we congratulate you on the completed plan, Promoting Innovation: The University of Maryland Information Technology Strategic Plan. This plan articulates a vision for advancement of information technology at Maryland and serves as a complementary document to the University Strategic Plan. When the planning process began in Spring 2012, the goal was to produce a document that would present a vision for IT excellence that is shared by the many segments of the university population. Having participated in the process, we believe that together we have made real progress towards meeting this important goal.

The quality and broad reach of this document follow from the process you put in place to produce it. You formed four committees to consider different areas of the university's IT needs: Scholarly Enablement, Research and Innovation, Infrastructure, and Resource Allocation and Efficient and Effective Use. We were pleased to serve as the four chairs of these committees. Notably, the committees were not composed of staff from the Division of IT. Rather, each committee was composed of a cross-segment of the university population, including faculty, researchers, administrators, staff, and graduate and undergraduate students. Committee members were suggested by deans, unit heads, and colleagues as being particularly thoughtful, conscientious, and otherwise qualified to serve. Each committee held several meetings to consider the needs of its respective area, with committee members drawing on their own experiences to suggest new ideas. Discussions ranged widely and turned repeatedly not only to the technological enhancements needed, but also to the central role that collaboration and cooperation across different university constituencies would play in bringing about better IT. When these meetings had concluded, we chairs provided you with thoughts and notes to augment those of your own staff who were present at the meetings.

At this point, your team went to work crafting the nine recommendations and the action items attending them. We were pleased to see that the content of the plan does indeed follow from feedback of our respective committees. When various members of the committees called for clarification or reemphasis of the recommendations, you and your staff adjusted the wording. We were also pleased to see the long, open comment period that followed, and the further improvements made to the document following suggestions from constituencies across campus. Your diligent acceptance of diverse feedback once again demonstrated your commitment to make this document truly the campus' plan.

Now the hard work begins: the vision embodied in the strategic plan must be implemented. This will be a significant challenge. We do not pretend to know the hard choices that must be considered with respect to the university's allocation of funds, but we do know that IT is an increasingly important concern; this plan ensures that IT will be considered seriously and that important priorities will not be neglected. Implementation will also be a challenge, because in order to succeed, it must be truly collaborative, and, most importantly, it must be viewed that way by members of the campus community. The Division of IT must serve responsively, in collaboration with colleges, departments, and unit-level IT staff, to implement the solutions and processes that best support the university's complex academic mission.

In closing, we believe the university has reason to hope that a new day has dawned with regard to the role of IT across campus, and especially with regard to collaboration. You have our support, and the vested interest of the university community, as you advance this well-conceived plan forward. We are counting on you to continue your commitment to see this process to its ultimate and successful end.

Sincerely,

Andrew R. Baden   Michael W. Hicks
Donna B. Hamilton   Daniel P. Lathrop

Dear Colleagues,

Information technology is a critical enabler in modern higher education. For nearly two decades, it has permeated every aspect of a university, from contacts with prospective students and interested community members via its website through the information systems that manage collaborative processes of application and enrollment, employment, finances, research administration, and many more. Today more than ever, it has a critical impact on pedagogy, providing the catalyst by which our faculty members explore new ways of teaching and our students engage in broadened approaches to learning. Research in the 21st century also depends on a rich and robust cyberinfrastructure supporting the process of discovery, opening new horizons and expanding the understanding of existing knowledge; and not just for sciences and engineering, but for growing uses in the arts and humanities. We are past the dawn of the digital age and into the full glare of its sunlit midday, and thus we must address modernization, maintenance, and support of the information technology environment to sustain our university's place and recognition as leaders nationally and globally.

Information technology is, in all its forms, but a tool. We focus on various -wares: hardware, software, networkware, etc. But these tools have no impact without the most important component — *humanware*. We rely upon people for the effective utilization of information technology — whether it be those who ensure our fundamental tools and processes are operating effectively and efficiently, those who instruct and help others use these tools, or those who work hand-in-hand with our scholars to create and design new uses for tools in teaching and especially in research. All have their role(s), and all are integral to how well the university achieves success in its broad missions and priorities in scholarly achievement of our students, innovation and entrepreneurship of our faculty and staff, engagement with global impact, and service to our local community.

Critical to Maryland's success in effectively using information technology is to cease to think of it as a luxury or as an auxiliary element, but instead to adopt a view that it is a fundamental asset of the institution, to be provided broadly as a resource across the university in all forms. Crucial to this is the concept of *IT Abundance* — where information technology is current, advanced, readily available, and holistically (yet prudently) funded to meet and exceed the needs of Maryland faculty, students, and staff. The value in an environment featuring IT Abundance is that it redefines what it is possible to do — in teaching and learning, research and innovation, and in the efficient and effective operation of our university. Maryland must embrace the transformative power of information technology, not simply tolerate it; this will be the path to the success of nearly every initiative we undertake in the coming decade and beyond.

Promoting Innovation: The University of Maryland Information Technology Strategic Plan is the most comprehensive enterprise IT plan ever prepared at Maryland. It also represents the first such plan to be created by our campus community through an inclusive process that has unfolded over the past year. It is bold and thoughtful in expressing the direction the community wishes to take through initiatives that will advance the information technology environment at the university. Through its nine areas of recommendation and more than sixty action items, it articulates the need to address long-standing needs in the area of baseline IT fundamentals, creates IT Abundance, and provides the foundations that promotes our institution's and campus community of scholars' ability to be truly innovative. I am proud to present this plan on behalf of the community that created it, and I pledge the energy and focus of the Division of Information Technology to further engage with the community in achieving successful outcomes through implementation of the plan.

I would like to express my gratitude to the chairs of the four planning task forces — *Drew Baden, Donna Hamilton, Michael Hicks,* and *Daniel Lathrop* — for the superb job they did in marshaling the process of gathering and providing comprehensive university input for the plan, and for their leadership in a complicated and often trying task that was accomplished in a matter of weeks. My sincere thanks to the roughly 100 people — faculty, students, and staff — who were on the four task forces and contributed their time, energy, emotion, and experience; it was from these contributors and their engagement in the process that the metal of the plan emerged. I also wish to thank the many individuals from across campus who, while not part of the formal process, took time to review the plan during its 90-day open comment period and who through their contributions, embellishments, and enhancements put the final plan in place that much stronger from their investment. Finally, to the leadership and staff of the Division of Information Technology, who also participated, engaged, and supported the planning process and gave shape to the plan, I express thanks — and especially to Michael Eismeier, who acted as the "spirit guide" for all through this vitally important process. The University of Maryland owes a debt of gratitude to all of those involved in any way, at any level. The result is truly a remarkable document, which will soon result in an even more remarkable information technology environment at our great university.

Brian D. Voss
Vice President of Information Technology and Chief Information Officer

Information technology is a strategic asset of the University of Maryland that has the potential to empower students, faculty, and staff to achieve all of the collective missions of this great institution. With this in mind, the university community has set forth a vision and a plan for an IT environment that enables the overall success of the university.

Reflecting on potential outcomes described in *Transforming Maryland: Higher Expectations, the Strategic Plan for the University of Maryland*, University President Wallace Loh stated: "The University of Maryland is one of our nation's great research universities, generating about half a billion dollars a year in external funding. But a great university in the 21st century has to be more than a great research university. It must also be an innovation and entrepreneurship university" that educates tomorrow's innovators and entrepreneurs and functions in a "globally connected world."

Promoting Innovation: The University of Maryland Information Technology Strategic Plan is a thoughtful and thought-provoking set of recommendations and action items developed through direct input from university community members to address issues affecting the state of university-wide IT now and for the next five to seven years. Developed with the overall university strategy as its underpinning, the plan delineates how an environment featuring excellent and abundant information technology will help drive the advancement of the university as a whole. By virtue of the collaborative way in which it was developed, this plan is meant to apply to the entire University of Maryland; the community crafted the plan and is a vital partner in its adoption and implementation.

Promoting Innovation focuses on the "what" and the "why" of planning Maryland's IT future, describes outcomes that the university community desires as a result of increased IT abundance, foregoes technology specifics that will be handled in follow-on implementation planning, and provides a framework to develop short- and long-term initiatives to support IT advancements for the university community.

As the university's comprehensive IT plan, *Promoting Innovation* serves as the roadmap toward IT excellence, and implementation of its individual action items will provide abundant and innovative IT infrastructure and services at the University of Maryland and beyond. Through this plan, information technology takes its rightful place as a strategic differentiator — helping the University of Maryland to become one of the premier globally networked research universities of the 21st century.

Promoting Innovation: The University of Maryland Information Technology Strategic Plan

Promoting Innovation: The University of Maryland Information Technology Strategic Plan (ITSP) represents the vision and thinking of the UMD community to define the future advancement of information technology at the university. The plan supports the broader vision of the university's strategic plan "Transforming Maryland: Higher Expectations," as well as the four focused strategic priorities presented by University of Maryland President Wallace Loh: student opportunity and achievement, innovation and entrepreneurship, internationalization, and service to the people of Maryland. The ITSP outlines what outcomes are desired through the deployment of abundant and effective information technology resources and why these outcomes are integral to the survival and growth of the institution.

The ITSP was constructed by the UMD community via a process that established key task forces to focus on general areas of IT impact — scholarly enablement, research enablement, effective and efficient use of resources, and fundamental infrastructure. These task forces were convened by UMD faculty/academic leadership and were composed of faculty, staff, IT professionals, and students who participated in focused brainstorming sessions that generated nine recommendations containing sixty-two specific action items. The nine overarching recommendations are the following:

1. **Information Technology Resources (Physical Infrastructure)**: The University of Maryland should build and maintain a sound, advanced, secure, and productive physical information technology infrastructure (including but not limited to facilities, hardware, networks, and software) capable of supporting broad and effective use by students, faculty, and staff throughout the institution, including remote university members such as agricultural extension offices.

2. **Information Technology Resources (Support and Enablement)**: The University of Maryland should develop and maintain a robust, multi-tiered staff support environment that meets the diverse levels and specific needs of the university community so that community members can effectively use the university's abundant technology resources.

3. **Scholarly Enablement**: The University of Maryland should develop and enhance the information technology resources that, through effective, innovative, and extensive use by faculty in teaching, enable students' scholarly achievement.

4. **Research Enablement**: The University of Maryland should develop and maintain plentiful information technology resources that enable and advance discovery and support innovation, collaboration, and entrepreneurship when effectively and broadly used by faculty in research.

5. **Student Experience**: The University of Maryland should provide and support plentiful information technology resources in the living and learning environment that enable and enrich the broader experiences of students' innovation when used effectively and profusely.

6. **IT and the Enterprise**: The University of Maryland should develop and maintain plentiful information technology resources and develop (or acquire) and deploy (or arrange for) information systems, applications, and tools that enable the effective and efficient function of the university as an enterprise.

7. **Funding IT Strategically**: The University of Maryland should adopt a view that information technology resources are strategic assets to the institution, and, as such, models for funding of IT — both centrally and appropriately distributed throughout the institution — should be developed to encourage effective and abundant deployment of IT and efficient investment in IT holistically throughout the institution.

8. **IT Security, Policy, and Business Continuity**: The University of Maryland should deploy appropriate policies and effective enforcement means to secure the integrity of information technology resources, safeguard institutional information, protect the privacy of university community members in their use of IT, and ensure the continuity of the institution's IT resources and information repositories in the face of possible disaster scenarios.

9. **IT Governance**: The University of Maryland should develop advisory and communication structures to ensure the continued involvement of the university community in the implementation of strategic recommendations and actions presented in this plan, to support the ongoing operation of information technology resources delivered to the university community, and to improve the flow of information between the central IT organization and the university community in all its forms (faculty members, students, IT providers, staff, and administrators).

The impact of action items contained in these recommendations can be further categorized as follows:

Actions Providing Baseline Fundamentals: Those items that must be addressed in order to provide the University of Maryland with the foundational elements of information technology necessary to continue to exist and be successful in the second and third decades of the 21st century. While many of these actions involve a process of continued vigilance to maintain and modernization of existing infrastructure and services, some involve the need for remedial efforts to clear away past and current impediments.

Actions Creating an Environment of IT Abundance: Those items that, when addressed, will position the University of Maryland to have an environment where IT is abundant — where it is advanced, current, and most effectively and efficiently made available to the students, faculty, and staff of the university to aid in their advancement of the broader strategic vision and mission of the institution. These items reflect the manifestation of Maryland's embracing of the transformative and enabling power of information technology.

Actions Supporting Maryland Being Innovative: Those items that, when addressed, will position the University of Maryland at the global leading edge as a university that enables scholarly achievement, innovation, and entrepreneurship that comes from discovery and the expansion of knowledge through the use of information technology.

The creation of the ITSP is simply the opening chapter in Maryland's advance of its information technology environment. Capturing the "what we should do" and "why this is important" elements via this plan document must immediately be followed by a similar community-involved effort that not only addresses the "how we will do it" but also achieves actual results from implementing the plan's actions. The ITSP should serve as a blueprint to subsequent and ongoing endeavors to achieve the outcomes envisioned by the plan. As such, implementation of the plan's recommendations by addressing associated action items will commence immediately. In so doing, the university will be following an IT roadmap for UMD that capitalizes on the wisdom of the community and the formal endorsement and adoption of the plan by university leadership, giving it an authority that is unprecedented in previous IT strategic planning efforts.

Promoting Innovation: The University of Maryland Information Technology Strategic Plan

In *Transforming Maryland: Higher Expectations*, it is stated that we must "embrace the power of technology to ensure the highest quality of instruction, research and scholarship, and outreach to our alumni and the larger community, and indeed to change the way the world works." In 2011, UMD President Wallace Loh illustrated such an embrace when he said, "Information technology is the central nervous system of a major public research institution and vital to our statewide service mission."

This speaks to the core fundamental principle of *Promoting Innovation* — that to be a successful, thriving, and globally leading university in the coming decades, Maryland must embrace information technology as a strategic asset and not simply tolerate it as an auxiliary liability.

To advance IT as a strategic driver of the institution, the underlying philosophy of our IT strategy is to create an environment where IT is abundant — where it is advanced, current, and most effectively and efficiently made available. "IT Abundance" is therefore a manifestation of Maryland's embracing the transformative and enabling power of information technology. Thus, Maryland's strategic goals for its IT environment are the following:

- **To provide an excellent and highly valued IT environment that enables the goals of *Transforming Maryland: Higher Expectations* — advancing student opportunity and achievement; enabling innovation, entrepreneurship, and internationalization; and increasing UMD's service to the people of Maryland.**

and

- **To be globally recognized as a leader — in absolute terms — in the creative use, application, and provision of information technology.**

The following are the foundational recommendations (goals) formulated from feedback given by faculty, staff, and students who were nominated and/or appointed to serve on one of four IT strategic planning task forces.

1. **Information Technology Resources (Physical Infrastructure)**
   The University of Maryland should build and maintain a sound, advanced, secure, and productive physical information technology infrastructure (including but not limited to facilities, hardware, networks, and software) capable of supporting broad and effective use by students, faculty, and staff throughout the institution, including remote university members such as agricultural extension offices.

2. **Information Technology Resources (Support and Enablement)**
   The University of Maryland should develop and maintain a robust, multi-tiered staff support environment that meets the diverse levels and specific needs of the university community so that community members can effectively use the university's abundant technology resources.

3. **Scholarly Enablement**
   The University of Maryland should develop and enhance the information technology resources that, through effective, innovative, and extensive use by faculty in teaching, enable students' scholarly achievement.

4. **Research Enablement**
   The University of Maryland should develop and maintain plentiful information technology resources that enable and advance discovery and support innovation, collaboration, and entrepreneurship when effectively and broadly used by faculty in research.

5. **Student Experience**
   The University of Maryland should provide and support plentiful information technology resources in the living and learning environment that enable and enrich the broader experiences of students' innovation when used effectively and profusely.

6. **IT and the Enterprise**
   The University of Maryland should develop and maintain plentiful information technology resources and develop (or acquire) and deploy (or arrange for) information systems, applications, and tools that enable the effective and efficient function of the university as an enterprise.

7. **Funding IT Strategically**
   The University of Maryland should adopt a view that information technology resources are strategic assets to the institution, and, as such, models for funding of IT — both centrally and appropriately distributed throughout the institution — should be developed to encourage effective and abundant deployment of IT and efficient investment in IT holistically throughout the institution.

8. **IT Security, Policy, and Business Continuity**
   The University of Maryland should deploy appropriate policies and effective enforcement means to secure the integrity of information technology resources, safeguard institutional information, protect the privacy of university community members in their use of IT, and ensure the continuity of the institution's IT resources and information repositories in the face of possible disaster scenarios.

9. **IT Governance**
   The University of Maryland should develop advisory and communication structures to ensure the continued involvement of the university community in the implementation of strategic recommendations and actions presented in this plan, to support the ongoing operation of information technology resources delivered to the university community, and to improve the flow of information between the central IT organization and the university community in all its forms (faculty members, students, IT providers, staff, and administrators).

Promoting Innovation: The University of Maryland Information Technology Strategic Plan

The action items supporting the nine recommendations have been assigned prioritization categories. While not an ordinal priority, the prioritization categories reflect whether action items achieve one of the following states:

A. **Baseline Fundamentals**: Those items that must be addressed in order to provide the University of Maryland with the foundational elements of information technology necessary to continue to exist and be successful in the second and third decades of the 21st century. While many of these actions involve a process of continued vigilance to maintain and modernization of existing infrastructure and services, some involve the need for remedial efforts to clear away past and current impediments.

B. **Creating Abundance**: Those items that, when addressed, will position the University of Maryland to have an environment where IT is abundant — where it is advanced, current, and most effectively and efficiently made available to the students, faculty, and staff of the university to aid in their advancement of the broader strategic vision and mission of the institution. These items reflect the manifestation of Maryland's embracing of the transformative and enabling power of information technology.

C. **Being Innovative**: Those items that, when addressed, will position the University of Maryland at the global leading edge as a university that enables scholarly achievement, innovation, and entrepreneurship that comes from discovery and the expansion of knowledge through the use of information technology.

Below are the action items supporting each recommendation, which will be the basis on which implementation planning initiatives will be developed and executed by university IT units and appropriate constituents.

Recommendation 1: Information Technology Resources (Physical Infrastructure)

The University of Maryland should build and maintain a sound, advanced, secure, and productive physical information technology infrastructure (including but not limited to facilities, hardware, networks, and software) capable of supporting broad and effective use by students, faculty, and staff throughout the institution, including remote university members such as agricultural extension offices.

Action Item 1.1

The university must immediately review and address the need for data center/cyberinfrastructure facilities that are appropriately sized, powered (including backup power), and cooled to meet the needs of university-wide demands for such facilities.

In today's top tier research universities, the generation of new knowledge via the computing tools of simulation and visualization is greatly increasing (witness the design of new pharmaceuticals using computers), opening up new possibilities for those universities prepared to invest in the necessary large scale computing infrastructure. By many measures and in comparison with our national peers, Maryland does not have adequate and proper facilities for housing IT resources — in popular parlance, a data center. The lack of central data-housing facilities encourages the less-than-effective and cost inefficient development of distributed data center facilities in buildings across campus — in locations neither secured nor properly powered and cooled. This is a growing condition around campus, as decentralized efforts lead to scattered strategies in this regard. The lack of an appropriate facility hinders appropriate centralization of such resources and the opportunity to successfully leverage virtualized technologies (which would be more cost efficient); and this in turn increases the difficulty in the institution holistically evaluating and adopting successful cloud computing strategies (which may offer still greater cost efficiencies). The current primary data center facility also is not appropriately secured from a disaster or power outage — most of the institution's key information and processing resources run without benefit of back-up generator coverage; and the primary data center is in a building that resides in a flood plain (and has, before, been flooded). This is perhaps the most fundamental and significant information technology issue facing UMD, with effects on the entire institution.

Category: Baseline Fundamentals

Action Item 1.2

Address the university's needs for equipment, infrastructure, and appropriate spaces for enhanced digital content (video, audio, graphics, etc.), including but not limited to video streaming, video capture and editing, and storage.

Higher education is experiencing a revolution in the use of digital content and multimedia to assist with pedagogy as well as for other administrative and marketing uses. The current central streaming media platform managed by the Division of IT is cumbersome to use and maintain and consequently those that need this type of service are looking to third-party tools (e.g., YouTube, Vimeo, etc.) to service their needs. While mainstream tools are easy to access and learn, a platform with the same ease of use that also provides the ability to secure content to specific audiences and integrates with other learning systems on campus is preferable. Potential solutions may well include use of commercial cloud offerings, either arranged for the enterprise or for individual consumption.

Category: Baseline Fundamentals

Action Item 1.3

Provide a variety of cost effective options (including secure campus cloud or outsourced cloud) for on-demand digital storage with daily backups centrally managed and broadly accessible. This shall also include the capability for robust file sharing among campus constituents and their off-campus collaborators. This should also be tiered, providing solutions that meet needs ranging from pervasive pedestrian applications through advanced "big data" research.

Digital file storage and sharing at an enterprise level is a critical element needed for university community members to be able to collaborate not only on campus, but with outside partners as well. There is currently a continuum of solutions for file storage and sharing that includes local network drives and easily accessible cloud-based tools. The limitations of both inhibit achieving the flexibility, throughput, and security needed to support all constituents' needs on campus. While publicly available cloud storage options are easily attained, security and policies must be put in place to ensure that sensitive data is protected. Public cloud storage solutions are not viable for research involving big data, nor are third-party apps efficient for managing

files that never need to leave university systems. A combination of guidance for public storage use and more robust enterprise solutions will be developed to meet the demands of the university. Collaboration with higher education based service provider consortia, such as Internet2, may provide viable solutions in keeping with other strategic initiatives in this plan.

Categories: Baseline Fundamentals, Creating Abundance

Action Item 1.4

Provide tools that allow the university community to collaborate through unified communication. While particularly critical for researchers, such tools will certainly have value to broader scholarly enablement and administrative effectiveness. Universal federated presence should be evaluated as part of such solutions and, depending upon community input, made available.

Increasing numbers of institutions are offering unified communication (UC) tools for enterprise use, allowing collaboration through online chat, desktop sharing, video conferencing, and group conference calling. Whether students working on a group project, a teacher holding virtual office hours, or researchers working together, collaboration among the university user community inside and out will be enhanced by the use of a common suite of UC tools, by allowing more efficient and diverse communication mechanisms. Universal federated presence is the ability for an individual to provide information about their online status from any platform/device to communicate that more broadly to their contacts.

Category: Creating Abundance

Action Item 1.5

A high-capacity, high-capability, advanced, and robust network infrastructure being crucial to the success of all IT enablement, the university will complete the ongoing Network Refresh Project. The Division of IT will continue to maintain the UMD network, balancing the ability to support the current IT landscape with stability and also to improve it as needed in support of the recommendations and action items put forth in this plan. Likewise, the Division of IT will continue its leadership role on behalf of the university in the Mid-Atlantic Crossroads (MAX), an innovative high-

performance regional network, in support of research, education, and scientific discovery.

Since fall 2009, the university has been undergoing a planned five-year upgrade of its network infrastructure, which is creating the ability to have as large a conduit for digital throughput as any institution in the country. Currently, more than half of the buildings on campus have been completed, with many of those being the most complex with respect to the effort involved. Likewise, the core backbone for the entire network has been replaced, significantly speeding up network traffic across the entire campus. The Division of IT will analyze and revisit this investment in networking to ensure the appropriate mix of technology is being implemented based on university needs. When the project is complete, the Division of IT will ensure that continued enhancements are made to support the demands being placed on the network (especially in support of research) and that the university continues to be able to support the increased communications needs produced by implementation of this plan.

Category: Baseline Fundamentals

Action Item 1.6

Wireless connectivity will continue to grow as a critical communications infrastructure. Wi-Fi and cellular coverage must continue to be expanded and made more robust, and providers must be diversified over time. In support of this growth, the Division of IT should immediately convene a group of students, faculty, and staff to get feedback on current issues, challenges, and successes of the existing wireless network.

With the propagation of wireless networking as part of the Network Refresh Project (see Action Item 1.5) the university's wireless networks have become very heavily relied upon as a means to communicate and share data. Whether in the classroom, in the office, or at a sporting event, the near ubiquity of handheld devices with the ability to connect to Wi-Fi and cellular networks (e.g,. phones, tablets, and laptops) have significantly increased the value proposition of wireless connectivity on campus. As the use of handheld devices grows, pockets of weak or no coverage as well as maximum capacity of the system in localized areas of extremely heavy use are being uncovered. The need for a fabric of wireless coverage that is pervasive over the entire campus and is able to balance the entire load being

placed on it, even in areas of heavily concentrated use like large classrooms, is critical. The Division of IT will continue to assess patterns of use and engage its partners in providing wireless connectivity to enhance coverage so that the current and future demands of this growing digital environment are met. The Division of IT should also continue to evaluate and bring to the UMD wireless network enhancements such as eduroam (which was implemented in 2011) that facilitate broader global access to secured wireless networks.

Category: Baseline Fundamentals

Action Item 1.7

In recent years, the growth in network bandwidth has made it possible to take some computing burden (e.g., data storage and applications' use of CPU and memory) off of the desktop by allowing services and applications to be attained through centrally hosted means. The university must develop a strategy and approach to the deployment and support of cloud-based computing, including infrastructure and hosted third-party application solutions. The strategy must include: 1) Support of the use of such services independently by community members, providing well-documented guidance to ensure the continued security, integrity, and privacy of the university IT environment and 2) Centralized offerings (e.g., email, storage, digital media, etc.) obtained by the Division of IT on behalf of the campus and supported in such a way as to address conditions of service unique to individual units or groups as far as is practical to ensure effective and productive use of such offerings. The Division of IT and the university community should evaluate the hybridization of public/private cloud offerings across the spectrum of IT infrastructure and services and determine appropriate paths toward use of such offerings.

The trend toward use of cloud-based solutions within the last three to five years has created a challenging continuum of opportunity and risk. Opportunities arise in the form of inexpensive (often free) services, platforms, applications, and collaboration environments all made available and provisioned through simple point and click configuration with a long menu of options that can often be tailored to exact specifications. For IT operations, cloud computing provides an opportunity to strategically evaluate outsourcing functions that have traditionally been maintained and

operated internally, to achieve cost savings, and to better utilize existing resources. The risks presented by cloud computing are based on the same aspects as the opportunities presented. Because of the ease in attaining cloud services (e.g., data storage, virtual computing environment hosting, email/communications applications, data archival, etc.), users are compelled to make use of these tools and services to forgo the "red-tape" of dealing with central IT and possibly achieve cost savings. This is happening here at UMD at an increasing pace as services provided by the university are deemed less efficient and effective to use in comparison to the easily attainable cloud alternative. Risks are introduced, however, when no evaluation of licensing is performed and violation of laws and regulations governing IT at UMD, like HIPAA, FERPA, and export control laws, put sensitive research and personal data at risk of being compromised. As UMD grapples with the tradeoffs of opportunity versus risk and determines the right mix of creating private cloud computing resources and leveraging third-party offerings, presumably the cloud computing industry will mature as well. Together, these things should reduce the risks the university faces in using cloud services and make it easier for university community members to utilize this enabling technology.

Categories: Baseline Fundamentals, Creating Abundance

Action Item 1.8

Recognizing that university community members need to access campus resources (files, applications and services) from anywhere on the globe, safe and secure remote access solutions and access to virtualized applications should be provided.

Researchers, teaching faculty, administrators, students, and others continue to find the need to do the work of the university outside its walls — whether pursuing opportunities for collaboration in China or India, performing cutting edge research at CERN, or simply working from home. Providing university community members access to university IT resources as though sitting in the office can improve efficiency by enabling personnel to perform certain duties from anywhere. This could include not only access to files and data from off campus, but also the ability to easily and safely access the applications and computing resources to work with that data remotely, without having to have a duplicate desktop environment built on a personal or mobile computing device.

Category: Creating Abundance

Action Item 1.9

Provide needed software tools in the most effective ways possible to faculty, staff, and students. This could be achieved by developing efficient means to license software broadly for the entire university community, or through cooperative efforts of relevant units and central IT, or via virtualized desktop infrastructure (VDI). It will likely be the case that a combination of all these means will provide the best solution, and the Division of IT should lead the university in a thorough evaluation resulting in appropriate specific actions.

While the university has been successfully engaged in bulk PC buying for a number of years, there is a potential for additional savings related to economies of scale in the purchase of software licenses. Some broad software licenses exist but are not available to all university constituencies, while other software is purchased separately in smaller quantities by multiple departments. The Division of IT will begin to better track and analyze what software is being purchased in what quantity and work with units to consolidate purchasing to achieve cost and resource savings. Efficiencies will be gained in terms of aligning partners with similar software needs who might not otherwise seek to find partners with whom to piggyback their purchases. The use of VDI certainly holds great promise, but it is likely not a singular solution to be pursued. That said, efforts to evaluate and appropriately make use of this technology must rapidly advance.

The Division of IT should work with the UMD community to coordinate the purchase and licensing — and potentially tracking and delivery — of software to identify opportunities for better volume/pricing/campus-wide agreements that may be available. Exotic singular use, discipline-specific software would not be part of this process unless its use has broader applications across disciplines. It shall not be assumed that centralized funding of such packages will be possible, though centralized coordination of different funding sources may have value.

Category: Creating Abundance

Action Item 1.10

Recognizing that many action items in this plan rely on the ability to verify a person's credentials (login/password identity) before access can be granted to university systems, an efficient process and system for identity management (IdM) must be constantly enhanced and maintained to accommodate the nuances in roles of individuals within the university and for integration with new system implementations. A unified/federated university-wide identity management framework, which allows quick and efficient moves/adds/changes within the university as well as the ability to grant limited secure access to partners outside UMD, is the foundation of security and collaboration.

Nearly every UMD-centric system/application requires authentication (login/password) before any access is granted. When university systems are implemented, consideration must be given as to how to protect access to only those who are properly vetted. Currently, there is at minimum a day-long wait period before the database of user credentials is updated with new hires, and often this is elongated to several days. For outside collaborators (consultants, research partners, etc.), an affiliate status must be granted, currently requiring a lengthy approval process. To accommodate more centralization of enterprise services such as this on campus, as well as external collaborative efforts like the new MPower initiative, and without compromising security, a more streamlined process for adding staff and outside collaborators is desired. Likewise, the identity management architecture should hold one system as authoritative despite appointments, affiliation status, or other such relationships with the university. Currently, the identity management architecture is retrofitted and updated as an afterthought to accommodate new systems and/or changes in relationship status with the university. A clear design, implementation plan, and standard set of procedures for identity management should be documented with changes controlled as stringently as other critical university systems. It is also the case at this time that there are many competing issuers of identity at UMD, and while this diversity provides local flexibility, it constrains global efforts to facilitate external collaboration. To take advantage of global IdM collaborative efforts such as InCommon, UMD must have a unified identity architecture without stifling the ability to localize identity management where it is essential for technical innovation in research.

Category: Baseline Fundamentals

Action Item 1.11

In support of the university's goals for sustainability, the Division of IT, the Office of Sustainability, and local IT units will work together to pursue measures that promote more effective power management and lower operational energy use overall.

Through such technology as server virtualization, the university has already drastically reduced the number of physical servers running at any given time. A concerted effort will be made to further lower the carbon footprint of technology on campus through better desktop and printer power management and practices. The IT community will work with the Office of Sustainability and the university community to reduce power consumption without adversely impacting productivity.

Category: Baseline Fundamentals

Recommendation 2: Information Technology Resources (Support and Enablement)

The University of Maryland should develop and maintain a robust, multi-tiered staff support environment that meets the diverse levels and specific needs of the university community so that community members can effectively use the university's abundant technology resources.

Action Item 2.1

To **better leverage the varied and diverse support resources at the university, a well-articulated model should be developed and communicated defining the roles that users of technology, departmentally based IT support providers, and central IT play in collaboratively supporting the ecosystem of the university.**

In addressing the broad needs for the support of the use of IT, at UMD (as it must at all similar institutions) there must exist a definition of the framework of responsibilities for leveraged support that includes the following support providers: Users themselves, locally-based IT support staff that support users of IT, and the central IT organization. A leveraged model is one in which the roles, responsibilities, and support mechanisms are not only well defined — as such models readily exist — but are well understood and functioning as a matter of daily activity. The Division of IT will be responsible for implementing programs and structures that support the university's collaborative model and for ensuring that all of the key players are positioned to fulfill their roles.

Category: Creating Abundance

Action Item 2.2

The Division of IT Help Desk should streamline access to higher-tiered area experts so that departmental IT support staff can quickly be escalated to more senior and specialized technologists.

A streamlined path to resolution for the needs of unit IT staff is integral to maintaining positive collaboration between central IT and local IT support. Given the highly distributed nature of IT service and support at the university, central IT must be sensitive to the needs of and demands on unit IT staff and must provide a more direct route to higher tier help for unit IT staff, rather than having them go through being processed and routed by less technically skilled call-takers. Streamlining this process benefits both sides by cutting down on the time that any one resource spends waiting to escalate or be escalated with no movement towards resolution of the issue.

Category: Creating Abundance

Action Item 2.3

In conjunction with Action Item 2.1, the Division of IT should establish subject matter experts in areas of high value to unit IT support and, via the defined model, make them available to local IT to assist not only in resolving problems, but also in assessing needs for new technologies and developing support for such new technologies.

The Division of IT has historically focused its support on basic frontline "triage-like" services. UMD IT support staff would greatly benefit from the presence of technology (Windows, Mac, UNIX, etc.) and application (database, GIS, statistics, etc.) area experts who could be drawn upon not only for deeper problem resolution but also for exploring new or enhanced technologies and applications.

Category: Creating Abundance

Action Item 2.4

In conjunction with Action Item 2.1, the Division of IT and unit IT support providers should clearly publish service catalogs and articulate offerings so that campus community members can easily determine where to get desired tools and support.

The Division of IT has historically been somewhat of an opaque structure with regard to its services and support functions. To improve its reputation with the university community and to increase the effectiveness and efficiency of that community's dealings with the division, a clearly articulated online service catalog should be produced. The service catalog must then be continuously maintained and updated, and the division should communicate enhancements to available services to the university community periodically.

Category: Baseline Fundamentals

Action Item 2.5

The university must articulate a plan for recruiting and retaining world-class IT staff while developing current resources. A clearly defined personnel development track for technology staff at the university should be treated with care equal to or greater than the maintenance and operation of the systems they support.

Human resources are the single most important IT asset for the university as well as any enterprise. In order to retain excellent staff and attract and recruit new staff as needed, the university must not only follow through on the path to excellence in IT as defined by this plan, but also must develop strategies for developing and retaining those already on board. Traditional paths to higher salaries usually require promotion to supervisory roles. In order for this to benefit the institution, however, significant investment in management training and time spent mentoring new managers is required. Excellent technical performers who wish to remain on staff with the university, but who do not wish to (or are not ready to) take on a management role, should not be dis-incentivized from staying by the lack of availability of higher salaries. The Division of IT should work with university HR staff to create processes that clearly articulate personal development plans for each employee, that capture the desires of the both the employee and the division, and that lay out clear objectives and goals toward those ends. All managers of staff will be required to fulfill a pre-defined number of hours of management training each year. Alternative means for rewarding exemplary staff efforts or service on an ad-hoc basis should be identified and communicated to managers.

Category: Creating Abundance

Action Item 2.6

Those who use IT and those who support its use locally must be adequately trained so as to minimize their demand for broader support and maximize the effectiveness of their use of IT. Therefore, training and education programs should be continuously enhanced and developed, acquired, and delivered in such a way as to provide the most cost effective solution.

IT enablement, much less innovation, cannot be achieved with technology adoption. Effective and constantly updated training and knowledge resources are integral to technology adoption. Training must be incorporated into the new leveraged support model for all technology. Planning for every technology implementation must include integrated training time, budget, and methodology. With every new technology adopted, appropriate methods of training must be determined. Options could include in-house training through a train-

the-trainer model, ad-hoc training opportunities (e.g., contractor, online, or hybrid), and others.

The possession of appropriate knowledge and skills by users of IT and those who support them locally is a critical element to a leveraged support model and IT enablement. The Division of IT needs to develop education and training programs to ensure that users of IT have the knowledge and skill they need to make use of IT and that local IT support staff are well trained in the technologies and applications used by their local constituents.

Category: Creating Abundance

Action Item 2.7

The IT environment at UMD should take a flexible approach to the architectures and types of systems deployed so as to take advantage of the widest array of opportunities presented by the marketplace. UMD should adopt a philosophy of a "garden of architectures" rather than seeking singular and limited technological solutions.

A vast array of systems and technologies has evolved on campus. The ubiquity of technology and increasingly savvy consumers have caused the trend of moving away from enterprise standardization on a single architectural direction or product. While groups should not be dissuaded from looking at the myriad solutions on the market, a clear framework for business decision making at the enterprise and unit level should be communicated and help with decision making should be easily sought through local and central IT.

The purpose of this action item, however, is to confirm the university community's view that singular monolithic technology standards are inappropriate. The university must find an appropriate balance on the continuum between restrictive standards and chaotic variances where multiple technologies are efficiently supported.

Category: Baseline Fundamentals

Action Item 2.8

The new faculty orientation process (for both teaching and research faculty) should include detailed, expansive, and engaging training to aid in faculty members' familiarization with the technology tools and services deployed in learning and research environments on campus.

As new faculty members are on-boarded, learning environment and research technology familiarization and adoption must be as integral as knowing how to fill out their timesheets. This technology orientation should be a joint effort between the Division of IT's Office of Support and Enablement and local IT staff as appropriate. An IT service catalog and support structures should be presented with clear instructions on how acquire any needed services. Screening of incoming faculty should be performed in conjunction with the Office of Faculty Affairs and the Center for Teaching Excellence to gather data regarding prior experience with IT services and support at other institutions and with the faculty members' familiarity with the IT tools provided so that UMD's offerings and leveraged support model can be fine-tuned.

Category: Creating Abundance

Action Item 2.9

Given the diverse set of special needs of university users, accessibility of IT systems and services must be considered thoroughly in existing and new system implementations. Standards and guidance in accessibility should be collaboratively developed to accommodate these special needs and promulgated to all university IT service providers. The standards should be guided by best practices available within the community and in accordance with existing laws and regulations. A task force destined to become a part of IT governance should be convened as a first step to consider the challenges and chart a path toward implementation of this action.

Achieving IT Abundance at UMD means that all of its diverse population has IT tools and support available. This must include those on campus with special needs related to vision, hearing, speech, or other physical impairment. Efforts have begun recently to help ensure that IT services are available to students, faculty, and staff with special needs. Programs like those in the Division of Student Affairs, should serve as a model for the university, and the Division of IT should be an active partner in such efforts for all university constituents to ensure that enterprise and critical systems are developed with the accessibility needs of all university citizens in mind.

Category: Creating Abundance

Promoting Innovation: The University of Maryland Information Technology Strategic Plan

Recommendation 3: Scholarly Enablement

The University of Maryland should develop and enhance the information technology resources that, through effective, innovative, and extensive use by faculty in teaching, enable students' scholarly achievement.

Action Item 3.1

Online learning, whether in a blended learning environment or completely asynchronous online, allows university IT and UMD faculty to collaboratively explore the potentials of IT tools and to together understand the exciting new ways of teaching and learning the tools enable.

Formal programs that build upon these collaborations, developing IT skills and techniques, are a matter of strategic importance.

In 2012, the potentially disruptive force and movement toward some new online learning systems (Massive Open Online Courses or MOOCs, e.g., edX, Coursera, and Udacity) and new learning practices (flipping classes, pervasive uses of multimedia), provides motivation for UMD to explore their benefits and drawbacks and to prepare faculty and students for the most effective uses of online pedagogy. The evolution of online learning environments presents opportunities for the university to reach new learners and, beyond that, to reach all learners in numbers and ways never before possible. Academic faculty and IT should be partners, exchanging ideas and collaborating. Improvements in knowledge creation, dissemination, and preservation thus will build on this partnership, as well as on lessons already drawn from previous formal programs.

Category: Creating Abundance

Action Item 3.2

All classrooms on campus should provide a standard common and advanced IT-enabled learning environment. All classrooms should be regularly maintained and refreshed on appropriate technology lifecycles. Classrooms should be constantly monitored to ensure that the technology is functional and stable. In support of traditional classroom instruction featuring global enrollments, technology resources, advanced network connectivity, and support resources will be available to enable faculty to deliver lectures world-wide via virtual classrooms.

In conjunction with Action Item 3.5, a robust suite of tools must exist that facilitate maintenance of existing and creation of new IT-enabled teaching methods. Support personnel must continue to perform preventative maintenance on classroom environments to ensure predictable, stable, and available in-class systems at all times. A clearly defined plan of training and outreach must accompany the roll-out of the standard learning environment. This plan will encompass in-classroom training, virtual training sessions, and a video library of best practices, and will be supported by a cadre of technical support personnel. A strategy will be in place to implement updates in response to problems.

Category: Creating Abundance

Action Item 3.3

With the mid-2012 long-term procurement of a new Enterprise Learning Management System (ELMS), Instructure Canvas, the Division of IT will partner with all university academic departments to deploy the new LMS in the most efficient manner possible. In so doing, the university will recover expenses from the previous LMS contract to more effectively support of the overall learning environment.

The university will see cost avoidance with the newly purchased ELMS year-over-year, and these funds will be targeted for bringing on instructional designers and other learning environment specific support personnel to enable faculty to use technology for instruction that is as effective and high-quality as any university in the nation. The new ELMS allows for integration with social networking tools so that collaboration can happen inside and outside the classroom more efficiently, between instructors and students, among students in learning groups, and between instructors.

Category: Baseline Fundamentals

Action Item 3.4

Even as the university moves to a new Electronic Learning Management System (ELMS) platform in 2013, a clearly articulated vision for the future for an overall campus learning environment including ELMS and the integration of associated applications and functions must be developed.

All classrooms will become learning environments with a standardized suite of applications that are easy to operate, reliable, and universally accessible. Learning, teaching, and research will not be bound by location, either on campus or around the world. The learning environment will guarantee secure, 24x7 supported, anytime, anyplace, any device access to students, faculty, and staff. This environment will include not only all classrooms, but all places learning takes place on campus. Within the broader context of the learning environment, UMD should expand support for video, slides, chat, and other tools meant to foster collaboration between faculty and students. The learning management system (ELMS) is the foundation for the learning environment and must be well supported with input sought as to potential enhancements by its user base several times annually.

Category: Baseline Fundamentals

Action Item 3.5

Recognizing the critical need for minimal class start-up time, staff support for instructors in classrooms should be available almost instantly, whether accomplished with in-person, on-site, or remote virtual presence or some combination. A goal should be that pre-class setup should occur in three minutes or less.

With a campus of classrooms as distributed as UMD's and even as use of the learning environment moves into virtual space, a support model that is versatile and comprehensive enough to accommodate any situation must be developed. The current model of central and distributed support will be further solidified, whereby a clear process exists covering the time a problem is identified to the time of a resolution. Part of this enhanced support model for the learning environment must include additional training and development. Frequently occurring issues will be identified and documented and notification of resolution steps will be sent out to faculty, and, if necessary, enhancements will be made to the system to avoid common recurring issues. Learning environment help options will be multi-faceted to help achieve faculty ready time of three minutes or less prior to class.

Category: Baseline Fundamentals

Action Item 3.6

Initiatives that promote peer-to-peer collaborations among faculty to encourage and promote the adoption and enhancement of IT-enabled teaching techniques should be continued where they exist and further developed, not only across this campus, but in partnership with other institutions globally.

New ideas for use of technology are constantly emerging through faculty interaction on campus and with peers abroad. Thought leaders at UMD exist and are consistently early adopters and pilot testers for new initiatives. Leading institutions of higher ed are also consistently being written about for their innovation in using technology to better enable effective learning. As technology better enables collaboration and sharing of knowledge among faculty on campus and their partners outside UMD, incubation of cutting edge development of such tools must begin to emerge here in order to achieve stature as a leading innovator in higher ed. Technologies such as a mature unified communications and collaboration platform and organizational development programs, such as those hosted by the Center for Teaching Excellence and the Division of IT to enhance knowledge creation and dissemination, must flourish and specifically target development of new ways to make instruction more effective and to help measure these improvements in absolute terms in achieving the overall business goals of the university.

Category: Creating Abundance

Action Item 3.7

UMD should create and support facilities for testing and prototyping new technologies that would be used in instruction by faculty.

Such facilities, also known as "sandboxes," will include hardware, software, staff support, technology, and other resources in an incubator-like environment and will encourage the development of emerging techniques and the sharing of best practices. Such sandboxes will emerge from a coalescence of current separate (though cooperating) entities, including but not limited to the Division of IT, the Center for Teaching Excellence/Office of Undergraduate Studies, University Libraries, Graduate School, iSchool, College of Education, and others.

Category: Being Innovative

Recommendation 4: Research Enablement

The University of Maryland should develop and maintain plentiful information technology resources that enable and advance discovery and support innovation, collaboration, and entrepreneurship when effectively and broadly used by faculty in research.

Action Item 4.1

The university must consider whether there are benefits to a holistic approach for the provision, advancement, and support of high-performance computing (HPC) and other cyber-infrastructure (CI) to include storage, networking, visualization, data sets, software, and personnel to advance research across all disciplines. The Provost, the Vice President for Research, and the Vice President of IT should convene key constituent deans and others to address the fundamental question: Is UMD approaching the provision of HPC and CI appropriately given collective vision for the future? Next steps regarding this action item should logically evolve from that point, including articulation of such a vision and a plan to bring it about.

Currently, high-performance computing at the university is provided by several entities, focused largely on highly regarded and valued (though locally focused) interests and uses within specific organizations and disciplines; the only exception being the resource (Deepthought, a limited broadly-based resource) maintained by the Division of IT and offered to all campus users. A focused group led by the two vice presidents and the provost, key HPC/CI-focused deans, and key discipline leaders (i.e., those who see the value in use of HPC/CI) — along with those who lead groups or functions responsible for distributed centers of excellence in HPC/CI — should quickly meet to address the vision about the long-term impacts of HPC/CI on discovery at UMD, and determine if the current distributed strategy will adequately address this vision or if a more holistic strategy has merit. Many institutions have adopted such strategies, and there are many models to consider — ranging from a centering of effort in a single entity to more collective, consortium-like efforts with multiple and separate entities working from an organized institutional plan but functioning in harmony. The "how" of such a solution is important to be sure, but what should first be addressed is whether there is the view that it is needed, and regardless an understanding of how resources should be provisioned to support whatever model is chosen.

Whatever model is selected, it must take into consideration the impact of privacy laws, regulations, and policies (e.g., HIPPA, export control, etc.) upon that model/approach to ensure that solutions do not constrain broader approaches; flexibility to account for uncertainty and change in these conditions must be considered as well. Significant attention must be paid not only to the provision of hardware and software for HPC and other physical elements of CI (including visualization technology), but also to providing appropriate and abundant trained support personnel who can assist and enhance the use of whatever resources are provided. This, in fact, must be a key focus in any endeavor, regardless of how it is structured and organized.

Category: Creating Abundance

Action Item 4.2

In collaboration with a broad group of researchers, the Division of IT should identify and understand the superset of tools and services used by the research community and develop a support model for those tools, including acquisition and funding of them and deployment and support for their use.

The Division of IT certainly cannot carry this burden alone. The Division of Research and the Division of Academic Affairs (represented by the deans) should support the Division of IT and jointly examine the challenges faced by individual researchers and their needs for very specific forms of support (such as mathematical/statistical tools, modeling and visualization tools, etc.) to enable their research.

A specific identified need involves establishing official UMD websites on individual researchers' endeavors and providing a framework for provision and support of such websites. This would include a standard template for research websites and resources and guidance for establishing and maintaining such websites.

Category: Creating Abundance

Action Item 4.3

The Divisions of IT and Research should work with the university research community to develop an online and interactive clearinghouse of information regarding current research areas (and listing individual researchers) to facilitate collaboration and interdisciplinary research engagement. The Division of IT should, in partnership with the university research community, develop using a social networking model a means for researchers to connect with potential collaborators both inside and outside the university. This should be closely integrated with the existing "Expertise@UMD" site, which is currently available to provide search tools to specific research areas by UMD researchers.

Research and the creation of new knowledge is rarely a strictly individual pursuit. The ease with which collaborative research partners can be found in the era of social networking should be greatly enhanced. Several intra- and inter-campus initiatives are in development or already available to catalog our researchers and their areas of study. Social networking tools combined with a robust unified communication infrastructure should be examined for inclusion and the business case assessed to determine their benefit to this endeavor. In the meantime, traditional means of collaboration (e.g., development of communities of practice, Listserv lists, blogs, wikis, etc.) can be implemented in preparation for a more comprehensive solution for research collaboration.

Category: Being Innovative

Action Item 4.4

The Division of Research, the Division of IT, and the Division of Academic Affairs (the deans) should together — with involvement of key research faculty — examine the opportunities for increased private sector funding (or provision of needed resources) and how broadly across disciplines such partnerships advancing innovation could be developed.

As available funding from traditional sources (National Science Foundation/NSF, National Institutes of Health/NIH, etc.) may shrink in the years ahead, continuing UMD's momentum in research will require greater interaction with private sector (corporate) entities to explore opportunities. Current policies, approaches, and philosophies must be reexamined to determine how to best take advantage of these non-traditional research funding, resource sharing, and entrepreneurial opportunities. Pilot endeavors across a number of disciplines should be explored and advanced.

Category: Being Innovative

Action Item 4.5

The Division of Research and others in the UMD research community, the University Libraries, and the Division of IT should continue to assess the needed technical infrastructure and preservation/curation support necessary for UMD to comply with the January 2011 mandate by the National Science Foundation (NSF) for data management plans accompanying research grants.

On January 18, 2011, the NSF instituted a requirement that every proposal for grant funding include a two-page document describing how the proposal conforms with the NSF policy on dissemination and sharing of research results (complete information can be found at www.nsf.gov/eng/general/dmp.jsp). As the need to accommodate this requirement through additional data security, storage, and presentation architecture becomes more well-defined, the Division of IT will build out additional capacity to adhere to the mandate.

Category: Creating Abundance

Recommendation 5: Student Experience

The University of Maryland should provide and support plentiful information technology resources in the living and learning environment that enable and enrich the broader experiences of students' innovation when used effectively and profusely.

Action Item 5.1

The university must provide a top-quality IT-enabled living and learning environment, complete with ubiquitous wireless and support for the use of IT where we live, study, and gather on campus. The Division of IT and the Division of Student Affairs should be charged with working to establish a seamless, safe, and secure IT environment across all parts of campus and with ensuring that when students arrive at UMD, their IT experience equals or exceeds that of their prior educational environments. In short, there should be a "Wow!" factor associated with coming to UMD in terms of the pervasiveness and impact of the IT experience.

Many students live on campus and have their IT needs provided by the institution (Division of IT or Division of Student Affairs). Students expect to have consistent, ubiquitous service across campus, seamlessly provided between their living and learning environments. Expectations that students have are increasingly for very robust IT-enabled environments featuring rich network connectivity (wireless, wired, and cellular-networked) and services (voice, data, and digital media). UMD must strive to ensure that students coming to the university find at least an experience equal to very robust environments they have in their homes or in their previous scholastic environments (high schools, community colleges, other institutions) — and in many cases, they should experience a step up in the IT experience.

Category: Creating Abundance

Action Item 5.2

Recognizing that IT plays a key role in the student life experience beyond academic aspects, the university should continue to work closely with students to evaluate new technologies and IT-based services to not only improve the academic aspects of student technology use, but also to support the overall student life experience at UMD.

The life experience of a student at a prestigious flagship university involves more than just their academic experiences. Technology — and information technology specifically — is an underlying component in nearly every aspect of the lives of today's (and tomorrow's) students. While the adoption and support of IT in applications discussed throughout this strategic plan — in classrooms, broader online learning environments, research, and university processes — are critical to students' experiences with college life, there is also significant value to "living and learning" and even recreational aspects to college life that are IT enabled. The Division of IT should explore new and creative uses of technology that improve the overall (traditional) college life experience, including forms of recreational technologies. It will always be the case that students will need to elect which such college-life-enhancing technologies they adopt as individuals or as members of the UMD community — and elect how such technologies are provided and funded. Students should continue to engage with the Division of IT, and also with other university leadership, in exploring new technology options, present an attitude advocating their adoption, and support such adoption in line with student interests and prudent and safe use of resources.

Category: Creating Abundance

Action Item 5.3

The university should continue to offer programs and services which facilitate student ownership of IT devices and make possible the acquisition of technologies (hardware, software, and services) at discounts and in convenient locations or in a convenient manner.

UMD represents a large population of IT consumers, and this is especially true with the student population. Students coming to UMD should expect to find that their status as "new members" of this great community has benefits when it comes to the acquisition of information technology tools — hardware and software specifically. Nearly all students own multiple forms of such devices — desktop computers, laptops, tablets, smartphones, game consoles, and more. Where the university — and specifically the Division of IT — can help is in ensuring that excellent programs for group discounts are available for hardware and software, and that useful outlets for acquisition (such as the Terrapin Technology Store) and service are available and easy to access and use. The institution should pursue, on behalf of students, special pricing bundles from vendors and make known any and all relevant discounts available to students for software and peripheral products (printers, scanners, etc.). And through Action Item 1.9 regarding software licensing, the university should continue to pursue, with student support, broad software licensing available for "free download" or other means described in that action item.

Category: Creating Abundance

Action Item 5.4

Recognizing the importance of the use of technology in learning environments, in conjunction with Action Item 2.6, the university should ensure that all students either have the necessary skills or can acquire them through non-credit, university-offered training programs so as to ensure their success in the pursuit of scholarly achievement.

Today's students enter UMD much better prepared in the use of most forms of information technology — including the fundamental basic applications used for personal productivity (word processing, email, etc.). However, some limited number of students may be arriving on campus not as well trained or skilled in the use of these tools, and this presents them with a challenging form of "digital divide." The Division of IT, working in cooperation with the Division of Student Affairs and the Division of Academic Affairs and in consultation with student leaders and representatives, will examine the need for basic, fundamental skills training in IT use and build programs to address shortfalls. When new tools are introduced into the environment that are beyond basics (but not at levels usually taught in the for-credit curriculum), training and education programs (either traditional classroom or online/computer-guided) should be provided.

Category: Creating Abundance

Action Item 5.5

In 2012 with the knowledge that nearly all (if not all) students have at least one personal computing device available for their use, the Division of IT in collaboration with academic departments should engage students (and faculty) in an analysis of the value and purpose of traditional "fixed" computing facilities (such as computer labs and clusters), and determine their future at UMD.

Since the advent of the personal computer, universities — including UMD — have invested heavily in providing computing devices for student use in clusters, labs, and other locations. In early days, these clusters were there because most students did not own a personal computer, and thus in order to make use of computers in support of learning, it was an institutional responsibility to provide them; a responsibility nearly always supported by students through the use of their technology fees. As student ownership increased in the early part of the past decade, these facilities retained their value to students who found the convenience of a well-supported and readily available device on campus to be desired and even necessary (in a day when their computers were back in their residences on their desks). And, even after the arrival and more pervasive use of laptop and mobile devices, students still found these fixed location facilities of value to aid in the ergonomics of use (easier to write a 2000-word paper on a desktop than on one's lap) or the deployment of special purpose software. However, with the evolution in the use of these devices changing each and every year, the question(s) should be annually posed: Does UMD still need fixed-location computing facilities to support student use; and is there a better use of that funding to enable broader software licensing or other forms of IT-enablement valued by today's student? The Division of IT should work with the Campus Student Technology Fee Advisory Committee to address this question each academic year (as each year the membership of this committee changes) and to involve faculty and others in this important question.

Category: Creating Abundance

Recommendation 6: IT and the Enterprise

The University of Maryland should develop and maintain plentiful information technology resources and develop (or acquire) and deploy (or arrange for) information systems, applications, and tools that enable the effective and efficient function of the university as an enterprise.

Action Item 6.1

R**ecognizing that legacy university enterprise information systems are based on outdated technologies, the university should accelerate their replacement. These systems should be made more robust and functional as they are modernized and replaced by newer, more readily supportable technologies. Representative users from the community should be involved in the selection and specification of such systems, assess their usability and functionality, and take leading roles in their implementation.**

As legacy systems continue to age, resources needed to support, maintain, and enhance those systems become more scarce and costly. Preparatory steps must be taken to ensure continued maintenance of legacy systems, while preparing for their disposition and ultimate replacement. Some of these steps include documenting legacy systems, planning new architecture, etc. An investment lifecycle model should be applied to all systems to determine their position on the cost versus maturity curve overlaid with the risk tolerance attributed to the system. While the high cost of maintenance and replacement of legacy systems cannot be avoided completely, the university can better budget for and manage resources toward a well planned and executed program of legacy system replacement by taking a holistic approach to identification of legacy systems needing replacement and better planning for the lifecycle of all existing and new systems.

Category: Creating Abundance

Action Item 6.2

The Division of IT, in collaboration with the campus IT staff, should review the current standards where they exist and identify appropriate architectures and tools so that departmentally-based systems may integrate or scale up securely and successfully with the broader enterprise system environment.

Recognizing that there are information systems that are tangential to main enterprise systems, and that these systems perform critical and vital service in local environments, a common development framework is needed. While departmental systems may be viewed in the context of specific needs, if they are developed outside of maintainable and supportable architectures, their long term efficacy is in doubt and can impact the broader function of the university. Special purpose needs and demands for local units to develop to specific requirements of their programs will be considered in accomplishing this action item such that those needs are not adversely affected.

Category: Baseline Fundamentals

Action Item 6.3

The Division of IT, in collaboration with the Office of Institutional Research, Planning, and Assessment and other large scale data consumers and analyst constituents on campus, should consider the current and future business intelligence needs and design and implement data analytics tools to best serve university and outside needs.

The university must significantly enhance the access to and delivery of information in support of decision making. Concerns about security, privacy, and disaster recovery should be balanced with the institution's need to function successfully. The environment should enable access to information without needing to understand complex technologies. Appropriate users should be able to extract information into documents, spreadsheets, or other usable forms and to all levels of personal computing/display devices (i.e., mobility enabled).

Category: Being Innovative

Action Item 6.4

The Division of IT should champion the pursuit of open or community source software solutions for enterprise-level use and only pursue more expensive commercial offerings when there is sufficient value or functional advantage in doing so.

Limitations and risk (e.g., security, version control, release management) previously ascribed to open source software are being mitigated with governance structures like those including community source. Community source software development differs from traditional open source development in that communities of institutions are committing specific human resources toward an implementation, which not only fulfills enterprise-wide needs of the partnering institutions, but also may be implemented by other institutions once development is complete. Kuali is an example of a community source system development in which UMD has taken a leadership role. This enterprise resource planning (ERP) development initiative is being developed out of a number of lead institutions, including UMD, and when completed will include financial, student information, enrollment, and other modules to manage the major administrative functions of our or any university. A number of other disciplines within higher education are being impacted by open source/community source, including learning technology software. As UMD systems are planned for replacement, given the vast human resources available (and needed for enterprise open source development), an evaluation should be considered of the factors (e.g., security, version management, support, etc.) in determining the viability of open source/community source as an alternative to commercial product implementation.

Category: Creating Abundance

Action Item 6.5

Enterprise information systems should include provision for centralized document management and facilitate online workflow. All new systems should strive wherever possible to eliminate manual/paper document handling and routing.

Currently, the university is using a 10-year-old document management system with limited workflow capability. Extensive market development in this area has made this a relatively low-cost technology to update with much enhanced flexibility in scanning, storing, retrieving, and archiving documents and forms, and also in applying intensive workflow and approval processes to such documents/forms. Implementation planning should be performed, with participation from all university academic and administrative units, to develop the business cases for this critical and ubiquitous need.

Category: Creating Abundance

Action Item 6.6

Realizing the increasing dependence upon small mobile/smartphone integrated devices, key university information and processing systems must have mobile application support. Essentially, a user should be able to securely conduct all of their university enterprise activities from any device, anywhere, at any time.

Mobile devices continue to provide great flexibility and opportunity for consumers and present significant challenges to the IT support personnel who must accommodate their use. As IT departments strive to accommodate consumers with more keen understanding of technology, those consumers also want the flexibility to bring the latest personal device to work or school and use it to interface with UMD services and infrastructure. This phenomenon is known as Bring Your Own Device (BYOD), and a by-product of this is that not only are there a myriad of devices being brought and inserted into the UMD network, there is an even greater number of platforms being run on those devices (e.g., iOS, Windows Mobile, Google's Android, Mac OSX, Windows OS, Linux, etc.), which we have dubbed Use Your Own Platform. While support becomes exceedingly more difficult as more device types and platforms become a part of the fabric, there is no question that expectations continue to be that services and applications at least have an interface geared toward mobile use. Therefore, mobile development should not be an afterthought in developing applications and their interfaces. Rather mobile interfaces should be given equal weight to traditional interface development. We should embrace responsive Web design in our sites and applications to enable the same content to be attractively rendered on any device or screen size.

Category: Creating Abundance

Action Item 6.7

Within the context of a leveraged support model and the creativity that often results from individual or departmental endeavors, mechanisms should be developed to examine these creations and determine if they may be more broadly leveraged across the university.

There exist examples of systems that grew out of local unit IT operations to be expanded into enterprise-wide systems. Encouraging and facilitating innovative local achievements must prevail with the knowledge and forethought that systems may be scaled up at a later time to meet the needs of a broader university constituency. Guidance, informed by discussions between central and local IT units, on local system development should be provided to help facilitate eventual scaling of systems to a broader audience. System development guidance and framework should be promulgated and adherence overseen through peer review to achieve uniformity in system development methodology and thereby allowing collaborative resource and knowledge sharing when development is occurring.

Category: Creating Abundance

Action Item 6.8

With increasing demand in many areas of the university for general Web content development, hosting, and administration, IT service providers on campus should collaborate on developing a strategy to readily achieve agile Web services to most broadly and effectively answer on-campus demands and those of specific departments, programs, and individuals. While not strictly a responsibility of the Division of IT, given the diverse and broad nature of this challenge, the division should provide the foundation and start-up leadership in developing such a strategy by quickly convening stakeholders.

Web content management needs continue to be in high demand from an individual level, through the groups and programs they represent, to their colleges and for the entire university. Because there exists this enterprise need and there is currently a general lack of basic Web content management skills and services available to serve the needs of the university, a comprehensive strategy, including hosting, development resources, governance, and maintenance, should be considered on a broad level, with current successful Web initiatives serving as a model for promulgation. Decisions regarding what competencies we wish to foster in-house, what we feel is best left to third-party partners, and where we might be able to partner with peer institutions should be a primary topic of discussion in developing our strategy.

Category: Baseline Fundamentals

Recommendation 7: Funding IT Strategically

The University of Maryland should adopt a view that information technology resources are strategic assets to the institution, and, as such, models for funding of IT — both centrally and appropriately distributed throughout the institution — should be developed to encourage effective and abundant deployment of IT and efficient investment in IT holistically throughout the institution.
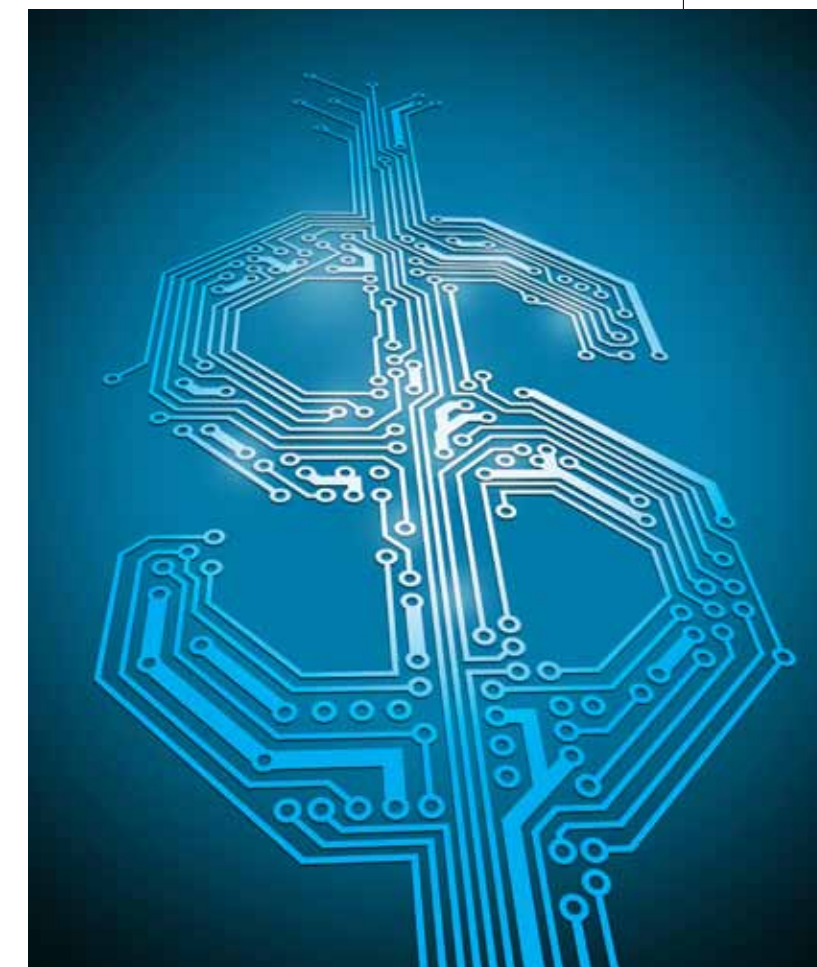
Action Item 7.1

Recognizing that information technology is a strategic asset necessary for the institution and will become even more critical to the transformation of the institution, provision of fundamental IT elements must be done holistically and not via ad-hoc or charged elements. Essentially, charge-back "by the use" is generally viewed as non-productive and detrimental to the strategic provision of IT at UMD. The Division of IT should engage with governance structures to determine which aspects of IT are better delivered on a pay-per-use model and what the cost and charge mechanisms should be and which aspects are part of the expected intellectual infrastructure.

In today's environment, IT infrastructure — such as communication service and connectivity (voice, data, wireless, etc.) — are fundamental elements of the campus infrastructure. One could argue that the data network grid is as critical to the operation of the institution (and life on campus) as the power grid; as significant to campus activities as the roads and buildings. As such, they should be a viewed as a fundamental utility and not as a "necessary supplement" or elected luxury. Funding for these basic and fundamental services — connectivity, storage, communication mechanisms, utility software licensing, etc. — should be done as a baseline item, and not via a charge-back model. Information flow is now similar to the flow of electricity. Many leading institutions around the country are adopting this view — providing baseline funding for basic IT, and then requiring appropriate, robust, abundant, and evolving services and infrastructure for their investments. UMD has previously examined funding mechanisms for one key element — network connectivity — and has received a recommendation for this approach. The Division of IT and the Division of Administrative Affairs, via active efforts of their respective vice presidents and staff, should quickly advance such a model, perhaps as soon as academic year 2013-2014. Analysis of funding mechanisms for other key IT services and infrastructure should follow as a part of emerging IT governance, with the basic tenet that IT infrastructure or services which advance the institution's mission should be funded under a "utility mode" and that only those services or infrastructure truly "above and beyond" or of a nature that use should be abandoned in favor of more cost-effective solutions should have charge-back funding models associated with them.

Category: Baseline Fundamentals

Action Item 7.2

Funding mechanisms that incentivize balanced long-term cost cutting should be developed to encourage appropriate centralization of services and infrastructure so as to best position the institution to evaluate moves of those services and infrastructure to the cloud.

As referenced in Action Item 7.1, funding models should encourage strategically-sound behavior (rather than discourage it). In the past, requiring the Division of IT to operate largely as a cost center under an auxiliary model has led to the need for charging for services like virtual servers, storage, and other technologies. This requirement for an annual charge often left deans, directors, and end users in the position of having to evaluate a direct cost item (the charge) versus provision of the infrastructure or service locally, funded out of "spare cash" or not fully taking into account fully-loaded costing. As a result, there is a highly "feral" and distributed model which is neither more effective nor cost efficient from an institutional perspective. Thus, the Division of IT should be funded for key elements centrally — or tasked to reallocate within its existing budget to create pools of funds to support these elements — and thus encourage the appropriate centralization of services and infrastructure to the overall betterment of the agility, efficacy, and efficiency of their provision. Examples could include free or highly subsidized virtual server services, which encourage the elimination of reliance on basic physical servers across campus, and free or highly subsidized tiered storage services, which encourage the safe and effective storage of institutional (administrative and research) data.

Category: Being Innovative

Action Item 7.3

In partnership with all colleges and in concert with Action Item 6.1, a campus-wide best practice based standard for lifecycle replacement of IT elements (particularly personal computing devices) should be established and a review of current funding policies and programs should be made to ensure adequate lifecycle replacement occurs.

While the level of sophistication in hardware, software, and other physical technology elements may vary depending upon the use, all UMD employees that conduct work using such elements should have basic, reliable, and modern technology so as to be productive. At a minimum, this technology should be able to run the most up-to-date software and have the latest operating systems and application versions in place to ensure the machine is secure and functions effectively. Although not always the case, old or out of date technologies may threaten the security and integrity of UMD environment, reduce the efficacy of technology, and are inefficient in terms of the increased staff support required to maintain their function.

Category: Being Innovative

Action Item 7.4

Across all aspects of IT (equipment, software, tools, training, services, etc.), in conjunction with more distributed governance structures, the university should strive for maximum efficacy and the most fiscal efficiency through the use of broad-based, centralized, holistic decision processes.

In the past there have been excellent examples of broad-based purchasing arrangements (e.g., Dell Bulk Buy), and these sorts of arrangements should be continued and where feasible expanded to include many more forms of hardware, software, and service commodities used across the university community. The Division of IT should lead this process, working closely with the Department of Procurement and Supply and fiscal and technology officers in colleges and departments.

Category: Creating Abundance

Action Item 7.5

When new systems or new technology services are deployed, a thorough cost and investment analysis should be done to ensure that adequate funding is allocated to not only provide for the initial implementation but to also ensure that ongoing annual costs are addressed, that any lifecycle refresh of equipment or other infrastructure is accounted for, and that any exit costs are identified. Entities that propose or mandate enterprise information systems should be required to perform these analyses. Local entities developing and deploying systems or technology services should perform similar analyses and have control over those processes.

Too often in the pursuit of the latest advertised technologies, full evaluation of all aspects of the cost of acquiring, using, supporting, and eventually disposing of these technologies (i.e., Total Cost of Ownership) are not considered. While we should not have "paralysis of analysis" and must recognize the need to deploy new technologies in a timely manner, we must balance the need for such with broader and longer term implications.

Category: Being Innovative

Action Item 7.6

The Division of IT should engage in a self-evaluation and structured introspection of its function and the application of its resources.

A first such exercise should take place in fiscal year 2013 in an effort to help align the organization's funding with the requirements of this new IT strategic plan. Periodic reviews should be undertaken thereafter every two to three years. This process — an organizational effectiveness review — should be carried out by the leadership of the Division of IT with a first phase to identify services, functions, and investments which are no longer aligned with the strategic direction of the division and the university (as defined by this IT strategic plan) and to yield savings through their reduction and elimination. An immediate, subsequent phase of the process should then be to look to this IT strategic plan for direction in reinvesting those savings into services, functions, and infrastructure that support the successful completion of action items of this plan. Reports of the outcomes of this process should be shared with the developed IT governance structures put into place as a result of this IT strategic plan.

Category: Baseline Fundamentals

Recommendation 8: IT Security, Policy, and Business Continuity

The University of Maryland should deploy appropriate policies and effective enforcement means to secure the integrity of information technology resources, safeguard institutional information, protect the privacy of university community members in their use of IT, and ensure the continuity of the institution's IT resources and information repositories in the face of possible disaster scenarios.

Action Item 8.1

The Division of IT must lead the way to define standards for device and information security and to communicate best practices and policies across the university community.

IT security is the responsibility of all members of the UMD community. However, that community relies heavily upon the expertise of the Division of IT to define standards based upon best practices and to develop and implement policies (and enforce them) to ensure that the community is best positioned to defend the integrity of the UMD environment. Motivations (i.e., sanctions, rewards, hybrid) to follow security practices must be defined for business-critical systems and those holding sensitive data.

Category: Baseline Fundamentals

Action Item 8.2

The Vice President of IT working with university administration should review the current structure regarding data stewardship and determine whether that structure is appropriate to properly define and administer access to institutional data and to ensure that policies for such access are adequate and enforced.

There is a general belief that UMD's data stewardship processes are mature. Our stewards (with oversight for financial, student, human resources, research, and other critical information sets), guided by university policy on data administration, take their roles seriously and provide the necessary checks and balances to prevent frivolous access to sensitive information from both applications and data warehouse inquiries. There may be the perception that obtaining approval for access from these data stewards could be more timely; though it may be likely that most delays are a factor of negotiating either border cases or requests that intersect with several stewards. The work flows for this process were redone fairly recently so as to

utilize Kuali Rice. The biggest shortcoming may be in the area of data presentation. Most of the tools currently in use are showing their age, and the user interface on the ad hoc query tool may not be sufficiently flexible. Modernization of query and presentation tools should be a key element of a business intelligence initiative (Action Item 6.3). However, a formal — and periodically updated — review of the current structure, definitions, processes, and tools would be prudent.

Category: Baseline Fundamentals

Action Item 8.3

The Division of IT should complete review of the recently (2012) completed external IT Security Review and in collaboration through appropriately discreet conversation with the university community, develop an implementation strategy to address points of concern raised by that review.

The Vice President of IT should charge the Chief IT Security Officer and Policy Director in his office with the responsibility (and the authority) to assume control, leadership, and responsibility for developing a plan to implement recommended actions that resulted from the 2012 IT Security Review by the Research and Education Network Information Sharing and Analysis Center. This will include responsibility for addressing unauthorized access to UMD's IT infrastructure, unauthorized disclosure of electronic information, and any security/data breaches regardless of the university entity involved. It will also entail recommendation and specification of needed technology solutions to better manage network security and intrusion detection/prevention and the integrity of information residing on central and distributed data stores across the campus. It is not the case that all items identified by the external review will or should be adopted wholesale. Rather, in conjunction with collaborative governance prescribed in Action Items 8.4 and 8.7, appropriate items will be acted upon.

Category: Baseline Fundamentals

Action Item 8.4

The University Libraries and the Division of IT should lead the university to develop clear and forceful policies to address the management and protection (integrity) of sensitive and business-critical information (data), including the university's permanent electronic records, and the security IT infrastructure resources upon which that information resides. The Division of IT should also establish an IT policy advisory team composed of a variety of faculty and staff from across the university to assist in the review and formation of appropriate IT policies.

IT security is the responsibility of all users. The development and enforcement of security policies should be done in cooperation with the various departments. These policies will depend upon the clear articulation of institutional values and an understanding of how the institution will make judgments when its values are in conflict. For example, an individual has a right to personal privacy while the institution has an obligation to keep some records of individuals' activities and to protect itself against actions of individuals. A key step in the formulation of policy will be the development of a shared vision of information and IT based on the beliefs and values of the university community: academic freedom, collegiality, openness, and so forth.

Because development of IT policies can bring the university face-to-face with fundamental issues about its values, the process will require broad support from throughout the institution and will call for leadership at the highest levels of the university. Because the implementation of IT policies involves an ongoing process of interpretation and oversight, it will need a sustained commitment of leadership, attention, staff, and resources.

Category: Creating Abundance

Action Item 8.5

Specific programmatic mechanisms should be reviewed and enhanced where needed to assure IT security and protection of information privacy.

Some details will depend in part upon the development of policy, but some aspects of security mechanisms are required for any policy to be effectively implemented. These include:

• Audit and controls: to verify that policy is being followed and to determine if mechanisms are working and correctly deployed.

• Education and awareness: to ensure that parties are aware of their responsibilities and to help engage everyone involved in managing and using information and IT resources as part of the university's security plan.

• Risk assessment: to determine the need for protection, to specify mechanisms of protection, and to help prioritize choices of protection.

The university must provide the resources to ensure network security and meet the demands of federal and state regulations.

Category: Creating Abundance

Action Item 8.6

Specific physical mechanisms must be assessed and enhanced where needed to secure business-critical servers and access to sensitive information.

While network security is important to maintaining the integrity of our data and systems, the security of our data needs to be addressed at the individual and departmental levels as well. Data must be kept safe from breaches at all levels. The Vice President of IT's office should immediately prepare a report on the status of physical security of the university's information servers — with special attention to an assessment of such servers not located within the direct control of the Division of IT. Recommendations based upon the results of this assessment should be drafted and presented to the UMD community.

Category: Creating Abundance

Action Item 8.7

The Division of IT and Office of the Vice President of IT should establish a security advisory team composed of a variety of department staff and faculty from across the university to assist in the review and formation of appropriate IT security practices.

Security is a shared responsibility that requires diligence from all parties involved. Communication is a critical element in the extensive coordination required to maintain a successful security program. Establishing a Security Advisory Team will not only enable the implementation of security policies, but also increase the level of objective input for security plans and actions. Establishing such a team will demonstrate the Division of IT's interest in engaging expertise from the university community beyond central IT. Security will become a leading-edge issue in establishing relationships between the Division of IT and all university units.

Category: Creating Abundance

Action Item 8.8

The Division of IT should review the IT Disaster Recovery and Business Continuity Plan (DR/BCP) with input from the university community and support from senior-level leadership at the university.

While often fully addressed only after a major disaster or emergency brings an enterprise operation to its knees, the university must update and demonstrate an effective plan to continue critical university operations in the event of an outage of any magnitude. Information technology is a strategic asset of the institution, and loss, in part or total, of the IT environment, services, and data can cripple the institution. Therefore, the Division of IT and local IT units must be prepared for the recovery of critical services so that the university can continue to function in the aftermath of an outage due to a manmade disaster or an act of God — whether the impact is limited to the data center, the campus, or the entire region. Sustained funding will determine to what level and in what time frame recovery can be possible. Funding for disaster recovery should be prudent, but in line with both the extent of risk and the level of expectations of UMD administration and the campus community. The plan should provide for:

• Revisions in existing processes and procedures with regard to data management and data center operations;

• Adequate backup power for critical university datacenters; and

• Increasing levels of recovery based on priorities for restoring key services and infrastructure. A disaster recovery plan for IT should be developed and tested.

Data back-up sites for disaster recovery and business continuity will continue to be maintained in areas likely not impacted by the same events as UMD. Disaster recovery planning and the assessment of risks and priorities should include both centrally managed systems and distributed systems maintained on the campus or in various departments.

Category: Creating Abundance

Recommendation 9: IT Governance

The University of Maryland should develop advisory and communication structures to ensure the continued involvement of the university community in the implementation of strategic recommendations and actions presented in this plan, to support the ongoing operation of information technology resources delivered to the university community, and to improve the flow of information between the central IT organization and the university community in all its forms (faculty members, students, IT providers, staff, and administrators).

Action Item 9.1

The university community must be involved as a full-fledged partner with both authority and responsibility in the development and implementation of IT strategies and service directions taken at UMD. A long-term role for the task forces that developed this plan should evolve into a formal governance structure for IT grounded in faculty, staff, and student involvement and integrated with other forms of shared governance at UMD.

IT governance is an ongoing critical success factor for the university. Past governance structures, while effective in some ways, failed to broadly engage the campus community in determining long-term directions for IT enablement and facilitating open and productive communications between central IT, distributed IT support, and the users of IT. The model employed for the development of this strategic plan should serve as a new beginning and starting point for the development of a new model of engagement. The Division of IT, due to the unique role that information technology plays in enabling nearly every function of the university, must have a broad-based and multi-tiered governance structure in order to be effective. Likewise, the diverse aspects of the university community must be engaged in charting IT directions and not simply expect the Division of IT to perform in an isolated manner. The Vice President of IT should work with the community, bringing examples of successful IT governance structures from around the nation and globe, and construct a model that includes faculty governance engagement, student governance engagement, administrative function engagement, and executive leadership.

Category: Baseline Fundamentals

Action Item 9.2

In conjunction with Action Item 2.4, the Division of IT should initiate and manage by a program of Activity Based Costing related to its service catalog. This effort should be coupled with a user satisfaction survey so that cost and quality of services can be illustrated and management decisions regarding funding and program enhancements can be informed by detailed tactical metrics.

To the university community, the costs for services and infrastructure provided by the Division of IT for the benefit of the entire institution have been, to date, veiled and mysterious. Members of the IT strategic planning task forces found the process of engagement enlightening in terms of their understanding of the broader roles and function of the Division of IT. However, this process limited that exposure to only a handful of members of the campus community and did not provide sufficient detail. A unit the size of the Division of IT will certainly benefit from a more detailed analysis of its underlying cost structure (for services) and the sharing of that information broadly throughout its own organization and across the community of its user/customers. The community will benefit by having a better and richer understanding of both the cost and broadly perceived value of Division of IT services, and this will help better inform the advice and direction the community provides to the central IT organization. Such a program should feature not only significant detail of costs and quality assessments, but open access to that information by the community at large.

Category: Baseline Fundamentals

Action Item 9.3

Specifically relating to scholarly enablement, an executive steering committee should be formed to be responsible for the implementation of strategic plan actions related to scholarly enablement. The committee should include the Dean of Undergraduate Studies, the Dean of the Graduate School, the Dean of Libraries, an appropriate rep from the Office of the Provost, and an appropriate representative from the Division of IT.

A similar structure should be developed to coordinate and steer activities related to the implementation of strategic plan elements relating to research enablement.

The structure of the new governance model must acknowledge the role of academic leadership — innovations in teaching come from teachers, innovations in research from researchers — and it must include not only the Division of IT and the Center for Teaching Excellence but also the University Libraries, the iSchool, the Instructional Television Network, the colleges, and other contributors. While these existing organizations will be included, we should also not be inhibited by structures that we have had before or that are in place now. Scholarly enablement in the 21st century requires that we develop new cross-institutional and multi-disciplinary structures to provide a strategic perspective as to how to effectively provide support for faculty development, classroom design, and student engagement in learning and technology. These new governance structures will include responsibility for the implementation of the recommendations and action items pertaining to scholarly and research enablement found in this plan.

Category: Baseline Fundamentals

Action Item 9.4

The Vice President of IT should place within his senior staff the role of a faculty liaison designed to help the Division of IT leadership to more effectively communicate and interact with the faculty of the University of Maryland. Whether this liaison role is filled by a single individual or a small group of complimentary individuals is a matter for the vice president to determine.

Given that the current Vice President of IT is not a faculty member himself — and that future incumbents in the position may also be "professional CIOs" or faculty removed from active academic roles — and given that the organization itself is not usually populated by experienced members of "the academy," having an on-staff resource who does provide solid interface with the faculty on a daily basis will have value not only to the continued success of operational and tactical activities of the Division of IT, but also in its interface with a future IT governance structure more tightly integrated with the faculty. A part-time faculty liaison reporting to the Vice President of IT and interacting as a member of his leadership team (with Deputy CIOs and officers of the Office of the Vice President of IT) can do everything to improve communication with the faculty (i.e., an ombudsman-like role) and also ensure that as new services or elements of IT enablement are rolled out they have been vetted at the earliest stages with a representative of the faculty. This position is not IT governance in its intent — it is much more operational. And whether it is best filled by a single individual or a cadre of faculty providing a broader view of the diverse roles of faculty on campus (teachers, researchers, etc.) can be a decision left to the Vice President of IT based upon the skills and attributes of potential liaison candidates. The liaison should be respected broadly by the faculty, and finding the appropriate individual can be a process informed by leaders in the University Senate, as well as the deans, department chairs, and key IT-centric faculty members across campus. It is recommended that while the role is formal, the process to select the liaison should not be too formal. Also, the term of appointment should be flexible and should be left to the individual liaison and the Vice President of IT.

Category: Baseline Fundamentals

Scholarly Enablement Task Force

Donna Hamilton (Chair)	Dean and Professor	Undergraduate Studies
Pamela Abshire	Associate Professor	Electrical and Computer Engineering
Marcio Alves De Oliveira	Research Assistant Professor	Kinesiology
Spencer Benson	Director	Center for Teaching Excellence
Doug Besharov	Professor	Public Policy
Alex Chen	Associate Professor	Urban Studies and Planning
Helene Cohen	Senior Lecturer	Counseling, Higher Education and Special Education
Philip DeShong	Professor	Chemistry & Biochemistry
Hasan Elahi	Associate Professor	Art
Anand Gopal	Associate Professor	Decision, Operations and Technology
Chris Higgins	Director	Learning Technologies and Enablement
Paul Jaeger	Assistant Professor	Information Studies
Katie King	Associate Professor	Women's Studies
Kevin Mathias	Lecturer	Institute For Applied Agriculture
Dan Navarro	IT Director	Behavioral and Social Sciences
Lara Otis	Librarian II	Libraries
Craig Slack	Assistant Director	Stamp Student Union
Elisabeth Smela	Professor	Mechanical Engineering
Ann Smith	Assistant Dean	Undergraduate Studies
Vinit Parmanand	Graduate Student	
Dan Schuldenfrei	Undergraduate Student	

Research and Innovation Task Force

Drew Baden (Chair) . . . . Chair and Professor . . . . .Physics

Millard Alexander . . . . Distinguished Professor . . . . .Chemistry and Biochemistry

Andrew Baldwin . . . . Associate Professor. . . . . .Environmental Science and Technology

Mark Burr . . . . Faculty Research Assistant . . . . . . .Physics

Lisa Carroll . . . . Special Assistant . . . . .Student Affairs

Eric Chapman . . . . Associate Director . . . . .CyberSecurity Center

Mike Cummings . . . . Associate Professor. . . . . .Biology

Bob Dooling . . . . AVP for Research, Director. . . . . . .Neuroscience and Cognitive Science Program
and Professor

Michele Gelfand . . . . Professor . . . . .Psychology

Elisabeth Gilmore . . . . Assistant Professor . . . . .Public Policy

Bill Idsardi . . . . Professor . . . . .Linguistics

Hiro Iseki . . . . Assistant Professor . . . . .Architecture

Maria Pino Martin . . . . Associate Professor. . . . . .Aerospace Engineering

Jeff McKinney . . . . IT Director. . . . . .Electrical and Computer Engineering

Erik Mitchell . . . . Assistant Professor . . . . .Information Systems

Thomas Murphy . . . . Associate Professor. . . . . .Electrical and Computer Engineering

Mihai Pop . . . . Associate Professor. . . . . .Computer Science

Robin Puett . . . . Associate Professor. . . . . .Institute For Applied Environmental Health

Derek Richardson . . . . Associate Professor. . . . . .Astronomy

Greg Silsbee . . . . Chief Operating Officer. . . . . .Shady Grove

Jeff Starr . . . . Independent IT Consultant

Amitabh Varshney . . . . Professor and Director . . . . .UMIACS

Patty Woodwell . . . . Director Administrative Services . . .Graduate Studies

Nevenka Zdravkovska . . . . Librarian III . . . . .Libraries

David Colon-Cabrera . . . . Graduate Student

Scott Lawrance . . . . Undergraduate Student

Infrastructure Task Force

Michael Hicks (Chair)	Associate Professor and Director	Institute for Advanced Computer Studies and Cybersecurity Center

David Baugh   Coordinator   Information Systems

DJ Bolger . . . . Assistant Professor . . . . .Human Development

Karen Breen . . . . Director . . . . .Business Services

Saurabh Channan . . . . Faculty Research Assistant . . . . . . .Geography

Robert Gaines . . . . Professor and Associate Dean . . . . .Undergraduate Studies

Evan Golub . . . . Lecturer . . . . .Computer Science

Babak Hamidzadeh . . . . Associate Dean . . . . .Information Technology

Cinthya Ippoliti . . . . Librarian II. . . . . .Libraries

Joshua Kaplan . . . . Assistant Director. . . . . .Athletics

Mary Lopez . . . . Coordinator . . . . .Public Policy

Mark McGuigan . . . . Coordinator . . . . .Public Safety

Don Milton. . . . . Professor and Director . . . . Institute for Applied Environmental Health

Fuller Ming. . . . . Assistant Director. . . . . .Dining Services

Trevor Munoz . . . . Assistant Dean . . . . .Digital Humanities Research

Chenise Patterson . . . . Associate Comptroller . . . . .Comptroller

Pam Phillips . . . . Associate Director . . . . .Institutional Research, Planning
and Assessment

Bill Rand . . . . Assistant Professor . . . . .Marketing

Ken Riebert . . . . Director Facilities Administration . . .Facilities

Ari Schnitzer . . . . Coordinator, Real Estate . . . . .Admin Affairs

Ernie Soffronoff . . . . Associate Director . . . . .Smith IT

Jack Sullivan . . . . Associate Professor. . . . . .Plant Science and Landscape Architecture

Jim Zahniser . . . . Executive Director . . . . .College of Engineering

Alex Baden . . . . Undergraduate Student

Vijay Ramasubramanian . . . . . . Graduate Student

Resource Allocation and Efficient and Effective Use Task Force

Dan Lathrop (Chair) . . . . .Associate Dean Research and Professor. . . .Physics and Geology

Ritu Agarwal . . . . .Professor . . . . .Decision, Operations and Info Tech

Thomas Castonguay. . . . .Professor . . . . .Nutrition and Food Science

Kathleen Cavanaugh . . . .Assistant Dean . . . . .College of Arts and Humanities

Casey Dawkins . . . . .Associate Professor . . . . .Urban Studies and Planning

Alison Druin . . . . .Professor and Associate Dean . . . . .Information Studies

Kathleen Fominaya . . . . .Assistant Dean . . . . .Information Studies

Ann Holmes . . . . .Business Manager . . . . .College of Behavioral and Social Sciences

Agisilaos Iliadis. . . . . . . .Professor .Electrical and Computer Engineering

Jeff Kirby . . . . .Manager PHR Customer Service . . . . . . .Comptroller

Mike Landavere . . . . . . .IT Director .Chemical and Life Sciences

Mona Levine . . . . .Associate Vice President . . . . .Institutional Research, Planning
                                                                                                                 and Assessment

Jen Patterson . . . . .Associate Director . . . . .College of Arts and Humanities

Steve Pragel . . . . .IT Director . . . . .College of Education

Kevin Remmell . . . . .Associate Director . . . . .English

Sally Rennie . . . . .System Administrator . . . . .Comptroller

David Rivard . . . . .Business Manager . . . . .Libraries

Douglas Roberts . . . . . . .Assistant Professor and Assistant Dean . . .Undergraduate Studies

John Robinette. . . . . . . .Director - Kuali Initiatives . . . . .Division of IT

Tony Savia . . . . .Assistant Dean . . . . .Public Policy

Martha Shrader . . . . . . .Manager Document Control . . . . .Capital Projects

Jason Strahan . . . . .Director . . . . .Institute for Systems Research

Sue White . . . . .Tyser Teaching Fellow . . . . .Finance

Joe Williams . . . . .Coordinator . . . . .Graduate Studies

Adam Jacobs . . . . .Undergraduate Student

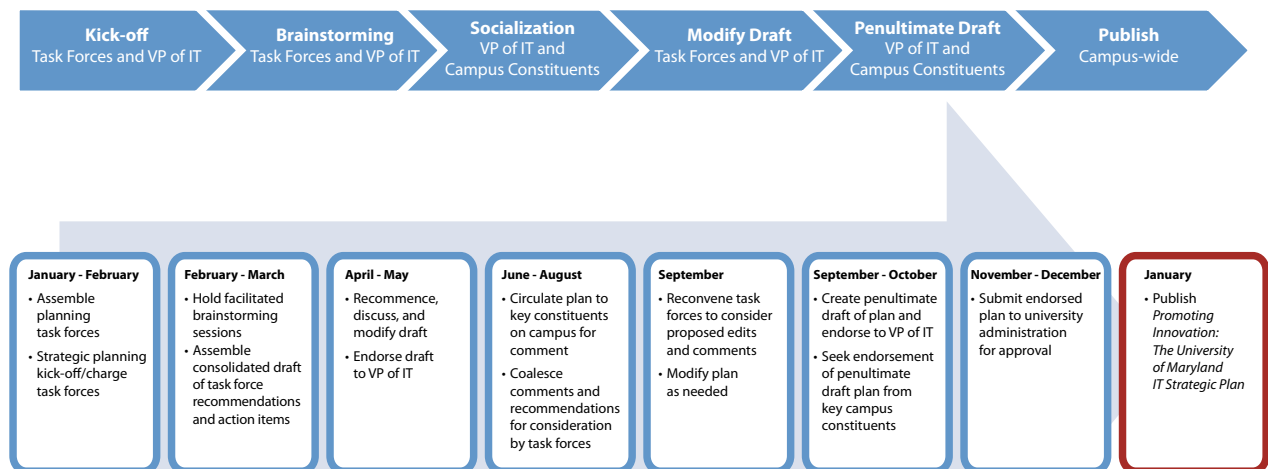James Neal . . . . .Graduate Student

Process Used in Developing the Plan

Immediately upon his arrival at the university, Brian D. Voss, Vice President of Information Technology and Chief Information Officer, stated among his top priorities the need to craft a campus-wide strategy for IT at the University of Maryland. While an enterprise-wide strategy underpins many organizations, the processes used to devise a strategic plan can vary greatly depending on executives' philosophies. From its inception, the University of Maryland's IT Strategic Plan was to be developed not by input from IT leaders on campus, but rather by the greater university community that carries out the greater university mission and strategies called out in *Transforming Maryland: Higher Expectations, the University of Maryland's Strategic Plan* and through President Loh's further embellishment of the university strategies.

Beginning in late 2011 and into 2012, a vision for why and how the strategic plan would be conceived was communicated to university administration including deans, faculty, administrative leaders, and students. The process would bring together university thought leaders in a myriad of areas of expertise who would be willing to come and brainstorm with fellow colleagues and students about the areas of strategic priority in their departments and day-to-day activities as it relates to information technology. Task forces were assembled with vast participation (100+ members) from across the university.

In spring 2012, brainstorming sessions were held with each of the four task forces. Faculty chairs moderated the sessions and led the discussion through all the topics appropriate for their teams. The dialogue was rich and full of ideas that promise to transform the state of IT at the University of Maryland as an enabler of its broader mission. Sessions were wrapped up before spring commencement, and as faculty, staff, and students proceeded to summer break, Division of IT staff along with the chairs of the task forces coalesced the brainstorming session notes into a draft set of recommendations and action items. This draft was reviewed and edited by task force chairs, and in late summer of 2012, a draft plan was both posted on the Web for campus-wide review and comment and printed and distributed around campus for review.

In preparation for final publication, campus-wide input was solicited and received, and edits were made as a result. Vetting of the penultimate draft with task force chairs was then completed, along with university administration with formal adoption by University Senate and other UMD officials. This process was completed in fall 2012, and the final vetted plan was published in January 2013.

Kick-off Task Forces and VP of IT	Brainstorming Task Forces and VP of IT	Socialization VP of IT and Campus Constituents	Modify Draft Task Forces and VP of IT	Penultimate Draft VP of IT and Campus Constituents	Publish Campus-wide

January - February	February - March	April - May	June - August	September	September - October	November - December	January
• Assemble planning task forces • Strategic planning kick-off/charge task forces	• Hold facilitated brainstorming sessions • Assemble consolidated draft of task force recommendations and action items	• Recommence, discuss, and modify draft • Endorse draft to VP of IT	• Circulate plan to key constituents on campus for comment • Coalesce comments and recommendations for consideration by task forces	• Reconvene task forces to consider proposed edits and comments • Modify plan as needed	• Create penultimate draft of plan and endorse to VP of IT • Seek endorsement of penultimate draft plan from key campus constituents	• Submit endorsed plan to university administration for approval	• Publish *Promoting Innovation: The University of Maryland IT Strategic Plan*

University Senate
TRANSMITTAL FORM

Senate Document #:	11-12-22
PCC ID #:	N/A
Title:	Expansion of Promoting Responsible Action in Medical Emergencies
Presenter:	Jason Speck, Chair, Senate Student Conduct Committee (SCC)
Date of SEC Review:	February 1, 2013
Date of Senate Review:	February 14, 2013
Voting (highlight one):	On resolutions or recommendations one by one, or In a single vote To endorse entire report
Statement of Issue:	In March 2011, the Senate and President approved the University of Maryland Policy on Promoting Responsible Action in Medical Emergencies (also referred to as the Responsible Action Policy (RAP)), as created and recommended by the Student Conduct Committee (SCC) and the Office of Student Conduct (OSC). The policy offers conditional relief from disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules* for a student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency. In October 2011, the Senate Executive Committee (SEC) received a proposal from an Undergraduate Student Senator, asking that the current policy be expanded to include all drugs in addition to alcohol.
Relevant Policy # & URL:	http://www.president.umd.edu/policies/docs/V-100J.pdf
Recommendation:	The SCC recommends changes to University policy V-1.00(J) Promoting Responsible Action in Medical Emergencies, as noted in Appendix 1 of the attached report. The committee also recommends that the corresponding changes to the *Code of Student Conduct* be made simultaneously, as noted in Appendix 2.
Committee Work:	The SCC received the expansion of RAP charge from the SEC at the end of the 2011-2012 academic year. The SCC met with the proposer and consulted with the Director of Student Conduct, the Office of Legal Affairs, and other University administrators throughout its review. The 2012-2013 SCC continued to research and deliberate during the Fall 2012 semester. The committee

| | reviewed similar responsible action policies at peer institutions and reviewed data from the OSC about the utilization of the RAP since its inception.

The SCC finds that changing the responsible action policy to include drugs is both necessary and appropriate. It is the understanding of the committee that the undergraduate student body desires this change in policy coverage, and if adding coverage for drugs will encourage more students to call for help when needed, then it is the obligation of the committee and the Senate to edit the current policy to satisfy both the needs of the students and the University.

In conjunction with the OSC, the SCC drafted and unanimously approved the attached policy edits, which it recommends become official campus policy. If approved by the Senate and President, the OSC is willing to adopt these changes immediately upon approval, instead of postponing action until the summer, when modifications and amendments to the *Code of Student Conduct* are normally introduced for the fall, as this change enhances the safety and wellbeing of the student body and the campus community as a whole. The committee voted to approve forwarding the recommended policy edits to the SEC at its committee meeting on Wednesday, January 23, 2013. |
|---|---|
| **Alternatives:** | The Senate could choose not to approve the proposed policy expansion and recommended changes to the University of Maryland *Code of Student Conduct*. The current policy, *Promoting Responsible Action in Medical Emergencies*, also referred to as the Responsible Action Policy (RAP), would remain as currently written. |
| **Risks:** | There are no associated risks. |
| **Financial Implications:** | There are no related financial implications. |
| **Further Approvals Required:** | Senate Approval, Presidential Approval. |

Senate Student Conduct Committee

Report – Senate Document 11-12-22

Expansion of Promoting Responsible Action in Medical Emergencies

January 2013

BACKGROUND

In March 2011, the University Senate and President Loh approved the University of Maryland Policy on Promoting Responsible Action in Medical Emergencies, as created and recommended by the Senate Student Conduct Committee (SCC) and the Office of Student Conduct (OSC). This policy offers conditional relief from disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules* for a student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency. The policy is a result of hard work and research conducted by countless members of the University community, including the many dedicated faculty and students who have served on the SCC since the topic was first proposed in 2007.

The creation of this policy took several years, and the specific text and coverage of the policy went through a number of iterations. The original proposal for a "Good Samarian" or "Medical Amnesty" policy suggested coverage for individuals for the possession or use of any substance, including alcohol and drugs. While many of the members of the SCC wished to include drug coverage from its inception, the policy development process largely prevented this possibility until enough data, guidance, input and support could be acquired.

The fundamentals of the current policy were first put into practice in the form of a Senate- and President-approved administrative protocol for the OSC, which was in place between Fall 2009 and the approval of the official policy in Spring 2011. In October 2011, the Senate Executive Committee (SEC) received a proposal from an Undergraduate Student Senator, asking that the current policy be expanded to include all drugs in addition to alcohol (Appendix 5). The proposal noted that since illegal drug possession on campus results in harsher sanctions than underage alcohol consumption, students are often more hesitant to call for help during a drug overdose than an alcohol overdose. The proposer asked the Senate to consider the creation of a policy that would provide conditional relief from disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules* for students in possession or under the influence of drugs who summon medical emergency assistance for themselves or on behalf of a fellow student experiencing a medical emergency. The proposer clarified that such a policy should not provide coverage for students who manufacture or sell drugs, and should only cover students with no prior disciplinary record relating to drugs; the proposer further suggested that students who do have a record relating to drugs could be evaluated on a case-by-case basis. In addition, the proposer suggested that students who overdose on drugs and are provided conditional relief from the policy should be required to take a drug-prevention course, if deemed appropriate.

The SEC discussed the proposal at its meeting on November 29, 2011. The SEC agreed that it needed to understand potential legal issues surrounding the proposal before charging a Senate committee to review the proposal. Thus, the SEC forward the proposal to the President's Legal Office for input, and voted to postpone further consideration of the proposal pending a response. The SEC heard back from the Legal Office in late February 2012 and discussed the

response at its March 16, 2012 meeting; the SEC voted to charge the SCC with reviewing the proposal (Appendix 4).

CURRENT PRACTICE

Effective March 2011, the V-1.00(J) University of Maryland Policy on Promoting Responsible Action in Medical Emergencies (Appendix 3), also referred to as the Responsible Action Policy (RAP), was approved by the Senate and President. The OSC adopted the policy at that time and made the appropriate changes to the *Code of Student Conduct*, as recommended by the SCC. Under the policy, a student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency will not face disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules* for the possession or use of alcohol, with the exception of the exclusions noted in the policy. In lieu of disciplinary charges and as a condition of such relief, students handled under this policy are usually required to be evaluated by the University Health Center staff and successfully complete an approved alcohol intervention program. The policy also extends to the student for whom medical emergency assistance has been summoned. A "summons" for medical emergency assistance is deemed to be contacting police, University staff or other officials designated as emergency medical providers.

COMMITTEE WORK

The SCC received the expansion of RAP charge from the SEC at the end of the 2011-2012 academic year. The committee met with the proposer at its meeting on April 26, 2012 to discuss the intention of his proposal. The proposer provided data and policy language from a number of peer and other institutions, which have 'amnesty' policies that cover drugs in addition to alcohol. The proposer also provided a number of statistics relating to drug overdose, including the fact that "drug overdose is now second only to motor vehicle crashes among the leading causes of unintentional injury deaths" in the United States (Source: Centers for Disease Control (2011). Vital signs: Overdoses of prescription opioid pain relievers - United States, 1999-2008. *Morbidity and Mortality Weekly Report, 60,* 1487-1492). The proposer also explained that "students who are aware that a medical amnesty policy is in effect are 2.5 times more likely than students who expect to face disciplinary actions to call for help when witnessing the signs of alcohol poisoning" (Source*:* Oster-Aaland, L., Thompson, K., & Eighmy, M. (2011). The impact of an online educational video and a medical amnesty policy on college students' intentions to seek help in the presence of alcohol poisoning symptoms. *Journal of Student Affairs Research and Practice, 48*(2), 147-164).

The 2012-2013 SCC continued the review of this charge during the Fall 2012 semester. The committee evaluated a number of responsible action policies at other institutions of higher education, which include both drugs and alcohol, including the University of Florida, University of Pennsylvania, University of Georgia, Northeastern University, University of Iowa, Tulane University, and the College of William & Mary, among others. The committee was satisfied that responsible action policies that include both drugs and alcohol are more in line with current higher education practice.

The SCC also reviewed statistics from the OSC and consulted with the Director of Student Conduct about the utilization of the policy since its inception. The committee was informed that medical emergency assistance for drug use on campus is not requested as often as medical emergency assistance for alcohol overdoses, so an expanded policy may not need to be applied as frequently; however, the SCC maintains that the safety and wellbeing of the

University students is of paramount concern. Additionally, the committee was informed that since the inception of the RAP, there is no evidence that students are misusing or abusing the current policy, and that the incidence of recidivism is a non-issue. The committee also found that, anecdotally, student perception on campus is that the University is holding back a critical piece of coverage from the policy, which was not the intention of the committee when the policy was originally conceived. Because the limitations of the current policy coverage may discourage students from calling for medical help in situations where drugs are present, the committee determined that the safest course of action would be to recommend expansion of the current policy, so as to encourage students to call for medical help whenever necessary.

The SCC confirmed that although the Board of Regents (BOR) established the *Code of Student Conduct*, the BOR has since delegated authority to the presidents of USM Institutions to establish rules for the administration of student affairs of their respective institutions, including student discipline. Thus, the *Code of Student Conduct* may be amended by the President without further approval. If the Senate recommends the attached changes to the *Code of Student Conduct* (Appendix 2), and the President approves, they would be adopted as campus policy. Additional action by the Regents would not be required. If approved by the Senate and President, the OSC is willing to adopt these changes immediately upon approval, instead of postponing action until the summer, when modifications and amendments to the *Code of Student Conduct* are normally introduced for the fall, as this change enhances the safety and wellbeing of the student body and the campus community as a whole.

The SCC finds that changing the responsible action policy to include drugs is both necessary and appropriate. It is the understanding of the committee that the undergraduate student body desires this change in policy coverage, and if adding coverage for drugs will encourage more students to call for help when needed, then it is the obligation of the committee and the Senate to edit the current policy to satisfy both the needs of the students and the University. Therefore, in conjunction with the OSC, the SCC has drafted and unanimously approved the attached policy edits, which the SCC recommends become official campus policy at the University of Maryland (Appendix 1). Like the current policy, the expanded policy will only be used to provide conditional relief for students from disciplinary action under the *Code of Student Conduct* and *Residence Hall Rules*, and will not exempt students from criminal charges or prosecution.

RECOMMENDATION

The Senate Student Conduct Committee recommends changes to University policy V-1.00(J) *Promoting Responsible Action in Medical Emergencies Policy*, as noted in Appendix 1. The committee also recommends that the corresponding changes to the *Code of Student Conduct* be made simultaneously, as noted in Appendix 2. The Director of Student Conduct should work with the Office of Rights and Responsibilities in the Department of Residence Life to ensure that the *Residence Hall Rules* appropriately reflect these changes, and to ensure that the expanded policy will be implemented for applicable cases in residence halls on campus.

APPENDICES

Appendix 1 – Recommended Changes to Policy V-1.00(J)
Appendix 2 – Recommended Changes to the *Code of Student Conduct*
Appendix 3 – Current Policy V-1.00(J) Promoting Responsible Action in Medical Emergencies
Appendix 4 – Charge from the Senate Executive Committee (March 2011)
Appendix 5 – Proposal from Brandon Levey, Undergraduate Senator (October 2011)

Recommended Changes are listed in Blue/Bold Font

V-1.00(J)   UNIVERSITY OF MARYLAND POLICY ON PROMOTING RESPONSIBLE
                ACTION IN MEDICAL EMERGENCIES

                APPROVED BY THE PRESIDENT, MARCH 10, 2011

Purpose

The health and safety of University students is of paramount concern. All members of the University community are encouraged to act in a responsible manner when an individual may require medical assistance by dialing 911 or 301.405.3333 or seeking a University or **Department of** Resident Life **(DRL)** official. It is recognized that in situations in which either a student summoning or requiring help is under the influence of alcohol **and/or drugs**, the threat of disciplinary sanctions for violating the University's alcohol **and/or drug** policy is a barrier to seeking help. As such, the University of Maryland will do all that it can to promote student health, safety, and well-being. *Promoting Responsible Action in Medical Emergencies* is **a** policy administered by the Office of Student Conduct **(OSC)** that will reduce barriers to seeking help in cases of alcohol- **and/or drug-**related emergencies by providing relief from administrative or disciplinary action on the part of the University if either a University official or other authority is contacted in a timely fashion.

Policy

1. A student in possession or under the influence of alcohol **and/or drugs** who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency will not face disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules* for the possession or use of alcohol **and/or drugs**, with the exception of the exclusions noted below. In lieu of disciplinary charges and as a condition of such relief, students handled under this policy will usually be required to be evaluated by the University Health Center **(UHC)** staff and successfully complete an approved alcohol **and/or drug** intervention program.

2. This policy also extends to the student for whom medical emergency assistance has been summoned.

3. A "summons" for medical emergency assistance is deemed to be contacting police, University staff or other officials designated emergency medical providers.

Procedures

Students referred to the ~~Office of Student Conduct~~ **OSC** or the ~~Department of Resident Life~~ **DRL** for alcohol **and/or drug** use or possession will be interviewed by a representative of the ~~unit~~ **OSC or DRL**. If the student is eligible for conditional relief under this policy, the initiation of disciplinary charges will be "deferred" under Part 29 of the *Code of Student Conduct* pending successful completion of an approved alcohol **and/or drug** intervention program, ~~if~~ **as** deemed

necessary by ~~University~~ **UHC** staff. If the student successfully completes the program to the satisfaction of the ~~Health Center~~ **UHC** staff and the ~~Office of Student Conduct/Department of Resident Life~~ **OSC or DRL**, the pending charges will be withdrawn, leaving the student with no disciplinary record. If the student fails to successfully complete the program, **disciplinary** charges ~~for alcohol use and possession~~ will be processed and, if ~~proved~~ **proven**, may result in more severe sanctions and a disciplinary record.

Exclusions

1. The conditional relief from disciplinary charges described in this policy does not extend to charges other than possession or use of alcohol **and/or drugs**. In addition, it shall not provide relief from disciplinary charges pertaining to the alleged possession or use of alcohol **and/or drugs** which, if proven, would constitute an "Aggravated Violation" as defined under Part 2(a) of the *Code of Student Conduct* or would involve the distribution of **drugs or the provision of** alcohol to a person under the legal drinking age.

2. Students with a prior disciplinary record of alcohol- **and/or drug-**related violations and students previously granted relief under this policy as the person for whom the emergency services were being summoned, shall only be eligible for relief on a case-by-case basis following an assessment by the ~~Office of Student Conduct~~ **OSC** or ~~Department of Resident Life~~ **DRL**.

3. This policy does not and cannot offer **persons** conditional relief, immunity**,** or protection from criminal complaint, arrest**,** or prosecution by University police or other person or official for illegal activity, including the illegal use or possession of alcohol **and/or drugs** in violation of County, State**,** or Federal law. **However, State law provides that the "act of seeking medical assistance for another person who is experiencing a medical emergency after ingesting alcohol or drugs may be used as a mitigating factor in a criminal prosecution." See Anno. Code of Maryland, Criminal Procedure Article, Section 1-210.** ~~It~~ **This policy also** does not provide relief from any civil suit, fine**,** or financial obligation to any party (including the University), for loss, damage**,** or injury associated with alcohol **and/or drug** use or possession.

4. This policy does not offer conditional relief to student organizations, which remain subject to **University-instituted** organizational charges for alcohol- **and/or drug-**related violations, including possession and use. The nature of such charges and any resulting disciplinary sanctions, however, will take into account and may be mitigated by the action taken by organizational representatives. A representative of a student organization who summons medical emergency assistance may be eligible for conditional relief from charges for his or her personal use or possession of alcohol **and/or drugs** under this policy.

<u>Recommended Additions are highlighted in Blue/Bold Font</u>

V-1.00(B)   UNIVERSITY OF MARYLAND CODE OF STUDENT CONDUCT

Approved by the Board of Regents January 25, 1980; amended effective September 4, 1990; December 18, 2001; April 22, 2004; November 18, 2005; April 5, 2006; March 10, 2011; January 17, 2012

Note: Different procedures and penalties are applicable in cases involving allegations of academic dishonesty. Please refer to the *Code of Academic Integrity*, available from the Office of Student Conduct (301-314-8204).

Footnotes which appear throughout the *Code of Student Conduct* refer to the Annotations listed at the end of this appendix.

RATIONALE

1.   The primary purpose for the imposition of discipline in the University setting is to protect the campus community. Consistent with that purpose, reasonable efforts will also be made to foster the personal and social development of those students who are held accountable for violations of University regulations.[1]

DEFINITIONS

2.   When used in this *Code*:[2]

(a)   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.

(b)   The term "distribution" means sale or exchange for personal profit.

(c)   The term "group" means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.

(d)   The terms "institution" and "University" mean the University of Maryland, College Park.

(e)   The term "organization" means a number of persons who have complied with University requirements for registration.

(f)   The term "reckless conduct" means action which any member of the University community can be expected to know would create a clear risk of harm to persons or property, or would disrupt the lawful activities of others, including studying, teaching, research, and University administration.[3]

(g)   The term "student" means a person taking or auditing courses at the institution either on a full- or part-time basis.[4]

(h) The term "University premises" means buildings or grounds owned, leased, operated, controlled or supervised by the University.

(i) The term "weapon" means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, knives with blades five or more inches in length.

(j) The term "University-sponsored activity" means any activity on or off campus which is initiated, aided, authorized or supervised by the University.

(k) The terms "will" or "shall" are used in the imperative sense.

INTERPRETATION OF REGULATIONS

3. Disciplinary regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

INHERENT AUTHORITY

4. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.[5]

STUDENT PARTICIPATION

5. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the University administration and in the Board of Regents.

STANDARDS OF DUE PROCESS

6. Students subject to expulsion, suspension[6] or disciplinary removal from University housing[7] will be accorded a conduct board hearing as specified in Part 30 of this *Code*. Students subject to less severe sanctions will be entitled to an informal disciplinary conference,[8] as set forth in Parts 33 and 34.

7. The focus of inquiry in disciplinary proceedings shall be the guilt or innocence of those accused of violating disciplinary regulations. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent or the University may result.[9]

VIOLATIONS OF LAW AND DISCIPLINARY REGULATIONS

8. Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this *Code*.[10] Disciplinary action at

the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

PROHIBITED CONDUCT

9. The following misconduct is subject to disciplinary action:

    (a) Intentionally or recklessly causing physical harm to any person on University premises or at University-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.
    (b) Unauthorized use, possession or storage of any weapon on University premises or at University-sponsored activities.
    (c) Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on University premises or at University-sponsored activities.
    (d) Off-campus misconduct which:
        i.   is a criminal offense off campus, resulting in conviction, if such an offense would constitute a violation of this *Code* had it occurred on University premises. No student convicted of a misdemeanor under this section shall be subject to expulsion or full suspension unless the offense constitutes an "aggravated violation" as defined in Part 2(a) of this *Code*. The University shall not pursue disciplinary action when a non-aggravated misdemeanor does not pose a threat to the stability of the campus or campus community; provided, however,
        ii. rioting, assault, theft, vandalism, fire setting, or other serious misconduct related to a University-sponsored event, occurring on – or off-campus, that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community may result in disciplinary action regardless of the existence, status, or outcome of any criminal charges in a court of law related to misconduct associated with a University-sponsored event.
    (e) Knowingly violating the terms of any disciplinary sanction imposed in accordance with this *Code.*
    (f) Intentionally or recklessly misusing or damaging fire safety equipment.
    (g) Unauthorized distribution or possession for purposes of distribution of any controlled substance or illegal drug[11] on University premises or at University-sponsored activities.
    (h) Use or possession of any controlled substance or illegal drug on University premises or at University-sponsored activities.[12] *******
    (i) Intentionally furnishing false information to the University.
    (j) Making, possessing, or using any forged, altered, or falsified instrument of identification on University premises, or at University-sponsored

activities; making, possessing, or using any forged, altered, or falsified University document, on or off-campus.

(k)   Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.[13]

(l)   Theft of property or of services on University premises or at University-sponsored activities; knowing possession of stolen property on University premises or at University-sponsored activities.

(m)   Intentionally or recklessly destroying or damaging the property of others on University premises or at University-sponsored activities.

(n)   Engaging in disorderly or disruptive conduct on University premises or at University-sponsored activities which interferes with the activities of others, including studying, teaching, research, and University administration.*

(o)   Failure to comply with the directions of University officials, including campus police officers, acting in performance of their duties.

(p)   Violation of published University regulations or policies, as approved and compiled by the Vice President for Student Affairs.[14] Such regulations or policies may include the residence hall contract, as well as those regulations relating to entry and use of University facilities, sale of alcoholic beverages, use of vehicles** and amplifying equipment, campus demonstrations, and misuse of identification cards.

(q)   Use or possession of any alcoholic beverage under the age of 21 on University premises or at University-sponsored activities; knowingly providing alcoholic beverages to a person known to be under the age of 21 on University premises or University-sponsored activities. ***

(r)   Unauthorized use or possession of fireworks on University premises.

*   The response of fire, police, or emergency personnel to a non-frivolous call, or action taken by them on their own initiative pursuant or non-pursuant to policy is not considered a disruption or reckless action within the meaning of this section.

**   Parking and traffic violations may be processed in accordance with procedures established by the Vice President for Student Affairs.

***   This charge may be deferred under Part 29 of this *Code* consistent with procedures outlined in the *Promoting Responsible Action in Medical Emergencies Policy*.

SANCTIONS

10.   Sanctions for violations of disciplinary regulations consist of:

(a)   **EXPULSION**: permanent separation of the student from the University. Notification will appear on the student's transcript. The student will also be barred from the University premises (expulsion requires administrative

review and approval by the President and may be altered, deferred or withheld).

(b) **SUSPENSION:** separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student shall not participate in any University-sponsored activity and may be barred from University premises. Suspended time will not count against any time limits of the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Vice President for Student Affairs and may be altered, deferred or withheld).

(c) **DISCIPLINARY PROBATION**: the student shall not represent the University in any extracurricular activity or run for or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. Notification will be sent to appropriate University offices, including the Office of Campus Programs.

(d) **DISCIPLINARY REPRIMAND**: the student is warned that further misconduct may result in more severe disciplinary action.

(e) **RESTITUTION**: the student is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of a violation of this *Code*.

(f) **OTHER SANCTIONS**: other sanctions may be imposed instead of or in addition to those specified in sections (a) through (e) of this part. For example, students may be subject to dismissal from University housing for disciplinary violations which occur in the residence halls. Likewise, students may be subject to restrictions upon or denial of driving privileges for disciplinary violations involving the use or registration of motor vehicles. Work or research projects may also be assigned.

11. Violations of sections (a) through (g) in Part 9 of this *Code* may result in expulsion from the University[15], unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.

12. Violations of sections (h) through (l) in Part 9 of this *Code* may result in suspension from the University, unless specific and significant mitigating factors as specified in Part 11 are present.

13. Repeated or aggravated violations of any section of this *Code* may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

14. Any decision to impose a sanction less than suspension or expulsion for University-sponsored event-related misconduct as defined in Part 9(d)(ii) of this *Code* must be supported by written findings signed by the Vice President for Student Affairs. A student suspended under this section shall not be admitted to

any other institution in the University of Maryland System during the term of the suspension. A student expelled under this section shall not be admitted to any other institution in the System for at least one year from the effective date of the expulsion.

15.   Attempts to commit acts prohibited by this *Code* shall be punished to the same extent as completed violations.[16]

16.   Penalties for off-campus misconduct shall not be more severe than for similar on-campus conduct.

INTERIM SUSPENSION[17]

17.   The Vice President for Student Affairs or a designee may suspend a student for an interim period pending disciplinary proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice, whenever there is evidence that the continued presence of the student on the University campus poses a substantial threat to him or herself or to others or to the stability and continuance of normal University functions.

18.   A student suspended on an interim basis shall be given an opportunity to appear personally before the Vice President for Student Affairs or a designee within five business days from the effective date of the interim suspension in order to discuss the following issues only:

    (a)   the reliability of the information concerning the student's conduct, including the matter of his or her identity;
    (b)   whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat to him or herself or to others or the stability and continuance of normal University functions.

OFFICE OF STUDENT CONDUCT

19.   The Office of Student Conduct directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the office include:

    (a)   Determination of the disciplinary charges to be filed pursuant to this *Code*.
    (b)   Interviewing and advising parties[18] involved in disciplinary proceedings.
    (c)   Supervising, training, and advising all conduct boards.
    (d)   Reviewing the decisions of all conduct boards.[19]
    (e)   Maintenance of all student disciplinary records.
    (f)   Development of procedures for conflict resolution.
    (g)   Resolution of cases of student misconduct, as specified in Parts 33 and 34 of this *Code*.

(h) Collection and dissemination of research and analysis concerning student conduct.

(i) Submission of a statistical report each semester to the campus community, reporting the number of cases referred to the office, the number of cases resulting in disciplinary action, and the range of sanctions imposed.[20]

CONDUCT PANELS

20. Hearings or other proceedings as provided in the *Code* may be held before the following boards or committees:

(a) **CONFERENCE BOARDS**, as appointed in accordance with Part 34 of this *Code*.

(b) **RESIDENCE BOARDS**, as established and approved by the Vice President for Student Affairs.[21] Students residing in group living units owned, leased, operated or supervised by the University may petition the Vice President for authority to establish conduct boards. Such boards may be empowered to hear cases involving violations of the *Code*, as prescribed by the Vice President for Student Affairs.

(c) **THE CENTRAL BOARD** hears cases involving disciplinary violations which are not referred to Residence Boards or resolved in accordance with Parts 33 and 34 of this *Code*. The Central Board is composed of five students, including at least two graduate students when a graduate student case is being heard.

(d) **THE APPELLATE BOARD** hears appeals from Residence Boards, the Central Board, and ad hoc boards, in accordance with Part 43 of this *Code*. The Appellate Board is composed of five full-time students, including at least two graduate students.

(e) **AD HOC BOARDS** may be appointed by the Director of Student Conduct when a Conference Board, a Residence Board, the Central Board, the Appellate Board or the Senate Adjunct Committee are unable to obtain a quorum or are otherwise unable to hear a case.[22] Each ad hoc board shall be composed of three members, including at least one student.

(f) **THE SENATE COMMITTEE ON STUDENT CONDUCT** hears appeals as specified in Part 42 of this *Code*. The committee also approves the initial selection of all conduct board members, except members of conference and ad hoc boards.[23]

21. The presiding officer of each conduct board and of the Senate Adjunct Committee on Student Conduct may develop bylaws which are not inconsistent with any provision in this *Code*. Bylaws must be approved by the Director of Student Conduct. [24]

SELECTION AND REMOVAL OF BOARD MEMBERS

22.   Members of the various conduct boards are selected in accordance with procedures developed by the Director of Student Conduct.

23.   Members of conference and ad hoc boards are selected in accordance with Parts 34 and 20(e), respectively.

24.   Prospective members of the Central Board and the Appellate Board are subject to confirmation by the Senate Committee on Student Conduct.

25.   Members of the Senate Committee on Student Conduct are selected in accordance with the bylaws of the University Senate.

26.   Prior to participating in board or committee deliberations, new members of the Senate Committee on Student Conduct and all conduct boards, except conference and ad hoc boards, will participate in one orientation session by the Office of Student Conduct.

27.   Student members of any conduct board or committee who are charged with any violation of this *Code* or with a criminal offense[25] may be suspended from their judicial positions by the Director of Student Conduct during the pendency of the charges against them. Students convicted for any such violation or offense may be disqualified from any further participation in the University judicial system by the Director of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the various conduct panels.

CASE REFERRALS

28.   Any person[26] may refer a student or a student group or organization suspected of violating this *Code* to the Office of Student Conduct. Allegations of off-campus event-related misconduct must be supported by a report, statement, or accusation from a law enforcement agency in whose jurisdiction the misconduct is alleged to have occurred. Persons making such referrals are required to provide information pertinent to the case and will normally be expected to appear before a conduct board as the complainant.[27]

DEFERRAL OF PROCEEDINGS

29.   The Director of Student Conduct may defer disciplinary proceedings for alleged violations of this *Code* for a period not to exceed 90 days. Pending charges may be withdrawn thereafter, dependent upon the good behavior of the respondent. Students subject to conditional relief from disciplinary charges under the *Promoting Responsible Action in Medical Emergencies Policy* may also be required to successfully complete an approved alcohol **and/or drug** intervention program prior to the withdrawal of charges.

HEARING REFERRALS

30. Staff members in the Office of Student Conduct will review referrals to determine whether the alleged misconduct might result in expulsion, suspension, or disciplinary removal from University housing.[28] Students subject to those sanctions shall be accorded a hearing before the appropriate conduct board. All other cases shall be resolved in the Office of Student Conduct after an informal disciplinary conference, as set forth in Part 33 and 34 of this *Code*.

31. Students referred to a conduct board hearing may elect instead to have their case resolved in accordance with Parts 33 and 34. The full range of sanctions authorized by this *Code* may be imposed, although the right of appeal shall not be applicable.

BURDEN OF PROOF[29]

32. Except as provided below, the burden of proof shall be upon the complainant, who must establish the guilt of the respondent by clear and convincing evidence[30]. In disciplinary conferences and hearings under section 9(p) of this *Code* which allege violation of VI-1.30(A) UMCP Procedures on Sexual Assault and/or VI-1.20(A) University of Maryland Policy and Procedures on Sexual Harassment, the burden of proof shall be upon the complainant, who must establish the guilt of the respondent by a preponderance of the evidence[31].

DISCIPLINARY CONFERENCES[32]

33. Students subject to or electing to participate in a disciplinary conference in the Office of Student Conduct are accorded the following procedural protections:

   (a)   Written notice of charges at least three days prior to the scheduled conference.
   (b)   Reasonable access to the case file[33] prior to and during the conference.
   (c)   An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.
   (d)   The option to be accompanied and assisted by a representative, who may be an attorney. Representatives have the right to make opening and closing statements, to advise their clients during the course of the proceedings, and to petition for recesses. All representatives are subject to the restrictions of Parts 36 and 37 of this *Code*.

34. Disciplinary conferences shall be conducted by the Director of Student Conduct or a designee.[34] Complex or contested cases may be referred by the Director to a conference board, consisting of one member of the Central Board, one member of the Appellate Board, and a staff member in the Division of Student Affairs. Conference Board members shall be selected on a rotating basis by the Director of Student Conduct.

HEARING PROCEDURES

35.   The following procedural guidelines shall be applicable in disciplinary hearings:

(a)   Respondents shall be given notice of the hearing date and the specific charges against them at least five days in advance and shall be accorded reasonable access to the case file, which will be retained in the Office of Student Conduct.

(b)   The presiding officer of any board may subpoena witnesses upon the motion of any board member or of either party and shall subpoena witnesses upon request of the board advisor. Subpoenas must be approved by the Director of Student Conduct and shall be personally delivered or sent by certified mail, return receipt requested. University students and employees are expected to comply with subpoenas issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.[35]
        If the Director of Student Conduct or his or her designee determines that a fair hearing cannot be held without the testimony of a particular witness, and, after good faith attempts are made, the witness either fails to or refuses to appear, the disciplinary hearing will be postponed until the witness agrees to appear or the charges will be dismissed.

(c)   Respondents who fail to appear after proper notice will be deemed to have pleaded guilty to the charges pending against them.

(d)   Hearings will be closed to the public, except for the immediate members of the parties' families and their representatives, if applicable. An open hearing may be held, at the discretion of the presiding officer, if requested by both parties.

(e)   The presiding officer of each board shall exercise control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Except as provided in section (o) of this Part, any person, including the respondent, who disrupts a hearing may be excluded by the presiding officer or by the board advisor.

(f)   Hearings may be tape recorded or transcribed. If a recording or transcription is not made, the decision of the board must include a summary of the testimony and shall be sufficiently detailed to permit review by appellate bodies and by staff members in the Office of Student Conduct.

(g)   Any party or the board advisor may challenge a board member on the grounds of personal bias. Board members may be disqualified upon majority vote of the remaining members of the board, conducted by secret ballot,[36] or by the Director of Student Conduct.

(h)   Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of perjury, pursuant to Part 9(i) of this *Code*.

(i)   Prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses. All

parties, the witnesses, and the public shall be excluded during board deliberations.

(j) Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this *Code*.[37] The presiding officer of each board shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.[38]

(k) Both parties shall be accorded an opportunity to question those witnesses who testify at the hearing.

(l) Affidavits shall not be admitted into evidence unless signed by the affiant and witnessed by a University employee, or by a person designated by the Director of Student Conduct.

(m) Board members may take judicial notice of matters which would be within the general experience of University students.[39]

(n) Board advisors may comment on questions of procedure and admissibility of evidence and will otherwise assist in the conduct of the hearing. Advisors will be accorded all the privileges of board members, and the additional responsibilities set forth in this *Code*, but shall not vote. All advisors are responsible to the Director of Student Conduct and shall not be excluded from hearings or board deliberations by any board or by the presiding officer of any board.

(o) The Director of Student Conduct may appoint a special presiding officer to any board in complex cases or in any case in which the respondent is represented by an attorney. Special presiding officers may participate in board deliberations, but shall not vote.[40]

(p) A determination of guilt shall be followed by a supplemental proceeding in which either party and the board advisor may submit evidence or make statements concerning the appropriate sanction to be imposed. The past disciplinary record[41] of the respondent shall not be supplied to the board by the advisor prior to the supplementary proceeding.

(q) Final decisions of all conduct panels shall be by majority vote of the members present and voting. A tie vote will result in a recommended acquittal in an original proceeding. A tie vote in an appellate proceeding will result in an affirmation of the original decision.

(r) Final decisions of all boards, except conference boards, shall be accompanied by a brief written opinion.

ATTORNEYS AND REPRESENTATIVES

36. Representatives of both complainants and respondents in hearings pursuant to this *Code* have the right to call witnesses to testify, to question in person all witnesses who appear at the hearing, to voice timely objections, to make opening and closing statements, to petition for recesses in the proceedings and to zealously and lawfully assert their client's position under the *Code of Student Conduct*.[42] All

presenters and representatives who participate in disciplinary hearings and disciplinary conferences shall not:

(a) Intentionally engage in conduct to disrupt a hearing;
(b) Intentionally attempt to improperly influence an officer of the Office of Student Conduct, a hearing advisor or member of a conduct board;
(c) Intentionally fail to obey a reasonably definite and specific order by a presiding officer;
(d) Knowingly make a false statement of material fact, law or representation of the *Code* to other participants in a hearing;
(e) Knowingly fail to disclose a material fact in a hearing when disclosure is necessary to avoid assisting a future criminal or fraudulent act;
(f) Knowingly offer false evidence, falsify evidence, counsel or induce witnesses to testify falsely, or offer improper inducements to testify;
(g) Recklessly and unlawfully obstruct another party's access to evidence, or alter, destroy or conceal material not protected by privilege having potential evidentiary value;
(h) If the representative is an attorney, otherwise fail to follow any obligations under relevant standards of professional responsibility in matters pertaining to the representation.

37. (a) Any participant in a hearing may refer complaints about suspected violations of the provisions of Part 36 of this *Code* to the Senate Committee on Student Conduct.
(b) Within a reasonable time after such referral, the chairperson of the Senate Committee on Student Conduct will review the complaint. After review the chairperson shall dismiss complaints which are anonymous, manifestly frivolous, which cannot be reasonably construed to allege a violation of Part 36, or are based on hearsay alone. Those which are not dismissed will be referred to the full Committee which will convene a hearing no sooner than 10 business days after sending a copy of the evidence presented to the representative named in the complaint. The hearing shall be held under the relevant rules and procedures governing disciplinary hearings outlined in Parts 35-37 of this *Code*.
(c) A client shall not be compelled either directly or through their representative to waive the attorney-client privilege.
(d) Representatives found responsible for violations of the provisions of Part 36 may be suspended from the privilege of representation for such time as the Committee may deem appropriate. In addition, the Committee may refer their findings to the Attorney Grievance Commission, or other appropriate disciplinary body.
(e) Appeals from decisions of the Senate Committee on Student Conduct regarding violations under Part 36 may be made by parties found responsible. Appeals should be made in writing to the Senate Campus Affairs Committee within 10 business days of receipt of the letter notifying the party of the decision. Appeals will be conducted in

accordance with the standards for the hearing of student disciplinary appeals. Decisions of the Campus Affairs Committee regarding these appeals shall be final.

STUDENT GROUPS AND ORGANIZATIONS

38. Student groups and organizations may be charged with violations of this *Code*.

39. A student group or organization and its officers may be held collectively[43] or individually responsible when violations of this *Code* by those associated with[44] the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokespersons.

40. The officers or leaders or any identifiable spokespersons[45] for a student group or organization may be directed by the Vice President for Student Affairs or a designee to take appropriate action designed to prevent or end violations of this *Code* by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the Vice President's directive shall be considered a violation of Part 9(o) of this *Code*, both by the officers, leaders or spokespersons for the group or organization and by the group or organization itself.

41. Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, as well as other appropriate sanctions, pursuant to Part 10(f) of this *Code*.

APPEALS

42. Except as provided below, any determination made pursuant to this *Code* resulting in expulsion or suspension [46] may be appealed by the respondent to the Senate Committee on Student Conduct. Appeals regarding violations of VI-1.30(A) UMCP Procedures on Sexual Assault and/or VI-1.20(A) University of Maryland Policy and Procedures on Sexual Harassment may be made by either party.[47] The Senate Committee shall also hear appeals from denials of petitions to void disciplinary records, pursuant to Part 52 of this *Code*.

43. Except as provided below, final decisions of residence boards, the Central Board and ad hoc boards, not involving the sanctions specified in Part 42, may be appealed by the respondent to the Appellate Board.[48] Appeals regarding violations of VI-1.30(A) UMCP Procedures on Sexual Assault and/or VI-1.20(A) University of Maryland Policy and Procedures on Sexual Harassment may be made by either party.[49]

44. Requests for appeals must be submitted in writing to the Office of Student Conduct within seven business days from the date of the letter providing notice of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive.[50]

45. A written brief in support of the appeal must be submitted to the Office of Student Conduct within 10 business days from the date of the letter providing notice of the original decision. Failure to submit a written brief within the allotted time will render the decision of the lower board final and conclusive.[51]

46. Appeals shall be decided upon the record of the original proceeding and upon written briefs submitted by the parties. De novo hearings shall not be conducted.

47. Appellate bodies may:

    (a)   Affirm the finding and the sanction imposed by the original board.
    (b)   Affirm the finding and reduce, but not eliminate, the sanction, in accordance with Parts 48 and 48(a).
    (c)   Remand the case to the original board, in accordance with Parts 48 and 48(b).
    (d)   Dismiss the case, in accordance with Parts 48 and 48(c).

48. Deference shall be given to the determinations of lower boards.[52]

    (a)   Sanctions may only be reduced if found to be grossly disproportionate to the offense.
    (b)   Cases may be remanded to the original board if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the respondent a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent respondent before or during the original hearing.[53] On remand, no indication or record of the previous conduct hearing will be introduced or provided to members of the new conduct panel, except to impeach contradictory testimony at the discretion of the presiding officer. The board will be directed by the committee not to repeat the specified errors that caused the remand.
    (c)   Cases may be dismissed only if the finding is held to be arbitrary and capricious.[54]
    (d)   Decisions of the Appellate Board shall be recommendations to the Director of Student Conduct.[55] Decisions of the Senate Committee on Student Conduct shall be recommendations to the Vice President for Student Affairs. Decisions altering the determinations of all hearing boards and the Senate Committee on Student Conduct shall be accompanied by a brief written opinion.

49.   The imposition of sanctions will normally be deferred during the pendency of appellate proceedings, at the discretion of the Director of Student Conduct.

DISCIPLINARY FILES AND RECORDS

50.   Case referrals may result in the development of a disciplinary file in the name of the respondent, which shall be voided if the respondent is found innocent of the charges.[56] The files of respondents found guilty of any of the charges against them will be retained as a disciplinary record for three years from the date of the letter providing notice of final disciplinary action.[57] Disciplinary records may be retained for longer periods of time or permanently, if so specified in the sanction.

51.   Disciplinary records may be voided[58] by the Director of Student Conduct for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include:

(a)   the present demeanor of the respondent.
(b)   the conduct of the respondent subsequent to the violation.
(c)   the nature of the violation and the severity of any damage, injury, or harm resulting from it.

52.   Denials of petitions to void disciplinary records shall be appealable to the Senate Committee on Student Conduct, which will apply the standard of review specified in Part 48 and 48(c). The requirements for appeals as set forth in Part 44 and 45 shall be applicable.[59]

53.   Disciplinary records retained for less than 90 days or designated as "permanent" shall not be voided without unusual and compelling justification.[60]

ANNOTATIONS

1.   The University is not designed or equipped to rehabilitate or incapacitate persons who pose a substantial threat to themselves or to others. It may be necessary, therefore, to remove those individuals from the campus and to sever the institutional relationship with them, as provided in this *Code of Student Conduct* and by other University regulations.*

Any punishment imposed in accordance with the *Code* may have the value of discouraging the offender and others from engaging in future misbehavior. In cases of minor disciplinary violations, the particular form of punishment may also be designed to draw upon the educational resources of the University in order to bring about a lasting and reasoned change in behavior. The underlying rationale for punishment need not rest on deterrence or "reform" alone, however. A just punishment may also be imposed because it is "deserved" and because

punishment for willful offenses affirms the autonomy and integrity of the offender. The latter concept was expressed by D.J.B. Hawkins in his essay "Punishment and Moral Responsibility" in 7 *Modern Law Review* 205:

> *The vice of regarding punishment entirely from the points of view of reformation and deterrence lies precisely in forgetting that a just punishment is deserved. The punishment of men then ceases to be essentially different from the training of animals, and the way is open for the totalitarian state to undertake the forcible improvement of its citizens without regard to whether their conduct has made them morally liable to social coercion or not. But merit and demerit, reward and punishment, have a different significance as applied to men and as applied to animals. A dog may be called a good dog or a bad dog, but his goodness or badness can be finally explained in terms of heredity and environment. A man, however, is a person, and we instinctively recognize that he has a certain ultimate personal responsibility for at least some of his actions. Hence merit and demerit, reward and punishment, have an irreducible individual significance as applied to men. This is the dignity and the tragedy of the human person.*

A similar view was expressed by Justice Powell, dissenting in *Goss v. Lopez* (42 L. Ed. 2d 725, 745):

> *Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life. In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools. When an immature student merits censure for his conduct, he is rendered a disservice if appropriate sanctions are not applied.*

2.   An effort is made in the *Code* to use a simplified numbering and lettering system, without use of Roman numerals or subsets of letters and numbers. Any part of the *Code* can be found by reference to one number and one letter [e.g., Part 10a explains the meaning of expulsion].

3.   Culpable conduct should include conscious acts posing a substantial risk or harm to others (e.g. throwing a heavy object out a tenth floor window above a sidewalk). If the act itself, however, is unintended (e.g. one is distracted by a noise while climbing a flight of stairs and drops a heavy object) the individual may have failed to use reasonable care, but is not normally deserving of the moral stigma associated with a "conviction" for a disciplinary offense.

4.   Former students may be charged for violations which allegedly occurred during their enrollment at the University.

5.   Colleges and universities are not expected to develop disciplinary regulations which are written with the scope of precision of a criminal *Code*. Rare occasions may arise when conduct is so inherently and patently dangerous to the individual or to others that extraordinary action not specifically authorized in the rules must be taken.

6.   The terms "suspension" and "interim suspension" are to be distinguished throughout the *Code* and are not interchangeable.

7.   Disciplinary removal from University housing should be distinguished from administrative removal for violations of the residence contract. The latter does not leave students with a disciplinary record and does not come under the purview of this *Code*.

8.   The standard set forth here represents the minimal procedural protection to be accorded to students charged with most disciplinary violations. Students who are subject to lengthy suspensions or to expulsion may be entitled to more formal procedures, including a hearing with a right to cross-examine the witnesses against them. *Goss v. Lopez*, 419 U.S. 565 (1975).

9.   The Supreme Court has recently rejected the theory that state schools are bound by principles of federal administrative law requiring agencies to follow their own regulations. *Board of Curators, University of Missouri v. Horowitz* 55 L.Ed 2d 124, 136. See, generally, "Violation by Agencies of Their Own Regulations" 87 *Harvard Law Review* 629 (1974).

10.   Respondents in disciplinary proceedings may be directed to answer questions concerning their conduct. Students who refuse to answer on grounds of the Fifth Amendment privilege may be informed that the hearing panel could draw negative inferences from their refusal which might result in their suspension or dismissal. If the student then elects to answer, his/her statements could not be used against him/her in either state or federal court. *Garrity v. New Jersey*, 385 U.S 493 (1967). See also *Furutani v. Ewigleben*, 297 F. Supp. 1163 (N.D.Cal. 1969).

11.   The "controlled substances" or "illegal drugs" prohibited in this section are set forth in Schedules I through V in the Maryland Criminal Law Article 5-401 through 5-406 and 5-708 (Inhalants).

12.   See Annotation 11.

13.   Colleges and universities should be a forum for the free expression of ideas. In the recent past, however, unpopular speakers have been prevented from addressing

campus audiences by students who effectively "shouted them down." Both Yale and Stanford Universities have treated such actions (which are to be distinguished from minor and occasional heckling) as serious disciplinary violations. See the "Report from the Committee on Freedom of Expression at Yale University" which is available in the Office of Student Conduct.

The following language from the Yale report may be used to elaborate upon the intent and scope of Part 9(k) of this *Code*.

A.   "There is no right to protest within a University building in such a way that any University activity is disrupted. The administration, however, may wish to permit some symbolic dissent within a building but outside the meeting room, for example, a single picket or a distributor of handbills."

B.   "[A] member of the audience may protest in silent, symbolic fashion, for example, by wearing a black arm band. More active forms of protest may be tolerated such as briefly booing, clapping hands or heckling. But any disruptive activity must stop [and not be repeated] when the chair or an appropriate University official requests silence.

C.   "Nor are racial insults or any other 'fighting words' a valid ground for disruption or physical attack… The banning or obstruction of lawful speech can never be justified on such grounds as that the speech or the speaker is deemed irresponsible, offensive, unscholarly, or untrue."

14.   A compilation of published regulations which have been reviewed and approved by the Vice President shall be available for public inspection during normal business hours in the Office of Student Conduct.

15.   This Part and Parts 12 and 13 represent an attempt to give needed guidance to those who are assessing penalties. Moreover the direction of the guidance is toward imposition of more severe disciplinary sanctions in serious cases. Nonetheless, the language concerning "mitigating factors" is broad enough to give decision-makers considerable leeway to "do justice," depending upon the facts in each case. The burden of establishing facts in mitigation should, of course, be upon the respondent.

16.   There does not seem to be any rational basis for imposing less severe penalties for attempts than for completed violations. The authors of the *Model Penal Code*, for example, have written that:

> *To the extent that sentencing depends upon the antisocial disposition of the actor and the demonstrated need for a corrective action, there is likely to be little difference in the gravity of the required measures depending on the consummation or the failure of the plan.*
> See LaFave, *Criminal Law Tre*atise p. 453.

17. These procedures are analogous to those found in the "emergency" disciplinary rules adopted by the Board of Regents in 1971 and are consistent with the formal opinion of the Maryland Attorney General on this subject, dated January 23, 1969. See also *Goss v. Lopez,* 419 U.S. 565 (1975).

    Nothing in this provision would prohibit the Vice President from modifying the terms of an interim suspension, so long as the hearing requirement specified in Part 18 was met. For example, a suspended student might be allowed to enter University premises solely for the purpose of attending classes.

18. Staff members in the Office of Student Conduct should endeavor to arrange a balanced presentation before the various conduct boards and may assist both complainants and respondents.

19. This language does not effect any change in previous policy concerning the powers of conduct boards. All board decisions, including those rendered by Conference Boards, shall be treated as recommendations.

20. See Annotation 1, supra. The deterrent effect of punishment is diminished if the community is unaware of the number and general nature of sanctions imposed. The Director of Student Conduct may, for example, arrange for publication of the statistical report in the campus press each semester.

21. Boards established pursuant to this section might include modified versions of the present "Greek" or residence hall boards.

22. It is intended that a quorum will consist of three members (out of five). The authority to appoint ad hoc boards should be broadly construed and might be especially useful, for example, when a conduct board or the Senate Committee is charged with hearing a case involving one of its own members. The final determination as to whether a panel is "unable to hear a case" should be within the discretion of the Director of Student Conduct.

23. The power of confirmation represents a significant grant of authority to the Senate Committee. Moreover, confirmation procedures will give committee members direct contact with board members and will also allow the committee to exercise more control over the quality of Conduct Board decisions.

24. Proposed bylaws must be submitted to the Attorney General for review.

25. It could be a public embarrassment for the University to have a student charged with or convicted of a serious crime sit in judgment over other students in disciplinary proceedings. The various state criminal *Code*s are usually so broad and archaic, however, that automatic suspension or removal should not result from any violation of any law (e.g., New York makes it a criminal misdemeanor

for anyone "to dance continuously in a dance contest for 12 or more hours without respite").

26. Case referrals should not be limited to members of the "campus community." A student who assaults another person on campus should not escape University judicial action merely because the person assaulted was a visitor (or, as in a recent case, a former student who had just withdrawn from the University).

27. The Director of Student Conduct may appoint a trained volunteer from the campus community to serve as the complainant. It would be preferable, however, to employ a "community advocate" to present all disciplinary cases.

Several measures in the *Code* are designed to restore balance in disciplinary proceedings, even in those cases in which the complainant is inexperienced with administrative adjudication:

(a) A hearing officer may be appointed in complex or serious cases. See Part 35(o).
(b) The role of attorneys or advisors may be restricted. See Parts 36 and 37, and Annotation 42.
(c) The "disciplinary conference" procedure is designed to eliminate adversary proceedings in minor cases. See Parts 33-34 and Annotation 32.

28. Staff members may consider the mitigating factors specified in Part 11 to determine the permissible sanction to be imposed if the respondent is found guilty of charges. For example, a student involved in a minor altercation might be charged pursuant to Part 9(a), but referred to a disciplinary conference, thereby precluding the possibility of expulsion or suspension for the alleged misconduct.

29. On April 4, 2011, the United States Department of Education, Office of Civil Rights issued a "significant guidance document" to provide universities with information to assist them in meeting their obligations under Title IX of the Education Amendments of 1972 ("Title IX"). This document is known as the "OCR Dear Colleague Letter". According to the OCR Dear Colleague Letter, Title IX requires that the burden of proof in sexual harassment cases, including sexual assault, be "preponderance of the evidence." Prior to the issuance of the OCR Dear Colleague Letter, the burden of proof under the Code was "clear and convincing evidence". According to the OCR Dear Colleague Letter, Title IX also requires that both parties in disciplinary hearings in sexual harassment cases, including sexual assault, be provided the same appeal rights, if any.

30. "Clear and convincing" means "the evidence should be 'clear' in the sense that it is certain, plain to the understanding and unambiguous, and 'convincing' in the sense that it is so reasonable and persuasive as to cause [one] to believe it." Wills v. State of Maryland, 329 Md. 370, 374 (1993), quoting Maryland Civil Practice Jury Instruction Section 1:8b (1984). It does not call for "unanswerable" or

"conclusive" evidence . Attorney Grievance Commission v. Harris, 366 Md. 376, 389 (2001). To be clear and convincing means that it is substantially more likely than not that the allegations are in fact true but that it "need not be established with absolute certainty". Vogel v. State, 315 Md. 458, 473 (1989). The burden is "more than a mere preponderance of the evidence [the burden of proof in ordinary civil cases] but not beyond a reasonable doubt [the standard in criminal cases]. Berkey v. Delia, 287 Md. 302, 319-20 (1980).

31.   "Preponderance of the evidence" means it is "more likely than not" that the violation occurred as alleged. To meet a burden of proof by a preponderance of the evidence, means that "the scales tipped in the direction" of one of the parties. "When the scales are 'in a state of even balance,' the party with the burden of proving its case by a preponderance of the evidence loses. Wills v. State of Maryland, 329 Md. 370, 374 (1993), quoting Potts v. Armour & Co., 183 Md 483, 490 (1944). See Maryland Civil Pattern Jury Instructions Section 1:8a (1984).

32.   The hearing procedures specified at Part 35 need not be followed in disciplinary conferences. Instead a disciplinary conference would normally consist of an informal, nonadversarial meeting between the respondent and a staff member in the Office of Student Conduct. Complainants would not be required to participate, unless their personal testimony was essential to the resolution of a dispositive factual issue in the case. Documentary evidence and written statements could be relied upon, so long as respondents are given access to them in advance and allowed to respond to them at the conference. Respondents would also be allowed to bring appropriate witnesses with them and might be accompanied by a representative, who may participate in discussions, although not in lieu of participation by the respondent.

The conference procedure is designed to reduce the steady growth of unnecessary legalism in disciplinary proceedings. The worst features of the adversary system (including the concept that judicial proceedings are a "contest" to be "won by clever manipulation of procedural rules) undermine respect for the rule of law. Colleges and universities can and should be a testing ground for development of carefully reasoned alternatives to current procedural excesses in the larger society.**

Procedures comparable to the disciplinary conference (referred to as "structured conversations") are suggested by David L. Kirp in his 1976 article "Proceduralism and Bureaucracy: Due Process in the School Setting" 38 *Stanford Law Review* 841.

> *The benefits of such conversations in the school setting may better be*
> *appreciated by contrasting them with the typical due process hearing.*
> *Hearings are designed to determine the facts of a particular controversy,*
> *and apply predetermined rules to the facts thus found. At that point, the*
> *function of the hearing is at an end. The wisdom of the underlying*

substantive rules has no relevance, nor is broader discussion of grievances generally encouraged, unless it is somehow pertinent to the dispute at hand.

Conversation knows no such limits. It too serves as a vehicle for resolving what are likely to be factually uncomplicated disputes, but it does more than that. It enables students to feel that they are being listened to and may encourage them to raise underlying grievances. It provides administrators with a relatively inexpensive vehicle for monitoring, and hence a basis for reshaping institutional relationships. The outcome of these 'orderly thoughtful conversations' may well be decisions different in their particulars from what might otherwise have been anticipated; repeated conversations which touch upon similar student grievances may ultimately lead disciplinarians to reassess whether control is so vital, and collaboration so improbable, as a means of assuring institutional order.

The conference procedure would not be used in any case which might result in any form of separation from the University. Accordingly, the procedure appears to meet or exceed the due process requirements set forth by the United States Supreme Court for cases involving suspensions of ten days or less. In *Goss v. Lopez* the Court held:

[W]e stop short of construing the Due Process Clause to require, countrywide, that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge, or to call his own witnesses to verify his version of the incident. Brief disciplinary suspensions are almost countless. To impose in each such case even truncated trial-type procedures might well overwhelm administrative facilities in many places and, by diverting resources, cost more than it would save in educational effectiveness. Moreover, further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool but also destroy its effectiveness as part of the teaching process.

On the other hand, requiring effective notice and an informal hearing permitting the student to give his version of the events will provide a meaningful hedge against erroneous action. At least the disciplinarian will be alerted to the existence of disputes about facts and arguments about cause and effect. He may then determine himself to summon the accuser, permit cross-examination, and allow the student to present his own witnesses. In more difficult cases, he may permit counsel. In any event, his discretion will be more informed and we think the risk of error substantially reduced (42 L. Ed. 725, 740).

33. The case file consists of materials which would be considered "education records," pursuant to the Family Educational Rights and Privacy Act. Personal notes of University staff members or complainants are not included.

34. Determinations made in accordance with Parts 33 and 34 are not appealable.

35. Internal subpoenas may be desirable, since cases have arisen in which complainants or respondents were unable to present an effective case due to the indifference and lethargy of potential witnesses. A student who refused to respond to a subpoena may be charged with a violation of Part 9(o) of the *Code*. The Director of Student Conduct should not approve a subpoena unless the expected testimony would be clearly relevant. Likewise, a subpoena designed to embarrass or harass a potential witness should not be authorized. The subpoena power specified here is not designed to reach documents or other materials.

36. Board members should be disqualified on a case basis only; permanent removal should be accomplished in accordance with Part 27. Board members should not be readily disqualified. The term "personal bias" involves animosity toward a party or favoritism toward the opposite party. See, generally, Davis, *Administrative Law Treatise* "Bias" Section 12.03.

37. The exclusionary rule generally does not apply to civil administrative proceedings. Furthermore, the University of Maryland is exempted by statute from the applicable portions of the Administrative Procedure Act. The Maryland Court of Appeals, however, has barred evidence from administrative proceedings where a respondent establishes that officials were improperly motivated to illegally seize the evidence. See *Sheetz v. City of Baltimore*, 315 Md. 208 (1989).

38. Testimony containing hearsay may be heard, if relevant. A final determination should not be based on hearsay alone.

39. Every statement or assertion need not be proven. For example, board members may take notice that many students commute to the University.

40. Student presiding officers are often at a disadvantage when the respondent is represented by an attorney. The proceedings might progress more rapidly and efficiently if a special presiding officer were appointed. Generally, a staff member in the Office of Student Conduct would be selected for such a responsibility, although other University employees with legal training might also be called upon.

41. Information pertaining to prior findings of disciplinary and residence hall violations might be reported, as well as relevant criminal convictions. Prior allegations of misconduct should not be disclosed.

42. The dynamics of a judicial hearing in a University setting are not the same as those of a courtroom. Strict adherence to the conventions of courtroom advocacy may not be in the best interest of clients in University judicial proceedings.

     The presiding officer and the board advisor are authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant facts, to prevent the harassment of participants, to insure that proceedings are not disrupted and the interests of fairness are served. This may include regulating the timing, length and manner of presentations and objections, declaring recesses in the proceedings, and other appropriate actions. Presiding officers should have training and experience appropriate to the demands of the office.

     Before hearings, presenters for both complainants and respondents shall be presented with a written statement approved by the Senate Committee on Student Conduct regarding their rights and obligations during hearings and the powers of the presiding officer to control behavior in hearings.

43. Punishment of one or several individuals for the acts of others should be avoided if the identities of the specific offenders can be readily ascertained.

44. Association does not require formal membership. Individuals who might reasonably be regarded as regular participants in group or organization activities may be held to be associated with the group or organization.

45. Leaders or spokespersons need not be officially designated or elected. For example, if a group or organization accepted or acquiesced in the act or statement of an individual associated with it, that individual might reasonably be regarded as a leader or a spokesman for the group or organization.

46. "Suspension" includes deferred suspension but not interim suspension or suspension which is withheld. See Annotation 6.

47. See Annotation 29.

48. Students left with a disciplinary record after a disciplinary conference may request that their record be voided, in accordance with Part 50. Denials may be appealed, pursuant to Part 52.

49. See Annotation 29.

50. The decision will be "final and conclusive" on the part of the conduct board, but will remain a recommendation to the Director of Student Conduct.

51. This Part is intended to discourage frivolous appeals. Respondents who are genuinely interested in pursuing an appeal can reasonably be expected to prepare a written brief.

52. Appellate bodies which do not give deference (i.e., a presumption of validity) to lower board decisions will distort the entire disciplinary system. Respondents would be encouraged to "test their strategy" and "perfect their technique" before lower boards, since the matter would simply be heard again before a "real" board with final authority.

Lower board members usually have the best access to the evidence, including an opportunity to observe the witnesses and to judge their demeanor. Members of appellate bodies should be especially careful not to modify a sanction or to remand or dismiss a case simply because they may personally disagree with the lower board's decision.

The opportunity to appeal adverse decisions has not been determined to be a requirement of constitutional "due process" in student disciplinary cases.*** There is presently no legal obstacle to adopting an amendment to the Code which would eliminate the appellate system altogether.

53. Respondents who obtain information at the hearing which might lead to new evidence are required to request an adjournment rather than wait to raise the matter for the first time on appeal.

54. An arbitrary and capricious decision would be a decision "unsupported by any evidence." The cited language has been adopted by the Federal Courts as the proper standard of judicial review, under the due process clause, of disciplinary determinations made by the state boards or agencies. *See McDonald v. Board of Trustees of the University of Illinois,* 375 F. Supp. 95, 108 (N.D. Ill., 1974).

55. See Annotation 19.

56. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.

57. Disciplinary records may be reported to third parties, in accordance with University regulations and applicable state and federal law.

58. Void records shall be treated in the manner set forth in Annotation 56.

59. The scope of review shall be limited to the factors specified at Part 51. An inquiry into the initial determination of guilt or innocence is not permitted. For example, when considering the "nature" of the violation, pursuant to Part 51 (c), it is to be assumed that the violation occurred and that the respondent was responsible for it.

60. Some discretion must be retained to void even "permanent" disciplinary records. It may be unnecessary, for example, to burden a graduating senior with a lifelong stigma for an act committed as a freshman. Social norms also change rapidly.

"Unacceptable" conduct in one generation may become permissible and commonplace in the next.

*   See the procedures for mandatory medical withdrawal developed by the Vice President for Student Affairs

**   See Macklin Fleming, *The Price of Perfect Justice*: "in our pursuit of . . . perfectibility, we necessarily neglect other elements of an effective procedure, notably the resolution of controversies within a reasonable time at a reasonable cost, with reasonable uniformity . . . we impair the capacity of the legal order to achieve the basic values for which it is created, that is, to settle disputes promptly and peaceably, to restrain the strong, to protect the weak, and to conform the conduct of all the settled rules of law."

***   See the due process standard set forth in *Dixon v. Alabama*, 294 F.2nd 150, 158-159 (Fifth Cir., 1961), Cert. den 368 U.S. 930.

V-1.00(J)   UNIVERSITY OF MARYLAND POLICY ON PROMOTING RESPONSIBLE
             ACTION IN MEDICAL EMERGENCIES

             APPROVED BY THE PRESIDENT, MARCH 10, 2011

Purpose

The health and safety of University students is of paramount concern. All members of the
University community are encouraged to act in a responsible manner when an individual may
require medical assistance by dialing 911 or 301.405.3333 or seeking a University or Resident
Life official. It is recognized that in situations in which either a student summoning or requiring
help is under the influence of alcohol, the threat of disciplinary sanctions for violating the
University's alcohol policy is a barrier to seeking help. As such, the University of Maryland
will do all that it can to promote student health, safety, and well-being. *Promoting Responsible
Action in Medical Emergencies* is policy administered by the Office of Student Conduct that will
reduce barriers to seeking help in cases of alcohol-related emergencies by providing relief from
administrative or disciplinary action on the part of the University if either a University official or
other authority is contacted in a timely fashion.

Policy

1. A student in possession or under the influence of alcohol who summons medical emergency
    assistance for him/herself or on behalf of a fellow student experiencing a medical emergency
    will not face disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules*
    for the possession or use of alcohol, with the exception of the exclusions noted below. In
    lieu of disciplinary charges and as a condition of such relief, students handled under this
    policy will usually be required to be evaluated by the University Health Center staff and
    successfully complete an approved alcohol intervention program.

2. This policy also extends to the student for whom medical emergency assistance has been
    summoned.

3. A "summons" for medical emergency assistance is deemed to be contacting police,
    University staff or other officials designated emergency medical providers.

Procedures

Students referred to the Office of Student Conduct or the Department of Resident Life for
alcohol use or possession will be interviewed by a representative of the unit. If the student is
eligible for conditional relief under this policy, the initiation of disciplinary charges will be
"deferred" under Part 29 of the *Code of Student Conduct* pending successful completion of an
approved alcohol intervention program, if deemed necessary by University staff. If the student
successfully completes the program to the satisfaction of the Health Center staff and the Office
of Student Conduct/Department of Resident Life, the pending charges will be withdrawn, leaving
the student with no disciplinary record. If the student fails to successfully complete the program,
charges for alcohol use and possession will be processed and, if proved, may result in more

severe sanctions and a disciplinary record.

Exclusions

1. The conditional relief from disciplinary charges described in this policy does not extend to charges other than possession or use of alcohol. In addition, it shall not provide relief from disciplinary charges pertaining to the alleged possession or use of alcohol which, if proven, would constitute an "Aggravated Violation" as defined under Part 2(a) of the *Code of Student Conduct* or would involve the distribution of alcohol to a person under the legal drinking age.

2. Students with a prior disciplinary record of alcohol-related violations and students previously granted relief under this policy as the person for whom the emergency services were being summoned, shall only be eligible for relief on a case-by-case basis following an assessment by the Office of Student Conduct or Department of Resident Life.

3. This policy does not and cannot offer conditional relief, immunity or protection from criminal complaint, arrest or prosecution by University police or other person or official for illegal activity, including the illegal use or possession of alcohol in violation of County, State or Federal law. It does not provide relief from any civil suit, fine or financial obligation to any party (including the University), for loss, damage or injury associated with alcohol use or possession.

4. This policy does not offer conditional relief to student organizations, which remain subject to organizational charges for alcohol-related violations, including possession and use. The nature of such charges and any resulting disciplinary sanctions, however, will take into account and may be mitigated by the action taken by organizational representatives. A representative of a student organization who summons medical emergency assistance may be eligible for conditional relief from charges for his or her personal use or possession of alcohol under this policy.

University Senate
CHARGE

Date:	March 22, 2012
To:	Nan Ratner Chair, Student Conduct Committee
From:	Eric Kasischke Chair, University Senate
Subject:	Expansion of Promoting Responsible Action in Medical Emergencies
Senate Document #:	11-12-22
Deadline:	March 30, 2013

The Senate Executive Committee (SEC) requests that the Student Conduct Committee review the attached proposal entitled, "Expansion of Promoting Responsible Action in Medical Emergencies" and make recommendations on whether the University of Maryland Policy on Promoting Responsible Action in Medical Emergencies (V-100(J)) should be revised.

The University is committed to the health and well being of our students. The Senate and President Loh approved a "medical amnesty" or "good samaritan" policy and made associated changes to the Code of Student Conduct in March 2011. The current policy only applies to amnesty from University disciplinary sanctions for alcohol use but does not exempt students from criminal prosecution. The SEC requests that the Student Conduct Committee review the attached proposal and advise on whether the current policy should be expanded to include drugs.

Specifically, we ask that you:

1. Consult with the proposer to discuss his specific concerns about the current policy.

2. Review similar amnesty policies at our peer institutions.

3. Consult with representatives of the Office of Student Conduct.

4. Review data from the Office of Student Conduct on cases where the current policy was applied since its implementation.

5. Consider the educational component to implementing an expanded policy.

6. Consult with the University's Office of Legal Affairs.

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

We ask that you submit your report and recommendations to the Senate Office no later than March 30, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

University Senate
PROPOSAL FORM

Name:	Brandon Levey
Date:	10.31.2011
Title of Proposal:	**Expansion of Promoting Responsible Action in Medical Emergencies**
Phone Number:	410-487-5382
Email Address:	BrandonALevey@Gmail.com
Campus Address:	6903 Preinkert Dr., Apt. 5214A, College Park, MD 20740
Unit/Department/College:	ARHU/History
Constituency (faculty, staff, undergraduate, graduate):	Undergraduate
Description of issue/concern/policy in question:	In March 2011, the University of Maryland Senate passed, and President Loh signed, "Promoting Responsible Action in Medical Emergencies," a policy that protects the individual caller and victim from university sanctions in the event of alcohol overdoses (however it does not apply to groups and organizations). This policy does not affect any legal punishments, but rather only university sanctions, such as probation or loss of housing. Furthermore, this does not provide any protection for students that are seeking medical help for overdoses of any drug other than alcohol.
Description of action/changes you would like to see implemented and why:	Saving lives needs to be the absolute top priority for our university. I would like to see our life-saving policy expanded to include all drugs, legal and illegal, as well

	as an educational campaign implemented to give students information on the policy. Since illegal drug possession on campus carries harsher punishment than underage alcohol consumption, students are often more hesitant to call for help during a drug overdose than an alcohol overdose. Even if the Office of Student Conduct has discretion in these cases, this fact does little to alleviate the fears of students that might be able to make a call that saves a life.
	I suggest a policy that is modeled on the alcohol-only Good Samaritan Policy passed last year. This would not give immunity for students that are accused of manufacturing or selling drugs, and would only cover students with no prior disciplinary record relating to drugs. Students that do have a record relating to this would be evaluated on a case-by-case basis. Additionally, for this policy to apply, in each situation the student that overdosed on a drug would be required to take a drug-overdose or drug-prevention course, if the office of student conduct deems it necessary.
Suggestions for how your proposal could be put into practice:	I suggest amending Section 29 of the Student Code of Conduct, as was done in March when "Promoting Responsible Action in Medical Emergencies" was passed and became University policy. Additionally, an educational campaign educating students on campus about the effects of this policy could be implemented, as was done with the alcohol-overdose policy.
Additional Information:	Many Universities, both public and private, have amnesty policies that cover all drugs. Examples include the University of Florida, Washington College in Maryland, Northeastern University, the University of Pennsylvania, Columbia University, University of Georgia, and Cornell University. I have attached several of these policies for your consideration. Additionally, entire states have recently adopted this

| | policy. The states of New York, New Mexico, Washington, as well as others have policies that protect the victim and caller in the event of an overdose on alcohol or drugs. I have attached the texts of these policies (as well a a signing statement by New York's Governor Cuomo) for your consideration. I am hopeful that the Maryland State Legislature will be taking up a similar bill this coming legislative session.

Additionally, I have attached to this proposal an email thread from the Board of Regents stating that the University Senate has the legal authority to make this change. |
| --- | --- |

Attached to this proposal:

1. Email to Brandon Levey from the Board of Regents giving the University Senate the authority to make changes to the Student Code of Conduct, including changes involving illegal substances (see email thread).

2. Variant comprehensive Medical Amnesty Policies at Washington College on Maryland's Eastern Shore, the University of Florida, Tulane University, College of William & Mary, University of Georgia, Georgia Public College, the University of Northern Iowa, University of Iowa, Northeastern University, the University of Pennsylvania, and Lehigh College.

3. Text of statewide Good Samaritan Policies in New York, Washington State, and New Mexico. Signing statement by New York Governor Andrew Cuomo.

Email thread for the email from the Board of Regents giving the University Senate the authority to make changes, *including ones dealing with illegal substances* (see original email 8/10/11), to the Student Code of Conduct

---------- Forwarded message ----------
From: **Janice Doyle** <jdoyle@usmh.usmd.edu>
Date: Mon, Aug 15, 2011 at 12:52 PM
Subject: RE: From Brandon Levey, Re: University Policy Change
To: Brandon Levey <brandonalevey@gmail.com>
Cc: Wilma Ogburn <wogburn@usmd.edu>

Brandon: Changes to the Student Code of Conduct do not need to go to the Board of Regents for approval.

Janice Doyle

From: Wilma Ogburn Sent: Wednesday, August 10, 2011 12:45 PM To: 'Brandon Levey' Cc: Janice Doyle Subject: RE: From Brandon Levey, Re: University Policy Change

Good Afternoon Brandon—

I am copying Janice Doyle, Secretary to the Board of Regents, on this note so that she may respond to your question. Unfortunately, I do not know the answer. -- weo

Wilma E. Ogburn
Executive Assistant to the Board of Regents
University System of Maryland
3300 Metzerott Road
Adelphi, MD 20783
301-445-1902
301-445-1931 (Fax)
301-832-7274 (Blackberry)

From: Brandon Levey [mailto:brandonalevey@gmail.com] Sent:
Wednesday, August 10, 2011 12:40 PM To: Wilma Ogburn Subject: From
Brandon Levey, Re: University Policy Change

Hi Ms. Ogburn,

Hope you are doing well. My name is Brandon Levey, and I am currently a
Student Senator at the University of Maryland, as well as a member of the
Student Affairs Committee in the Senate. I was wondering, if the University
Senate passes a change to the Student Code of Conduct, including one
dealing with school punishments and sanctions for illegal drug possession
or use, would this first need Board of Regents approval? Thanks so much.

-Brandon Levey

 --

Brandon Levey
University of Maryland
Phi Beta Kappa
ARHU Student Senator
BrandonALevey@Gmail.com
(410) 487-5382

Print outs of the following were included in the proposal:

University of Georgia: http://conduct.uga.edu/students/policies/rap.html

Georgia College (public): http://www.gcsu.edu/studentlife/handbook/adminpolicies.htm

University of Iowa: http://dos.uiowa.edu/policy-list/archives/2010-2011-policies-and-regulations-affecting-students-archived/student-responsibilities-5/judicial-procedures-2/judicial-procedure-for-alleged-violations-of-the-code-of-student-life-6/#Responsible%20Action%20Protocol%20%28aka%20Good%20Samaritan%20Policy%29

University of Northern Iowa: http://www.uni.edu/deanofstudents/conductresources/samaritan

Washington College in Maryland: http://sa.washcoll.edu/medicalamnestypolicy.php

University of Florida: http://www.dso.ufl.edu/sccr/procedures/medicalamnestyfaq.php

Northeastern University: http://www.northeastern.edu/open/amnesty.html

William & Mary:
http://www.wm.edu/offices/deanofstudents/services/studentconduct/studenthandbook/amnesty_policy/index.php

Lehigh University: http://www.lehigh.edu/~indost/conduct/medpolicy.shtml

University of Pennsylvania: http://www.vpul.upenn.edu/alcohol/amnesty.php

Tulane University: http://tulane.edu/studentaffairs/conduct/upload/Medical-Amnesty-08-05-10.pdf

Washington State: http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Senate%20Passed%20Legislature/5516.PL.pdf

Governor Cuomo (NY) Signing Statement: http://www.licadd.com/wp-content/uploads/2011/07/GoodSamApproval.pdf

New York State: http://e-lobbyist.com/gaits/text/38151

New Mexico State: http://legis.state.nm.us/Sessions/07%20Regular/final/SB0200.pdf

Policies

Responsible Action Protocol

Purpose of Protocol

Students are encouraged to make responsible decisions in life-threatening situations that result from alcohol and/or other drug abuse and to seek medical attention for someone who is in danger because of intoxication. Students should alert University officials, UGA or local police, or professional medical personnel when they or their friends are in danger. A student who calls for or seeks emergency assistance on behalf of a student experiencing an alcohol or other drug related emergency may not be subject to mandatory alcohol and other drug sanctions under the Student Code of Conduct.

Scope of Protocol

1. The Responsible Action Protocol applies to students who seek assistance or medical treatment on their own behalf or on the behalf of another student.

2. The Responsible Action Protocol does not apply if the student seeking help for another student purchased, supplied, or otherwise made available the alcohol or other drug to the student needing medical assistance.

3. If a representative of an organization hosting an event calls for medical assistance, this act of responsibility might mitigate potential judicial consequences that could arise against the organization, i.e., the fact that an organization sought help might be considered in potential sanctioning for university policy violations.

4. The protocol applies only to the *Student Code of Conduct* and does not in any way prohibit law enforcement agencies within their jurisdictions from enforcing the laws enacted by the State of Georgia.

Requirements of Protocol

Students considered for the Responsible Action Protocol are required to meet with a member of the Office of Student Conduct who, after evaluating the situation, may also refer the student to a substance abuse specialist in the John Fontaine, Jr. Center for Alcohol Awareness and Education for assessment, counseling, and/or possible referral for treatment. Students who are referred to the John Fontaine, Jr. Center for Alcohol Awareness and Education but fail to meet and complete the recommendations in their entirety may be subject to further action.

Even if there is not a disciplinary action, the Office of Student Conduct will notify the parents of the student (Parental Notification Policy) and will maintain a file of the case which can be used as a prior record should subsequent alcohol or other drug violations occur. Academic transcripts will not reflect the incident but the file will be maintained in accordance with the Office of Student Conduct records management.

If the student has any subsequent incidents, these will be handled through the regular judicial process. If a violation is found to occur, prior records, including involvement in the Responsible Action Protocol, will be considered for sanctioning purposes. With a prior record, students may receive sanctions above any minimum described in the *Student Code of Conduct*, which can include suspension or expulsion from the University.

Limitation of Protocol

The Responsible Action Protocol applies only to alcohol and other drug-related medical emergencies. It does not apply to other prohibited behavior such as disorderly conduct (including physical or verbal abuse), property damage, or distribution of illicit substances.

Open Records – see below

Open records is state law requiring that public records be open and available for inspection by any member of the public. Public records include virtually all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared, maintained or received in the course of the operation of a public office or agency. The University is a public agency; therefore it is subject to the act. Pursuant to the ruling of the Georgia Supreme court in the case of Red & Black Publishing v. Board of Regents of the University System of Georgia, student conduct records are open records, and therefore will be released, if requested, under the Georgia Open Records Act. Please direct questions to the Open Records Manager in the Office of Public Affairs at (706)542-8090.

Parental Notification – see below

The Family Educational Rights and Privacy Act (FERPA) has given colleges/ universities the option to notify parents or guardians about specific

types of information from a student's judicial record.

The Office of Judicial Programs will notify parents or guardians the first time and every subsequent time a student **is found to have violated** Code of Conduct policies on the use or possession of alcohol or other drugs when he/she is under the age of 21.

PLEASE NOTE: Parents or guardians may receive correspondence or copies of arrest reports from The Dawg Catcher. This anonymous person or organization is not affiliated with the University of Georgia Office of Student Conduct. The Office of Student Conduct only notifies parents when a student **is found to have violated** Code of Conduct policies on the use or possession of alcohol or other drugs through a formal hearing or informal resolution.

Office of Student Conduct | The University of Georgia | 500 Memorial Hall | Athens, GA 30602
Phone: (706) 542-1131 | Fax: (706) 542-8817

Email: conduct@uga.edu

SACS Accreditation **| Text Only Version** | Submit a Complaint

Website questions: lkendric@uga.edu

www.gcsu.edu

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Student Life

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Support Services Overview Auxiliary Services Bobcat Card Career Center Counseling Services Dining Services Disability Services
Hometown News Release Parking Public Safety Student Health Services Wellness Depot Women's Resource Center Writing Center
University Housing Visit the Housing Web Site
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Bookstore Access the Bookstore

Institutional Standards and Administrative Policies

In this section, you will find information on the following:

- *Amnesty Policy (a.k.a. the Good Samaritan Policy)*
- *Sponsorship, Donations, Gifts-in-kind and its Affiliated Advertisement*
- *Liability*
- *Disability Services, Diversity, Religious Accomodations, Sexual Harrassment, and Amorous Relationships*
- *Alcohol and other substance abuse*
- *Facilities Usage*
- *On-campus Dance Policy*
- *Sexual Assault Victims Rights*
- *Social Functions*
- *Tailgating*
- *Lighted Tobacco Use*

Amnesty Policy (Good Samaritan Policy)

Introduction
The purpose of the Georgia College Alcohol and Other Drugs Amnesty Policy is to prevent students from being reluctant to seek assistance for themselves or someone else for fear of facing campus judicial action. It is an attempt to remove barriers that prevent students from seeking the medical attention that they need.

The policy does not necessarily grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local laws. Georgia College Public Safety Officers are sworn police officers with full arrest authority, and they have the autonomy to use that authority as circumstances dictate according to their professional experience. In general, unlike police from many other settings, Georgia College Public Safety officers attempt to balance a concern for student educational outcomes with their powers of arrest. In circumstances in which they choose to arrest students rather than refer them to the Student Judicial Board on campus, their decision is typically a result of evidence of gross irresponsibility on the part of the student, the presence of an apparent safety risk, or complications due to the student's non-compliance or belligerence.

Philosophy
The health and safety of members of the Georgia College community is a primary concern. Students need to seek immediate medical attention for themselves or others when someone's health and/or safety is at risk (examples include: alcohol poisoning, unconsciousness, sexual assault or physical assault). Students may be reluctant to seek assistance for themselves or someone else for fear of facing action from the Office of Student Affairs. Georgia College seeks to remove barriers that prevent students from seeking the medical attention they need.

Policy
Note: This Policy only provides amnesty from violations of the Georgia College Code of Conduct. It does not necessarily grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local law.

Students who seek emergency medical attention for themselves related to consumption of drugs or alcohol will not be charged with violations of the Georgia College Code of Conduct related to that consumption, provided that the student subsequently completes a screening from University Counseling Services and any recommended treatment within a reasonable time frame to be determined by the Office of Student Affairs. Failure to complete this screening/treatment may result in charges being filed with the Office of Student Affairs.

Students who seek emergency medical attention for someone else will not be charged with violations of the Georgia College Code of Conduct related to consumption of alcohol or drugs, or intoxication, provided that the student subsequently completes a screening from University Counseling Services and any recommended treatment within a reasonable time frame to be determined by the Office of Student Affairs. "Georgia College Public Safety officers will weigh heavily a student's cooperation and genuinely positive intent in determining whether a substance abuse situation allows them to provide the student amnesty from arrest."

Student Organizations are required to seek immediate medical assistance for their members or guests when any potential health risk is observed, including medical emergencies related to the use of alcohol and/or drugs. A Student Organization that seeks immediate assistance from appropriate sources will not be charged with violations of the Georgia College Code of Conduct related to providing alcohol, providing that the organization completes any educational programming required by the Office of Student Affairs and the Office of Campus Life. However, the organization can and will be held accountable for any other violations of the Code of Conduct related to the incident (e.g. endangering the health or safety of others, covered smoke detectors, etc.). Student Organizations that fail to seek immediate medical assistance for members or guests in need of attention will likely be charged with violations of the Code of Conduct and face dissolution or termination as the outcome of such charges. It is imperative that student organizations seek medical assistance for their members or guests in an emergency situation.

This Policy applies only to those students or organizations who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by University employees (i.e. University Police, Faculty, administrative staff, residence hall staff).

The Georgia College Amnesty Policy is not intended to shield or protect those students or organizations that repeatedly violate the Code of Conduct. In cases where repeated violations of the Georgia College Code of Conduct occur, the University reserves the right to take judicial action on a case by case basis regardless of the manner in which the incident was reported. Additionally, the University reserves the right to adjudicate any case in which the violations are egregious.

Additionally, the Georgia College Amnesty Policy allows for assistance in cases of sexual misconduct. If you believe you have been involved in an incident of sexual misconduct, you have the right to pursue action through the University judicial system and/or the appropriate law enforcement authorities, and/or the courts. Georgia College further encourages anyone who has been involved in such an incident to pursue action through appropriate law enforcement authorities and/or the courts. The University wishes to encourage victims to report incidents of sexual misconduct and therefore reserves the right to waive disciplinary charges against victims for circumstances surrounding the incident. For example, a victim who had been an underage drinker would not typically face charges of violating alcohol policies.

Sexual Misconduct is any sexual act which violates the laws of the State of Georgia; and/or includes, but is not limited to: acts of rape (stranger and acquaintance or date rape) and other forms of coerced sexual activity, including unwanted touching, fondling or other forms of sexual conduct. Any sexual activity which is entered into without consent of both or all persons involved is a violation of this policy. A person may not avoid responsibility for a sexual activity because of impairment due to the influence of alcohol or other drugs. A person is deemed incapable of giving consent when that person is a minor under the age of 18 years, is mentally disabled, mentally incapacitated, physically helpless, under the influence of alcohol or drugs to the point of being unable to make a rational decision, unconscious or asleep. A person always retains the right to revoke consent at any time during a sexual act.

The Office of Student Affairs reserves the right to contact any student to discuss an incident whether or not the Georgia College Amnesty Policy is in effect.

Georgia College Campus Resources for Assistance:
Campus Police - (478) 445-4400
Office of Student Affairs - (478) 445-5169
Office of Campus Life - (478) 445-4027
Student Health Services - (478) 445-5288
Counseling Services - (478) 445-5331
Women's Resource Center - (478) 445-8156
EMERGENCY - 911 or on campus 4400

Sponsorship Policy - A Policy on Sponsorship, Donations, Gifts-in-kind and its Affiliated Advertisement

Purpose:

This policy outlines sponsorships, donations, and gifts in kind for both events and organizations by outside individuals, companies, institutions, or organizations and the advertising rights associated with such financial and non-financial contributions for a specific Georgia College division, department, unit, or registered student organization.

Definitions:

1. Sponsor and Sponsorships are individuals, companies, institutions, or organizations which provide financing for all or part of an event or organization which is organized or associated with a Georgia College division, department, unit, or registered student organization in exchange for limited advertising rights in exchange for the financial contribution.
2. Donor and Donations are individuals, companies, institutions, or organizations which provide financing for all or part of an event or organization which is organized or associated with a Georgia College division, department, unit, or registered student organization that are not permitted advertising rights in exchange for the financial contribution.
3. Gifts and Gifts-in-kind Donations are individuals, companies, institutions, or organizations which provide materials, services, or supplies, free of charge, for all or part of an event or organization which is organized or associated with a Georgia College division, department, unit, or registered student organization that are permitted limited advertising rights in exchange for the contribution.
4. Advertising rights are   rights granted to an individual, company, institution, or organization that permits limited advertisements and recognition as explained in the policy detail.
5. Georgia College Contracted Organizations are individuals, companies, institutions, or organizations that have a contractual agreement with Georgia College in some capacity.

Exemptions:

The Department of Athletics, the Colonnade, WGUR, and GCTV shall be exempt from this policy.

Policy Detail:

1. Prior to starting any solicitation of sponsorships, donations, or fundraising efforts, registered student organizations must contact the Department of Campus Life for initial approval.
2. Sponsorships and donations in the amount of $1,000 or more must adhere to the guidelines published by Georgia College's Office of University Advancement.
3. Solicitation or acceptance of sponsorships from merchants or vendors in direct competition with services provided by Georgia College, its contracted vendors, or where addressed by contractual agreements, is prohibited (See Appendix I).
4. Solicitation or acceptance of donations from merchants or vendors in direct competition with services provided by Georgia College, its contracted vendors, or where addressed by contractual agreements, is permitted only upon authorization by Georgia College's Office of University Advancement and Business and Finance.
     1. If a donation is accepted by a Georgia College division, department, units, or registered student organization the donor is not permitted advertising rights.
     2. Any Georgia College division, department, unit, or registered student organization may not seek or accept sponsorships from companies/vendors whose main focus of business is the manufacture, distribution, or sale of alcohol products.
     3. Preference should be given to Georgia College contracted organizations when soliciting sponsorship or donation opportunities.
     4. A list of Georgia College contracted organizations accessible through the Auxiliary Services will be maintained by Auxiliary Services and available on their website. http://www.gcsu.edu/businessandfinance/auxiliaryservices.htm (See Appendix II).
     5. Refusal of a sponsorship or donation solicitation by a Georgia College contracted organizations does not permit the solicitation of merchants or vendors in direct competition with services provided by Georgia College, its contracted vendors, or where prohibited by contractual agreements
     6. Adverting rights shall be limited to the following:
          1. If appropriate for an event, and no breech of the GC Catering guidelines or other contractual relationship will occur, the sponsor shall be allowed one booth or table for the sole purpose of promoting its business.

2. Sponsors may not solicit Georgia College students to sign any contracts or collect information that may be used for later solicitation.
3. Promotional items from a sponsor must be available to all organization or event participants without requiring participation in any activities required by the sponsor.
4. Advertisements, of any kind, of a sponsored event or organization that include sponsors names or logos must be approved by the office of Auxiliary Services prior to posting.
5. GCSU Catering Guidelines must be referenced in order to ensure no breach in any contract.

10. It is not permitted for any Georgia College division, department, unit, or registered student organization to use an event for the sole purpose of advertising any sponsor.

11. If any Georgia College division, department, unit, or registered student organization deviates from this policy, disciplinary actions will be taken in accordance with the respective division.

Appendix I

Georgia College Contracted Organizations

1. Bookstores
2. Apartment/Housing Complexes and Private Landlords
3. Catering Services (Restaurants that do not provide catering services are permitted for solicitation and associated advertising)
4. Television Services
5. Soft Drink/Beverage Vendors
6. Snack/Beverage Vending Companies
7. Laundry Services

 Appendix II

Georgia College Service/Retail Areas under Contractual Agreements

As of February 1, 2010, these include:

1. Follett Higher Education Group/PawPrints Bookstores
2. Sodexo Campus Services/Georgia College Dining Services
    1. World of Wings
    2. Chick-fil-A at Georgia College
    3. Sandella's Flat Bread
    4. The Village Market
    5. Books & Brew Starbucks Café
    6. Blimpie at Georgia College
    7. Einstein Bros. Bagels
    8. The Ice Box
    9. College Cable, Inc.
    10. Coca-Cola
    11. Canteen Vending Services
    12. Mac-Gray Laundry Services
    13. Arby's
    14. Asian Bistro
    15. Barberito's
3. 10. Bruster's Ice Cream
4. 11. Chili's Bar and Grill
5. 12. Domino's Pizza
6. 13. International House of Pancakes (IHOP)
7. 14. Judy's Country Kitchen
8. 15. Mellow Mushroom
9. 16. Sonic Drive In
10. 17. Zaxby's
11. 18. Glow Salon
12. 19. CVS/pharmacy

For more information on this policy contact:
Kyle Cullars
kyle.cullars@gcsu.edu
Maxwell Student Union, Suite 114
Campus Box 037
Milledgeville, GA 31061

Tel: (478) 445-1976
Fax: (478) 445-7310

Posting of Signs for Campus Organizations, Departments, Events

All postings must be approved and stamped by the Department of Campus Life prior to its distribution on campus. Advertising which has not been approved will be removed and the individual(s) or organization(s) will be liable for disciplinary action.

The steps in receiving approval for signs or posters are as follows:

- Construct sign or poster to the proper specifications.
- Have the poster approved at the Department of Campus Life in the Student Activities Center.
- Place the posters in approved areas only.
- Clear posting privileges with each academic dean and department chairperson.

Stipulations regarding the placement of posters and signs are as follows:

- All signs or posters used by approved student organizations shall be approved by the Department of Campus Life.
- All signs or posters may be placed on bulletin boards located in specific areas on campus.
- Signs or posters may be placed on the various bulletin boards on the first floor of Maxwell Student Union, the residence halls, and other buildings upon the specific approval of the building/area supervisor.
- The food service office approves all signs or posters for the dining hall after initial approval by the Department of Campus Life.
- Bulletin boards in academic areas should not be used unless approved by the academic dean or department chairperson.
- No signs or posters are to be placed on glass doors or glass areas. No signs or posters are to be placed on walls. Specific permission is needed to put signs on any brick-walled building.
- Signs or posters shall be placed on bulletin boards by thumb tacks; staples, tape or adhesives are not allowed.
- Only approved student organizations can advertise on the Georgia College campus. *Exceptions involving events of community interest shall be approved specifically by the director of auxiliary services.*

Limitations on the size, content, and length of time posters may be displayed are as follows:

- Signs or posters are not to exceed 22" by 28" (poster size) unless approved by the building manager.
- Refreshments shall be used in place of words denoting alcoholic beverages on all organization social function signs.
- No signs or posters encouraging the excessive use of alcohol will be approved. No obscene material will be allowed on signage.
- All signs or posters may be advertised a maximum of ten days prior to an event.
- Signs or posters must refer to a specific event.
- Outdated signs or posters shall be removed by the advertising organization within 48 hours after an event. Any organization not adhering to this guideline may face advertising restrictions.
- A maximum of 25 signs or posters will be approved for placement under this policy.

Facilities Usage

Section 4.05 of the Academic Affairs Handbook

Liability

All Georgia College students are asked to sign a release and waiver of liability before participating in university sponsored activities where there are potential risks. Copies are available in the Department of Campus Life or the Office of Legal Affairs.

On-Campus Dance Policy

The following rules are policy for on-campus dances sponsored by student organizations at Georgia College.

1. Dances with open admission are not an appropriate means for organizational fundraising. Because they have traditionally been used as such by Pan-Hellenic Council organizations and the Black Student Alliance, and because these dances have become traditional events at Georgia College, the department of campus life will cover the cost of two Public Safety officers for up to 10 such dances per semester, thereby reducing the need for these organizations to maximize attendance in order to cover expenses. These organizations may continue to charge a reasonable admission charge to defray the cost of the event.
2. The sponsoring organization must provide an adviser and students to work for the duration of the event. The number of students provided must be equal to the number of entrances to the room being used for the dance (accordingly, MSU Lounge requires one adviser and three

students). Two of these people are to staff the admission table at the front door to check IDs, collect money, stamp hands, sign in guests, and prevent guests from walking down MSU hallways. The others are to be posted at the other entrances to the room, to prevent unauthorized entrance.

3. Dances are open only to Georgia College students and their invited guests. Current students of other colleges and alumni of a sponsoring Greek organization may also attend as guests. Admission of guests must follow these procedures:
    1. Individual guests may be admitted only if accompanied and sponsored by a Georgia College student. Each Georgia College student may have no more than one guest. Guests must be at least 17 years of age and present a picture ID for admission. A guest and his or her host must sign in together at the admission table. Guests must leave with their host or the host with their guest if either leave before the conclusion of the event. Hosts are responsible for the behavior of their guests and/or alumni.
    2. Fraternity / sorority alumni of sponsoring Greek organizations may be admitted to the event, with a picture ID and appropriate Greek paraphernalia or identification.
    3. Current students of other colleges must show a valid college ID for admission.
4. All dances must be approved in advance by the director of campus life. As part of the approval process, the appropriate representative of the sponsoring organization must submit a signed copy of these rules, and a contract must be signed between the DJ (or other entertainers) and the organization. The DJ will not be allowed to advertise the event off the Georgia College campus, and will forfeit his or her fee for doing so.
5. Arrangements must be made with the Georgia College Campus Police at least two weeks in advance to arrange two officers to work the event. One Campus Police officer will patrol the dance area and one will patrol the parking lot area. The officers must be hired from the advertised start time of the event until 30 minutes after the closing of the event. Campus police reserves the right to close down an event if the officers or advisors perceive that the sponsoring organization is being irresponsible or uncooperative with the officers or advisors. In such a case, the department of campus life may decline to cover the cost for the officers incurred at that event.
6. No more than 200 people may be admitted to dances in the MSU Lounge.
7. Posters with dance rules will be provided by the department of campus life and must be posted by the sponsoring organization, one outside the event venue and one inside near the admission table. These posters will include a stipulation that no refunds will be made.

Sexual Assault Victims Rights

Victims of sexual assault are afforded rights that are recognized by Georgia College. These rights include assistance by the university to help the victim. A copy of the policy for victims of sexual assault is available in the counseling center office and in the campus police department. In the event of a sexual assault, please contact one of these offices so that assistance can be rendered. Counseling for victims is also available in the counseling center.

Disability Services, Diversity, Religious Accomodations, Sexual Harrassment, and Amorous Relationships

See: http://www.gcsu.edu/equity/resourceslinks.htm

For further information on these policies contact:
Office of Diversity Programming and Services
Campus Box 004
Milledgeville, GA 31061
Phone: (478) 445-1382
Fax: (478) 445-1287

Social Functions

Any registered student organization hosting a social event, whether on-campus or off-campus, will be expected to abide by all applicable local, state, and federal laws and regulations. All social events on campus must be approved by the director of campus life and must be in compliance with Georgia College policies and procedures for student organizations. If the event is held on campus facilities such as the East Campus (Lake Laurel), the main campus (Maxwell Student Union), and the J. Michael Peeler Athletic Complex (picnic grounds and athletic fields), appropriate facility usage request forms must be submitted to Continuing Education & Public Services where approval of the appropriate building/area supervisor will be obtained. A damage deposit must accompany the application in order for the request to receive full consideration. Completed requests must be submitted to the director of campus life for his approval of the appropriateness of the event prior to submitting to CE/PS. All applications must be approved in entirety one week prior to the date of the requested event.

Each organization sponsoring a social event on campus property must sign a statement of responsibility and a waiver of liability included on the Social Function Application releasing Georgia College from liability for personal injury or damages to property, littering or destruction, and cleanup of Georgia College property. All scheduled events shall terminate at designated times. If the organization plans to serve alcoholic beverages during the social event, they must adhere to the alcohol policy of the university. Organization advisors must be present at all social events where alcohol may be present.

The Board of Regents recognizes and supports the laws of Georgia with respect to the sale, use, distribution, and possession of alcoholic beverages on university campuses as well as within the state at large. To this end, the Board has endorsed a program designed to enhance awareness and curb abuse

of alcohol by students and others in the University System. This program emphasizes that each institution shall stress individual responsibility related to the use of alcohol on and off the campus.

To assist in the implementation of alcohol awareness programs and to enhance the enforcement of state laws on the campuses of the University System, each institution shall adopt and disseminate comprehensive policies and procedures, consistent with state and local laws, concerning the use, distribution, and possession of alcoholic beverages on campus and institutionally approved events off campus. Disciplinary sanctions for violation of the policies or other unauthorized use of alcoholic beverages shall be included in each institution's disciplinary code of conduct.

A copy of the policies and procedures adopted by each institution shall be filed with and approved by the office of the vice chancellor for student services of the board of regents. This shall be reviewed and approved by this office annually thereafter.

Copies of policies and procedures, forms and information relative to the implementation of system policy on the Georgia College campus are available upon request from the department of campus life in the Student Activities Center.

Please note the following policies:

All registered student organization members, faculty, or staff using university facilities and serving alcoholic beverages must be in full compliance with the Board of Regents Alcohol On Campus policy as well as Georgia College Policies and Procedures for social functions.

Coordinators of events shall complete a Social Function Application one week prior to the proposed function.

Coordinators of events must sign a statement of responsibility and waiver of liability releasing Georgia College from liability for personal injury or damages.

Organization members or appropriate faculty or staff members will accept full responsibility for any personal injuries, damages to property, littering or destruction, and cleanup of Georgia College.

Registered student organizations must submit an appropriate damage and cleanup deposit attached to the Social Function Application.

All registered student organization events shall terminate on or before 12:00 midnight with the exception of the Maxwell Student Union Lounge where events may be held until 1:00 a.m.

If registered student organizations plan to serve alcoholic beverages during the social event (no sale is permitted on state property) they must be served no later than 30 minutes prior to the termination time, and within the following guidelines:

Alcoholic beverages may be served outside only at the J. Michael Peeler Athletic Complex picnic area and the Lake Laurel Lot.
Alcoholic beverages are served inside only within the Maxwell Student Union and the Lake Laurel Lodge.
Whenever alcoholic beverages are served, equally accessible, alternative, nonalcoholic beverages and snacks, or food must also be served.

Specific regulations for use of alcoholic beverages by registered student organizations must be followed.

Locations and conditions regarding faculty/staff receptions where alcohol is served may be approved on a case by case basis through the Division of Business and Finance in conjunction with the Department of Public Service.
Violations of the Social Functions Policy will result in the termination of further privileges and may include other possible disciplinary actions or sanctions.

Policy on Alcohol and Illegal Use of Controlled Substances

Student Policy on Alcohol and Illegal Use of Controlled Substances (pdf)

Tailgating Information

Tailgating

Lighted Tobacco Use

The following policies are in effect:
Lighted tobacco products may be used only in the areas designated in red on the map.

Smoking is restricted primarily to university parking lots, with the exception of the lot outside Parks Hall, and to a few additional designated areas such as the garden space behind Parks Hall and small areas outside Russell Auditorium, the library and Bell Hall. The map provides details.

View Map

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Contact Information
Office of Student Affairs
student.affairs@gcsu.edu
Georgia College
Parks Hall, Room 206
Campus Box 27
Milledgeville, GA 31061
Phone (478) 445-5169
Fax (478) 445-6707

CONNECTING WHAT MATTERS

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THE UNIVERSITY OF IOWA
Dean of Students

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Judicial Procedure for Alleged Violations of the Code of Student Life (2010-11 academic year)

POLICY TABLE OF CONTENTS

Copied below is the 2010-2011 academic year version of the Code of Student Life Judicial Procedures, which is applicable for incidents occurring **after** August 12, 2010.

For any incidents **before** August 12, 2010 please use the 2009-2010 Judicial Procedures for Alleged Violations of the Code of Student Life.

Judicial Procedure Flowchart (.pdf)

B-a. Judicial Procedure for Alleged Violations of the Code of Student Life

1. Introduction

2. Investigation by the Office of the Dean of Students

3. Resolution of Cases

4. Administrative Hearing Process

5. Appeals

6. Sanctions

7. Interim Sanctions and Other Temporary Restrictions

8. Compliance with Sanctions

9. Records

10. Criminal Charges

11. Minimum Sanctions for Violation of University Alcohol and Drug Policies

12. Responsible Action Protocol (aka Good Samaritan Policy)

1. Introduction

These procedures govern complaints accusing students of violating Rules 2-25 of the Code of Student Life except for complaints involving sexual misconduct or other designated offenses (see B-b below). The Dean of Students decides which procedure to use and assigns an administrator to the case. For cases of misconduct

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THE UNIVERSITY OF IOWA
Dean of Students

ABOUT US	POLICIES	FOR STUDENTS	CONNECT	
Our Mission	Code of Student Life	Fraternity and Sorority Life	News	Dean of Students Office
Staff	Student Judicial Procedure	Student Legal Services	Twitter	135 IMU
	Policy Archives	Leadership Development	Facebook	University of Iowa
	Affirmative Consent			Iowa City, IA 52242
				Email: dos@uiowa.edu
				Phone: 319-335-1162

which occur in University Housing facilities, the Dean of Students may resolve the complaint under these Code of Student Life procedures or utilize the Housing disciplinary procedures. Other violations will be handled as follows:

> i. Alleged violations of Rule 1 (Academic Misconduct) are handled under the procedures described in Part C, Academic Misconduct.

> ii. Complaints of abuse of service privileges, such as overdue library books, parking violations, intramural sports infractions, and misuse of placement offices and computer services, are resolved within the particular department that provides the service in question.

> iii. Formal complaints about sexual misconduct should be made to the UI Sexual Misconduct Response Coordinator (335-6200). Sexual misconduct complaints are resolved under the Judicial Procedures for Allegations of Sexual Misconduct set forth in B-b below. When a complaint of sexual misconduct is filed with the Sexual Misconduct Response Coordinator and referred to the Dean of Students, the Dean of Students shall designate an administrator to investigate the complaint. The investigator designated by the Dean is referred to in B-b below as the Sexual Misconduct Enforcement Officer. The Dean of Students may also elect to resolve stalking complaints, no-contact order violations, and/or dating violence under the Sexual Misconduct procedures. Depending upon the procedural election of the Dean of Students, an allegation of student conduct in violation of Rules [2-17] of the Code of Student Life may be resolved under the procedures below or under the Judicial Procedures for Allegations of Sexual Misconduct.

Persons with questions as to which University procedures apply to a particular situation may contact the Office of the Dean of Students or the University Ombudsperson for more information.

2. Investigation by the Office of the Dean of Students

Any person may bring a complaint against a student under these procedures based on an alleged violation of the Code of Student Life (see extent of jurisdiction in introduction). Complaints alleging non-sexual misconduct in violation of Code of Student Life Rules 2-25 are made to the Office of the Dean of Students. When such a complaint of misconduct is made to the Office of the Dean of Students, an administrator (referred to as the Judicial Administrator) will be designated to investigate the complaint

In investigating a Code of Student Life complaint, the Judicial Administrator will gather relevant evidence to determine whether one or more misconduct rules were violated. The Judicial Administrator has the authority to issue interim sanctions during the investigation as explained below in Section 8. Based on the initial review of the complaint, the Judicial Administrator may send a Policy Reminder Letter to the student accused of misconduct. A Policy Reminder Letter is not considered a finding of responsibility, but rather a formal notice of University rules.

The investigation process is not open to the public. To ensure confidentiality of student record information, the process followed shall comply with all state and federal rules governing student records. The Judicial Administrator will notify the student accused of misconduct of the allegations in a Notice of Complaint letter in writing or by electronic mail. The letter will explain the Judicial Procedures for Alleged Violations of the Code of Student Life.

The Notice of Complaint letter may direct the accused student to attend a pre-scheduled meeting. At the meeting, the accused student has the right to respond to the charges, to submit documents and other relevant evidence, and to identify witnesses who may have information relevant to the complaint. The accused student also has a right to bring an advisor (e.g., attorney, parent, support person) to this meeting. If the accused student decides not to respond to the Notice of Complaint, the Judicial Administrator has the authority to complete the investigation without input from the accused student or to reschedule the meeting. If the accused student does not attend the meeting, the Judicial Administrator can impose sanctions, including sanctions for non-compliance, if the administrator determines that the accused student violated one or more Code of Student Life rules.

While the Judicial Administrator's investigation is pending, the person who brought the complaint and the

person accused of misconduct each have the right to know, upon request, of the status of the investigation. The student accused of misconduct may consult with the University Ombudsperson or other advisers during the investigation.

3. Resolution of Cases

The standard of proof under these procedures is preponderance of evidence. After completing the investigation and consulting with the Dean of Students, the Judicial Administrator may resolve a complaint in one of three ways: (1) dismiss all of the misconduct allegations without imposing sanctions; (2) determine that the accused student violated the Code of Student Life and that non-suspension sanctions should be imposed; or (3) determine that the accused student violated the Code of Student Life and that suspension or expulsion should be imposed.

a. Non-Suspension Sanction Cases

If the violation does not involve a possible suspension or expulsion, sanctions may be imposed by the Judicial Administrator. With the exception of university suspension or expulsion, the Judicial Administrator has the authority to impose on the accused student any one or a combination of the disciplinary sanctions listed below in Section 7.

The Judicial Administrator's findings of fact shall be summarized in a letter to the accused student. This letter shall also specify the sanctions imposed by the Judicial Administrator. The Judicial Administrator's letter to the accused student shall reference the appeal procedure and set a deadline for appealing the Judicial Administrator's decision to the Vice President for Student Services (see non-suspension case appeals in Section 6 below). Upon request, the accused student shall be given access, as provided by education record laws, to the documents and other evidence pertaining to the accused student which was compiled by the Judicial Administrator during the investigation.

b. Suspension Sanction Cases

In cases where a university suspension or expulsion may be warranted if the accused student is found guilty, the Judicial Administrator will consult with the Dean of Students. The Dean may choose to further investigate the complaint or to order a suspension hearing as described in Section 5 below. If the Dean of Students chooses to further investigate the complaint prior to ordering a suspension hearing, the Dean or designee will contact the accused student to schedule a meeting. At the meeting, the accused student has the right to respond to the charges, to submit documents and other relevant evidence, and to identify witnesses who may have information relevant to the complaint. The accused student also has a right to bring an advisor to this meeting.

i. Student Does Not Dispute Charges

In cases where the accused student acknowledges he or she violated the rules outlined in the Code of Student Life, the Dean of Students may suspend the student or impose non-suspension sanctions. The process for appealing sanctions issued by the Dean of Students in non-disputed cases follows the post-hearing appeal process described below in Section 6.

ii. Student Disputes Charges

In cases where the allegations are disputed by a student who is facing a university suspension, the Dean of Students shall schedule a formal administrative hearing. The hearing shall follow the process describe below.

4. Administrative Hearing Process

The Vice President for Students Services is responsible for designating administrators who may serve as Hearing Officers. The Dean of Students shall designate the Charging Officer for the case and the Hearing Officer from among those listed by the Vice President.

The accused student has the right to request a different Hearing Officer. This request must be made in writing to

the Dean of Students at least 2 University business days before the hearing is scheduled to begin. At the discretion of the Dean of Students, this request will be granted if the student can show that the original Hearing Officer has a conflict of interest or a demonstrated bias in the case.

The Charging Officer's role is to represent the University at the formal hearing and to coordinate the presentation of evidence against the accused student. The Dean of Students, the Judicial Administrator, or another appropriate person may be designated to be the Charging Officer.

a. Notice of Hearing

It is the responsibility of the Charging Officer to send the accused student the Notice of Hearing letter, with a copy to the Hearing Officer. The Notice of Hearing shall (1) set out the rule or rules which have been allegedly violated, (2) state the alleged actions or behavior, (3) list the names of any witnesses intended to be called by the charging party, (4) advise the student of his or her rights and of the hearing procedure, (5) state the time and place of the formal hearing, and (6) specify the sanction(s) to be imposed if the student is found guilty. Depending upon the hearing officer's findings, the Dean of Students may elect to reduce unilaterally the severity of the sanctions following receipt of the Hearing Officer's decision.

The accused student will be mailed or served the Notice of Hearing at least 7 University business days before the hearing. Notice of Hearing will be sent by U.S. mail, campus mail (for on-campus residents), electronic mail, or served personally. The accused student will receive notification of names of any additional witnesses intended to be called by the Charging Officer at least 2 University business days before the hearing is scheduled to take place.

b. Consolidated Hearings

The Dean of Students may elect to resolve two or more complaints against one student at a single hearing. In addition, the Dean of Students may elect to resolve a complaint against two or more students at separate hearings or at a single hearing in the event that the complaints arose out of the same transaction or occurrence. Any challenge about complaint consolidation or separation will be determined by the Hearing Officer. To challenge a decision to separate or consolidate a complaint, the accused student must notify in writing the Hearing Officer of the grounds for the challenge at least 2 University business days before the hearing is scheduled to take place.

c. Postponing the Hearing

If the accused student cannot appear at the time specified in the Notice of Hearing, the accused student must contact the Hearing Officer at least 2 University business days before the hearing is scheduled to arrange a different time for the hearing. If the accused student has not contacted the Hearing Officer and does not appear at the hearing, the Hearing Officer may make a decision on the charge.

d. Registration Withdrawal by Accused

After the Notice of Hearing letter has been sent to the accused student, the Dean of Students may elect to cancel the hearing if the accused student withdraws his or her registration from the University before the hearing. A restriction shall be placed on the registration of the student and the student's record shall indicate that he or she withdrew after a disciplinary complaint was filed. The student may petition the Dean of Students for reinstatement no sooner than one full semester after withdrawing from the University.

e. Rights of Accused Student at the Formal Hearing

The accused student has the following rights at a hearing: (1) to respond to the charges; (2) to present witnesses and evidence; (3) to cross-examine witnesses presenting evidence against the student as long as the questions are relevant, material, and not unduly repetitive; (4) to be represented by an adviser at the student's expense. Prior to the hearing, the student has the right to examine his or her disciplinary file in the Office of the Dean of Students. The student also has a right to know and review, upon request, the written documents or other physical evidence in the disciplinary file the Charging Officer plans to present at the hearing. To examine the disciplinary file or learn what documents will be presented at the hearing,

the student should contact the Office of the Dean of Students at least 2 University business days before the hearing is scheduled to take place and arrange a meeting.

f. Rights of Complaining Party at the Formal Hearing

The person who filed the complaint has the following privileges at a formal hearing if he or she elects to testify; (1) to present his or her side of the story; (2) to be accompanied by a person who may advise him or her of the hearing process; (3) to remain in the hearing room during the hearing; and (4) to be informed of the outcome of the hearing as permitted under federal laws governing confidential student record information.

g. Rules of Hearing Adjudication

The Hearing Officer shall preside at the hearing. At the start of the hearing, the Hearing Officer shall (1) inform the student of the charge, the hearing procedures, the sanctions to be imposed if found guilty, and his or her rights and (2) answer any questions the parties may have. The Hearing Officer shall hear and receive evidence to determine whether a violation of the Code of Student Life has occurred. The hearing shall be recorded.

After informing the student of the hearing procedures, the Hearing Officer shall ask the student charged to plead to each charge. If the student pleads not responsible, the Charging Officer shall present the University's case and shall offer evidence, which may include written testimony and witnesses, in support of the charge. Ordinarily, each witness will remain outside of the hearing room until called to testify and, once seated, will be requested to respond truthfully to the questions posed. The accused student may cross-examine the witnesses presented by the charging party. The accused student may then present his or her case and may offer evidence, including written testimony and witnesses. These witnesses shall be subject to cross-examination by the Charging Officer. The student and the Charging Officer may present character witnesses in cases where such evidence is relevant to the findings of fact.

If the student pleads responsible to all of the charges contained in the Notice of Hearing, the Hearing Officer may elect to conclude the hearing.

The Hearing Officer shall control the hearing process and maintain a level of decorum appropriate for a quasi-judicial proceeding at an educational institution. In the event the hearing is disrupted, the Hearing Officer may order individuals from the hearing room to preserve decorum.

h. Privacy and Partitions

The hearing shall be closed unless the accused student specifically requests in writing at least 2 class days before the hearing that the hearing be open. If the student requests an open hearing, the Hearing Officer may nonetheless elect to close all or part of the hearing. The Charging Officer may request that the Hearing Officer place partitions or other physical barriers in the hearing room between the complaining party and the accused student. If partitions are installed to prevent the two parties from viewing each other, the accused student shall have the opportunity to question the complaining witness even though the accused student cannot view the complaining party due to the partitions. A request to install partitions must be made in writing at least 2 class days prior to the hearing with a copy to the accused student.

i. Cross-examination

The process of cross-examination shall be determined by the Hearing Officer at the start of the hearing. Ordinarily, questions are submitted either verbally or in writing to the Hearing Office for evaluation first before the witness is asked to answer. A proposed question may be modified by the Hearing Office in order to mediate the question tone or to ensure the clarity of the question. Depending upon the preferences of the Hearing Officer, the Charging Officer and the accused student may be permitted to ask their questions directly to the witness.

j. Standard of Proof

The Charging Officer must show by a preponderance of evidence that the Code of Student Life was violated. The Hearing Officer may exclude irrelevant, immaterial, or unduly repetitive evidence. A finding by the Hearing Officer shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their serious affairs. Objections to evidence or witnesses may be made and shall be noted in the record.

k. Hearing Officer's Decision

The Hearing Officer's decision shall be issued in writing within 10 University business days after the conclusion of the hearing. Notification of Decision shall be sent to the Dean of Students with a copy to the accused student, the Charging Officer, and to other appropriate University officers. If the accused student is found not guilty of all Code of Student Life charges, the complaint will be considered dismissed and the sanctions listed on the Dean of Student's sanction document shall not go into effect unless the Hearing Officer's decision is modified on appeal.

If the accused student is found to have violated the Code of Student Life, the Dean of Students will review the hearing officer's written decision and the pre-hearing list of sanctions. If the Dean of Students decides to reduce the severity of the sanctions in light of the hearing officer's decision, the Dean of Students will write to the accused student and outline the final list of sanctions. The Dean of Students' notification of sanction letter shall include a statement of the appeal procedure. If the Dean of Students decides to impose the sanctions specified in the pre-hearing list of sanctions, the Dean of Students will write to the accused student and confirm his/her sanction decision by attaching a copy of the pre-hearing list of sanctions and a copy of the appeal procedure. The sanction document would then be placed in the student's disciplinary file in the Office of the Dean of Students.

It is the responsibility of the Dean of Students to notify the complaining party in writing of the outcome of the hearing and of the sanction in a timely manner consistent with federal and state privacy laws. The Dean of Student's letter to the complaining party should include a statement explaining the appeal procedure as set forth below.

5. Appeals

When a Judicial Administrator or Hearing Officer finds the accused student responsible for violating the Code of Student Life, the accused student has the opportunity to appeal the outcome and request an administrator review the decision and the sanctions. Appeals are administered either by the Vice President for Student Services or by the Office of the Provost, as explained below. Interim sanctions are appealed under a different process (refer to Section 8 for information about the process for modifying interim sanctions).

In some cases, a student who brought a complaint against another student has the opportunity to appeal the decision of the Judicial Administrator or Hearing Officer. In cases resolved at a formal hearing by a Hearing Officer, the Charging Officer is permitted to appeal the Hearing Officer's interpretation and application of the conduct regulations. The Charging Officer and the complaining student are not permitted to appeal the Hearing Officer's conclusions as to the facts of the case except to argue they are not supported by substantial evidence.

A party who wishes to appeal the decision or sanctions must file a written notice of appeal with the Office of the Dean of Students. The student may elect to include supporting materials along with the written petition. The petition for appeal should specify the basis for appeal by choosing one or more grounds from the list of grounds set forth below. For an appeal to be considered, a written petition must be received by the Office of the Dean of Students no later than 10 University business days following student's receipt of the written notice of the decision. The appeal may be submitted electronically, by fax or hard copy. If the appeal deadline passes without a written request for review, the sanctions listed in the decision letter to the accused student will become effective and the complaint will be considered resolved. When the Dean of Students receives a petition within the timeframe and confirms the case as appropriate for appellate review, the Dean will refer the entire record of the case to the Vice President for Student Services or the Office of the Provost, as explained below.

Any sanctions imposed shall ordinarily remain in effect while the outcome of the appeal is being considered. A

request to stay or suspend disciplinary action must be included in the notice of appeal, or the ability to seek a stay or suspension of disciplinary action is waived. Affirmative written approval by the Dean of Students is required to stay or suspend the disciplinary action.

Grounds for Appeal

The petition for appeal should specify the basis for appeal by choosing one or more grounds from the following list: (1) the decision to find the accused student guilty or not guilty was unsupported by substantial evidence when the information compiled is viewed as a whole; (2) with respect to issues disputed during the investigation, the decision was, as a whole, unreasonable, arbitrary, or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion; (3) the sanction imposed for the violation was unreasonably harsh or lenient when the nature of the violation and the disciplinary record of the accused student are considered; (4) the procedures were not properly followed and the error or oversight substantially compromised the student's rights; or (5) new evidence, not reasonably available at the time of the hearing, is of sufficient importance to warrant reconsideration by the Judicial Administrator, Dean of Students, or the Hearing Officer.

Appeals Review Process

Appeals in cases that do not result in suspension or expulsion are reviewed by the Vice President for Student Services or designee (Vice President). Appeals in suspension and expulsion cases are reviewed by the Provost or designee (Provost). The Dean of Students shall deliver the appeal petition and the student's disciplinary file to the Vice President or Provost no later than 10 University business days after the Dean's receipt of the notice of appeal. Depending upon the nature of the complaint, the status of the appellant, and the content of the appeal petition, the Dean may notify the complaining party and/or the accused student of the contents of the appeal.

Before delivering the student's file to the Vice President or Provost, the Dean may decide to insert in the student's disciplinary file a written response to the appeal petition. A copy of this letter will be sent to the person who filed the appeal. Within 10 University business days of the date the record is sent, the appealing party may respond to the letter submitted by the Dean of Students. Any response shall be in writing addressed to Vice President or the Provost, with a copy provided to the Dean of Students.

In cases resolved by the Judicial Administrator, the Vice President may determine to affirm the Judicial Administrator's decision on appeal after reviewing the information compiled by the Judicial Administrator during the investigation and the past disciplinary record of the charge student. Alternatively, the Vice President may determine to reverse or modify the outcome, or grant other appropriate relief, or remand the complaint to the Judicial Administrator with instructions to investigate the complaint further. If the Vice President for Student Services believes a university suspension may be warranted, the Vice President may order a formal suspension hearing (in which case the accused student would be notified of the time and place of the hearing and the name of Hearing Officer as explained Section 5). A decision by the Vice President to grant relief to the appellant shall be based on one or more of the grounds listed above. The Vice President's decision on appeal will be transmitted in writing to the Judicial Administrator, to the accused student, and to other appropriate University officials within 20 University business days following receipt of the appeal petition. A summary of the outcome of the appeal may be provided to the complaining party. The final decision on appeal, as well as the notices and other related documents, will be kept in the student's disciplinary file in the Office of the Dean of Students.

In suspension and expulsion cases, the Provost shall review the record of the case and the past disciplinary records of the accused student. The Provost or designee may decide to affirm the decision. Alternatively, the Provost or designee may determine to reverse or modify the outcome, or grant other appropriate relief, or remand the complaint to the Hearing Officer (in cases which were resolved at a formal hearing) with instructions to reconsider the decision. If no formal hearing was conducted by an Administrative Hearing Officer prior to the appeal and an issue of fact is in dispute which is material to the outcome of the case, the Provost or designee may refer the case back to the Dean of Students and order an evidentiary hearing. A decision by the Provost to grant relief to the appellant shall be based on one or more of the grounds listed above. In responding to an

appeal by the Charging Party, the Provost or designee may affirm or modify the Hearing Officer's interpretation of the student conduct rules.

The decision on appeal and the reasons therefore will be transmitted in writing to the person who filed the appeal, to the accused student, the Charging Officer (in a case resolved at a hearing), to the Dean of Students, and to other appropriate University officials within 20 University business days of the receipt of the appeal petition. A summary of the decision on appeal may be provided to the complaining party. The decision of the Hearing Officer and the final decision on appeal, as well as the notices and other related documents, will be kept in the student's disciplinary file in the Office of the Dean of Students.

6. Sanctions

The following sanctions are to serve as guidelines rather than as a definitive list of sanctions. A single sanction or a combination of sanctions may be imposed.

i. Disciplinary Warning: This sanction is a strong, written warning that if there is a repetition of the same action or any other action in violation of the Code of Student Life, the student can expect additional disciplinary action.

ii. Disciplinary Probation: When on disciplinary probation a student is not considered to be in good standing with respect to the non-academic disciplinary system and any further violations may lead to suspension or expulsion from the University.

iii. Restitution and Fines: A student may be assessed reasonable expenses related to the misconduct. This may include, but is not limited to, the repair/replacement cost for any damage he or she causes to property or medical or counseling expenses incurred by the victim. If a student violates a residence hall policy that calls for the imposition of a fine, a fine will be assessed consistent with residence hall practice.

iv. Educational Sanction: A student may be required to provide a specific service or participate in a specific program, receive specific instruction, or complete a research assignment. The student is responsible for related expenses, including expenses for education, counseling, or treatment, if any expense is entailed.

v. Exclusion from University Facilities or Activities: A student may be terminated from employment or prohibited from accessing University computer equipment or internet connections, attending a class, undertaking University employment, entering a building, participating in a co-curricular activity recognized or sponsored by the University, representing the University in an official capacity, or using other services provided by the University. Such exclusion may be for a definite or indefinite period of time.

vi. Disciplinary Suspension: A student may be involuntarily separated from the University for a stated period of time after which readmission is possible. A student with one or more violations may be suspended from the University for an indefinite period of time. A student suspended indefinitely may petition to the Dean of Students for reinstatement.

vii. Expulsion: When a student has a record of serious violations, he or she may be dismissed from the University permanently.

viii. Residence Hall Suspension or Transfer: A student may be involuntarily removed from the residence halls or transferred to a different hall or floor. Unless specifically permitted to do so by the Dean of Students, a student suspended from the residence halls is ineligible to use residence hall services, including board plans, and may not enter the residence halls. For purposes of progressive discipline, a student suspended from the residence halls may be suspended or expelled from the University if he or she is found to have violated the Code of Student Life subsequent to the housing suspension.

ix. No-Contact Order: A student may be prohibited from intentionally contacting a student, employee, or visitor to campus in any manner at any time. Such prohibition may be in effect for a specific or an indefinite period of time.

7. Interim Sanctions and other Temporary Restrictions

A student may be suspended from the University or have privileges revoked pending the outcome of a disciplinary proceeding if, in the judgment of the Dean of Students or the Judicial Administrator assigned to the case, the student's continued presence or use of privileges at the University pending the outcome of the proceeding is likely to cause harm to faculty, staff, other students, other specified persons or groups, or University property. The Dean of Students or Judicial Administrator will base an interim sanction judgment on evidence gathered in the initial stage of an investigation of the alleged conduct. Ordinarily, the Dean or Judicial Administrator will converse with the student when interim suspension is considered.

A student suspended or restricted under this section may seek review of that decision by requesting the Dean of Students reconsider the decision within 5 University business days after the student has received a notice of interim sanctions. If not satisfied with the response, the student may request that a University disciplinary hearing be held to resolve the merits of the complaint. When a student restricted on an interim basis requests a hearing to resolve the complaint, the type of hearing provided will be determined by the Dean of Students. If the Dean of Students decides to recommend a suspension or expulsion from University classes as the permanent sanction if the student is found responsible for violating Code of Student Life rules, the Dean will order a suspension hearing and assign a Hearing Officer to adjudicate the complaint. When the Dean of Students decides to recommend a sanction less than suspension if the student is found responsible for violating Code of Student Life rules, the Dean will assign a Judicial Administrator to adjudicate the complaint.

8. Compliance with Sanctions

Students who fail to comply with a sanction in a reasonably timely manner are subject to additional disciplinary action, which may include Suspension from the University. The Dean of Students' authority to take additional disciplinary action in cases of non-compliance extends to complaints resolved through informal agreement, complaints resolved at a formal hearing, and complaints resolved by another University department such as University Housing.

In the event that a student fails to comply with a sanction and the Dean of Students is prepared to impose a suspension, the student will be notified of the apparent failure to comply and of the Dean of Students' intent to suspend, and provided an opportunity to meet personally with the Dean of Students and explain the circumstances prior to a final decision by the Dean of Students. A student suspended for failing to comply with a sanction may appeal the Dean of Students' decision to the Provost but is not entitled to a formal hearing before a Hearing Officer. All appeals must be made in writing to the Provost within 10 business days following the date of the decision by the Dean of Students.

9. Records

If disciplinary action is taken against a student under these procedures and a sanction imposed, a record of the action will be kept by the Office of the Dean of Students. Ordinarily, disciplinary records are kept on file until a student graduates or 3 years following resolution of the case, whichever is longer. In suspension or expulsion cases, the disciplinary records are maintained indefinitely.

Under federal law, disciplinary records are part of the education records of the student and, consequently, are not ordinarily available for public disclosure or discussion without prior written permission from the student. There are exceptions in the law to the non-disclosure rule, and the Office of the Dean of Students reserves the right to disclose information contained in education records to other persons or to the public as permitted under the law (refer to "Student Records Policy," Section I.C of Policies & Regulations affecting Students).

10. Criminal Charges

Students who face criminal charges may also be subject to University disciplinary sanctions if the conduct which gave rise to the criminal charges also violates the Code of Student Life. An initial investigation may be undertaken before criminal procedures have concluded in order to determine whether interim sanctions are to be invoked. The Dean of Students or the Judicial Administrator may elect to delay the resolution of a Code of Student Life complaint if criminal charges are pending. If the Dean of Students elects to do so, the Code of Student Life complaint will be resolved after the criminal charges are resolved unless the student requests a

hearing to resolve a University complaint while criminal charges are pending.

University regulations and procedures are distinct from criminal statutes and procedures. The outcome in a criminal or civil proceeding is not dispositive of the question of whether the Code of Student Life was violated in all cases. If convicted in criminal court of conduct prohibited under the Code of Student Life, a student will be considered responsible for violating University conduct regulations and therefore subject to disciplinary sanctions. For purposes of these procedures, a conviction includes a guilty plea, jury verdict, judicial decision, or deferred judgment.

In the event a convicted student files a criminal appeal, the University will consider the question of criminal guilt to be final only after the matters on appeal have been resolved, although the Dean of Students may impose an interim sanction pending the outcome of an appeal or proceed with disciplinary charges. Due to the less stringent standard of proof under the Code of Student Life judicial procedures (i.e., the preponderance of evidence), a student accused but not convicted of a crime following a trial is still subject to University disciplinary action if found responsible of violating the Code of Student Life by a Judicial Administrator or Hearing Officer.

11. Minimum Sanctions for Violations of the University Alcohol and Drug Policies

Because of the threat to the health and safety of our students, the University has established mandatory minimum sanctions for alcohol and drug violations.

Alcohol and drug violations, both on and off-campus, shall include, but not be limited to the following:

Alcohol

- Possession of alcohol under the legal age (PAULA)
- Public intoxication
- Manufacture, use, or possession of false identification
- Alcohol related trip to an Emergency Room
- Operating a motor vehicle while intoxicated (OWI)
- Involvement in a crime while under the influence of alcohol
- Possession or consumption of alcoholic beverages in University Residence Halls, fraternity houses, or sorority houses
- Possession or consumption of alcoholic beverages on University property outdoors or in other public areas of campus

Drug

- Possession of a controlled substance
- Possession of drug paraphernalia
- Driving under the influence of drugs
- Drug trafficking
- Involvement in a crime while under the influence of drugs

Steps

Sanctions usually begin at Step 1 and are progressive in nature. However, the type of violation or circumstances may modify the sanctions. The modification may result in more severe or lenient sanctions.

Because of the serious and potentially life-threatening consequences, Operating under the influence (OWI) or a

trip to the Emergency Room with a Blood Alcohol Content equal to or greater than .20 will automatically be considered to be 2nd step offenses. Possession of marijuana over 10 grams and other illegal drug offenses also normally result in 2nd step sanctions, except for drug trafficking offenses which are considered 3rd step offenses. If a student has been suspended after reaching the 3rd step and is readmitted to The University of Iowa, the student is readmitted at the 2nd step.

1st Step

- Parent/Guardian notification, if the student is under 21.
- Satisfactory completion of a defined alcohol education program.
- Assignment to meet with Critical MASS advisor.
- Disciplinary Warning.

2nd Step

- Parent/Guardian notification with a follow-up telephone call, if the student is under 21.
- Satisfactory completion of a recommended alcohol or drug counseling program.
- Disciplinary Probation for remainder of current semester and the following two semesters (Fall or Spring) enrolled at the University. Probation extends through any intervening summer terms, inter-sessions, and/or any institutional breaks.
- Ordinarily, cancellation of a student's Housing contract if the student lives in a residence hall.

3rd Step

- Parent/Guardian notification, if the student is under 21.
- Suspension from the University for at least one complete Fall or Spring semester following the suspension's effective date, including any intervening summer terms or inter-sessions. The Dean of Students may elect for the suspension to take effect immediately or to take effect upon completion of the current semester or term.

Removal and Deferral of Steps

Any student disciplinary record is maintained in the Office of the Dean of Students as described in Section 10 above.

Students who have received a 1st step sanction may request that the step and the record be removed from their student disciplinary file. A request must be made in writing to the Dean of Students. In order to be eligible to have the step removed, the student must meet the following criteria and present supporting documentation:

- It has been at least 12 months since the disposition of the offense by the University.
- The student has not received any additional Code of Student Life charges or any alcohol or drug related offenses on or off campus in the past 12 months.
- The student completed all sanctions required by the University and, if applicable, the court having jurisdiction over the matter.

Removal of a 1st step is at the sole discretion of the Dean of Students. Additionally, this opportunity for a student to have the 1st step removed does not apply to violations which may have resulted in a sanction above the 1st step.

At the discretion of the Dean of Students, a student receiving a PAULA or similar violation may be granted a deferred 1st step. A deferred 1st step will not be considered an "offense" and will not be maintained as a disciplinary record. However, a letter may be sent to the student's parents notifying them of the violation. If the student receives another alcohol offense of any nature, within a 12-month period, the deferral of the 1st step may be revoked and the second alcohol offense may be considered a 2nd step violation. Moreover, students are only entitled to one deferred step during their attendance at the University.

12. Responsible Action Protocol (aka Good Samaritan Policy)

The health and safety of its students is of primary concern to the University of Iowa. The UI is aware that students are sometimes reluctant to seek medical attention in alcohol and drug related emergencies out of fear they may face University sanctions related to possessing or consuming alcohol or drugs. Because these emergencies are potentially life-threatening, the University of Iowa wants to do what it can to reduce barriers that prevent students from seeking assistance.

University staff members are available to provide medical assistance to students whose health is at risk due to excessive consumption of alcohol and/or drug abuse. **When someone is in danger, a student should not hesitate to contact a staff member or to call 9-1-1.** In most situations, administrators will not impose disciplinary sanctions on the caller or on the impaired student if timely action is taken to alert emergency personnel.

The Responsible Action Protocol

A student who calls for or seeks emergency assistance on his/her own behalf or on behalf of a student experiencing an alcohol or other drug related emergency will not, in most cases, be subject to status sanctions such as disciplinary probation or suspension under the Code of Student Life. However, the Dean of Students may require completion of alcohol and/or other drug education/counseling. The dean may also notify the student's parents of the alcohol or drug violation.

Scope of Protocol

1. The Responsible Action Protocol applies to students who seek and obtain emergency assistance on their own behalf or on the behalf of another student for a medical emergency related to consumption of drugs and/or alcohol. When a student calls on behalf of an impaired individual and remains with that individual until medical assistance arrives, the caller may not be subject to disciplinary action for violating University alcohol and/or drug rules so long as the caller cooperates with emergency responders.

2. An "emergency" communication is a timely contact with 9-1-1 or University Housing staff when those staff members are not yet aware of the situation. The Responsible Action Protocol does not apply to individuals who telephone friends for assistance, for example, or who experience an alcohol or drug-related emergency that is first discovered by University employees or public safety officials.

3. In most cases, neither the student requiring emergency assistance nor an individual or group who assists will be subject to punitive University disciplinary action. This protocol does not excuse or protect those who flagrantly or repeatedly violate the Code of Student Life and the University Housing Guidebook in regard to alcohol or illegal drug use.

4. The Responsible Action Protocol does not apply if the caller purchased, supplied, or otherwise made available the alcohol or other drug to the student needing medical assistance.

5. If a representative of an organization hosting an event calls for medical assistance, this act of responsibility may mitigate potential judicial consequences that could arise against the organization (i.e., the fact that an organization representative sought help may be considered in potential sanctioning of the organization for policy violations).

6. The protocol applies ONLY to the Code of Student Life and to the University Housing Guidebook. Law enforcement agencies enforcing the laws enacted by the State of Iowa within their jurisdictions, including

University of Iowa Police, are not bound by this protocol.

7. The Responsible Action Protocol applies only to alcohol and other drug-related medical emergencies. It does not apply to other prohibited behavior such as disorderly conduct (including physical or verbal abuse), property damage, or distribution of illicit substances.

8. In those cases where a student has been a victim of sexual misconduct while under the influence of alcohol, the Dean of Students will not pursue disciplinary violations against the student (or against a witness) for his or her improper use of alcohol or drugs (e.g., underage drinking) if the student is making a good faith report of sexual misconduct. A student who is under the influence of alcohol or drugs at the time of a sexual misconduct incident should not be reluctant to seek assistance for that reason. In addition, law enforcement authorities in Johnson County have a policy of not pursuing charges for improper use of alcohol against a victim of sexual assault.

<u>Requirements of Protocol</u>

Students considered for the Responsible Action Protocol are required to meet with an administrator from the Office of the Dean of Students or University Housing following the incident. When one student seeks emergency assistance on behalf of another student, both students may be required to meet with the administrator. After evaluating the situation, the administrator may refer either or both students to a substance abuse specialist for assessment, education, and/or possible referral for treatment. Students who are referred for substance abuse counseling, but fail to meet with the counselor and/or fail to complete the recommendations, will be subject to disciplinary action.

Non-emergency referrals for substance abuse counseling are always confidential. Counselors and hospital staff will not disclose the name of a student who has sought counseling assistance to individuals outside of the campus health centers without permission from the student.

Even if disciplinary action is not taken, the Dean of Students reserves the right to notify the student's parents, per standard practice. In accordance with the Discipline Records Management protocol, a case file will be maintained for reference should subsequent alcohol or other drug violations occur. In those subsequent cases, administrators will take into account the previous emergency incident when considering sanctions. Academic transcripts will not reflect the incident.

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Dean of Students Office

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Good Samaritan Provision

University of Northern Iowa Student Conduct Code

The health and safety of our students is of the highest priority. At times students may need immediate medical or other professional assistance. However, students may be reluctant to get help because of concerns that their own behavior may be a violation of the student conduct code. To minimize any hesitation students or student organizations may have in obtaining help due to these concerns, the University has enacted the following "good samaritan" provision.

Students who seek medical assistance for themselves or another person who is intoxicated due to alcohol and/or drugs will not be subject to university disciplinary action, except when it has been determined that another violation of university policy has occurred (for example destruction of university property; fire safety violation; physical harm to another person, etc.). This includes an alleged victim of sexual misconduct or another student who shares information as either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith. In order for this policy to apply, the student must agree to complete any and all recommended educational programming or other treatment recommended by the Dean of Students or a Student Conduct Administrator.

Examples where this policy would apply include:

1. A student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.

2. A student is reluctant to report that he/she has been sexually assaulted because he/she had been consuming alcohol and is under the age of 21.

Any exemption from disciplinary action granted under this policy may only apply to disciplinary action

and/or sanctions under the Student Conduct Code and does not apply to any criminal action taken by law enforcement, such as issuing a citation or making an arrest.

While this provision applies to individual students, if an organization has been found in violation of the Student Conduct Code, then the organization's willingness to seek medical assistance for a guest may be viewed as a mitigating factor if or when sanctions are issued.

Office of the Vice-President for Student Affairs
President's Cabinet Approval August 31, 2009

Quicklinks

- Safe Zone Ally Orientation
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- Student Handbook
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- Violence Intervention Services
- Welcome Week Schedule

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concern about a student

new student orientation

in an emergency

student handbook
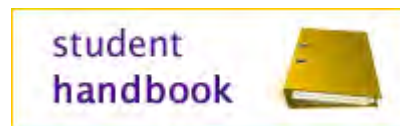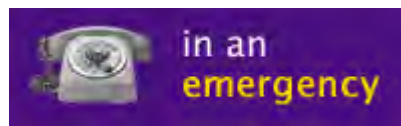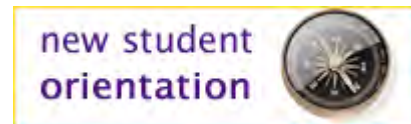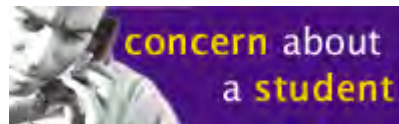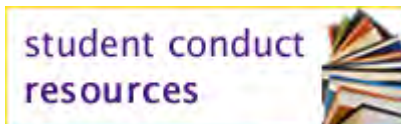
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Student Affairs

Medical Amnesty Policy (MAP)

It is imperative that someone calls for medical assistance when an individual experiences severe intoxication or a serious injury after consuming alcohol or other substances. People may be reluctant to seek help in such alcohol or other substance related emergencies because of potential judicial consequences for themselves or the person in need of assistance. Since these emergencies are potentially life threatening, the Medical Amnesty Policy reduces or eliminates disciplinary consequences for students who obtain medical help for an intoxicated student or guest or even for themselves.

This policy is part of Washington College's comprehensive approach to **reducing harmful consequences** caused by the consumption of alcohol or other drugs. The Medical Amnesty Policy represents the College's **commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or substance-related emergency**. The Medical Amnesty Policy also provides education for individuals who receive emergency medical attention to reduce the likelihood of future occurrences.

How does the Medical Amnesty Policy work?

The Medical Amnesty Policy reduces or eliminates disciplinary consequences when medical help is obtained for an intoxicated student as follows:

Person in need of medical attention

If an individual who receives emergency medical attention related to his or her consumption of alcohol or other substances completes a required educational follow-up at Health Services and/or with the Director of Student Development he or she will **not be subject to judicial action** for the following policy violations should they occur at the time of the emergency:

- underage consumption and/or possession of alcohol and illegal drugs
- disorderly conduct

A person in need of medical attention is eligible for medical amnesty on more than one occasion.

Calling on behalf of someone else

An individual who calls for emergency assistance on behalf of a person experiencing an alcohol-or other substance related emergency would not be subject to judicial action for the following policy violations should they occur at the time of the emergency:

- underage consumption and/or possession of alcohol
- provision of alcohol to an underage person

For more information about the Medical Amnesty Policy, contact Beth Anne Langrell, the Director of Student Development, blangrell2@washcoll.edu.

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University of Florida - Division of Student Affairs

The Dean of Students Office

Student Conduct and Conflict Resolution

Frequently Asked Questions: UF Medical Amnesty Policy (MAP)

What Is the Purpose of the Medical Amnesty Policy?

The University of Florida is committed to promoting a safe and healthy environment for **all** students. The Medical Amnesty Policy is designed to encourage students to make responsible decisions and seek prompt, professional, medical assistance and treatment in serious or life-threatening situations that result from alcohol and/or other drug abuse such as alcohol poisoning or drug overdose. MAP seeks to diminish fear of disciplinary and conduct sanctions in such situations and to encourage individuals and organizations to seek needed medical attention for students in distress from alcohol and drug use.

How Does the Medical Amnesty Policy Work?

In serious or life-threatening situations, particularly where alcohol poisoning or drug overdose is suspected or where other medical treatment is reasonably believed to be appropriate, students are asked to take the following steps:

- Call 911.
- Stay with the person needing assistance until help arrives.
- Be prepared to give the emergency medical personnel as much information as possible including the amount and type of alcohol or substances consumed.

If a student is so intoxicated s/he is unable to be awakened, letting that person "sleep it off" is not a reasonable alternative to getting him/her the necessary medical help.

What Happens After Medical Help Is Provided?

The following next steps outline the process after medical help is provided to students in need of medical attention as a result of alcohol and/or drug use:

1. The situation is first evaluated by the Dean of Students Office to determine if the Medical Amnesty Policy applies.
2. If the situation qualifies, students are required to meet with a staff member at the GatorWell Health Promotion Services office.
3. The staff member, after evaluating the situation, may also refer the student to a substance abuse specialist for assessment, counseling, and/or possible referral for treatment.

Students who are referred but fail to meet and complete the recommendations in their entirety may be subject to additional requirements after an opportunity to meet with a staff member from the Dean of Students Office.

Will My Parents Find Out?

Possibly, but not necessarily. If a registered student is transported to an emergency medical treatment center for alcohol or drug use, the student's parents or guardians may be notified by a phone call from the Dean of Students Office if necessary to protect the health or safety of the student or other individuals.

Does the Medical Amnesty Policy Protect Students from Police or Legal Actions?

No. The Medical Amnesty Policy only applies to the UF Student Code of Conduct, Housing & Residence Education Community Standards, and Greek Life policies. It does not prevent or preclude police or other legal actions.

Will Incidents Involving the Medical Amnesty Policy Be on My Academic Record?

No. Medical Amnesty Policy incidents will not be entered on the student's official academic record.

Does the Medical Amnesty Policy Cover Student Groups and Organizations?

If a representative of a UF student organization hosting an event calls for medical assistance, this act of responsibility might mitigate potential Student Conduct Code consequences, i.e., the fact that an organization sought help will be favorably considered in potential sanctioning for university policy violations.

UF student organizations involved in an incident must agree to take recommended steps to address concerns.

In appropriate situations as determined in the conduct process, mitigation could result in the requirement of participation in an educational program or educational activities rather than other disciplinary consequences.

What Does the Medical Amnesty Policy Apply To?

The Medical Amnesty Policy applies to the following situations:

- UF students who initiate and seek assistance and/or medical treatment on behalf of him- or herself, another student, or a friend experiencing an alcohol and/or other drug related emergency.
- UF students' use of alcohol or drugs where medical attention is needed.
- UF students who are a victim of sexual assault and have also engaged in underage alcohol consumption.

What Does the Medical Amnesty Policy NOT Apply To?

Other prohibited behavior such as illegal distribution of illicit substances, harassment, or assault.

Is There a Limit to the Number of Times the Medical Amnesty Policy Can Be Used?

No. Students are always encouraged to look after their friends and peers, and are encouraged to take responsible actions anytime they are necessary.

However, if a student is involved in **repeat** alcohol and/or drug abuse incidents, the following will occur:

1. The situation will be evaluated by the Dean of Students Office and/or the Coordinator of Residential Judicial Programs to determine if the student qualifies for medical amnesty.
2. The availability of medical amnesty for students with repetitive violations will be determined on a case by case basis.
3. Situations will be handled through the regular conduct process and will be considered for sanctioning purposes if a student does not demonstrate a commitment to the recommended steps and is involved in repetitive alcohol and/or drug abuse incidents.

What Other Institutions Have Implemented a Similar Policy?

Several universities have created and implemented either a Medical Amnesty Policy or a Good Samaritan Policy. These institutions include but are not limited to: Cornell University, University of Toledo, University of Pennsylvania, Emory University, Tulane University, Clemson University, Rollins College, Northwestern University, University of Georgia, University of Kansas, Ohio State University, University of Texas at Austin, and University of Virginia.

What Is Alcohol Poisoning?

Alcohol poisoning is another term for an alcohol overdose, which may occur when individuals consume so much alcohol that their bodies can no longer process it fast enough. Alcohol poisoning and overdoses are potentially lethal; the human body simply cannot tolerate or process excessive amounts of alcohol. Too many college students have died as a result of alcohol poisoning.

What Are the Signs or Symptoms of Alcohol Poisoning or Overdose?

The signs or symptoms of alcohol poisoning include (not all of these need to be present):

- Confusion or stupor
- Vomiting while passed out, not waking up after vomiting, or incoherent while vomiting
- Seizures
- Breathing is slow (less than 8 breaths per minute) or irregular, with 10 seconds or more between breaths
- Weak pulse, very rapid pulse, or very slow pulse
- Cold, clammy, pale or bluish skin
- Loss of consciousness: Inability to awaken a person with loud shouting, or inability of a person to remain awake for more than 2-3 minutes or to carry on a coherent conversation when awake (semi-conscious)

*A person who has lost consciousness and cannot be awakened is in danger of dying. Help is needed immediately.

How Do I Help a Friend Who Might Be Experiencing Alcohol Poisoning or Overdose?

1. Call 911. Then (if you are in the residence halls) call or send someone else to notify your RA on duty, but don't leave the person alone.
2. Stay with the person until emergency help arrives.

3. Be prepared to give the emergency medical personnel as much information as possible including the amount and type of alcohol or substances consumed.

What Should I NOT Do When Helping Someone Experiencing Alcohol Poisoning or Overdose?

- **Do not hesitate to call 911.** The person's life is in danger. Better to be safe than sorry.
- **Do not leave the person alone.** The person may seem to be okay, but the alcohol ingested may take some time to be absorbed before peak levels are reached in the brain.
- **Do not try to give the person anything to eat or drink.**
- **Do not put the person in a cold shower.** The person could fall or the shock could make him/her pass out.
- **Don't just let him or her "sleep it off."**

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Medical Amnesty Policy

In cases of a drug or alcohol emergency, the primary concern is the health and safety of the individual(s) involved. Students/organizations are strongly encouraged to call for medical assistance (617.373.3333) for themselves or for another student who they observe to be or feel is dangerously intoxicated/under the influence of alcohol or drugs. If a student/organization calls on behalf of another student, that student/organization is required to remain with the student experiencing the emergency until medical assistance arrives.

No student seeking medical assistance for an alcohol or other drug-related emergency will be subject to University disciplinary action for the violation of possession or consumption of alcohol or drugs. This policy shall extend to the referring student/organization who called for medical assistance.

The student requiring medical assistance (and possibly the referring student(s)/organization) will be required to contact the Office of Prevention and Education at Northeastern within two weeks of written notification to schedule a meeting and follow-up plans. As long as the student/organization complies with all directives, there will be no disciplinary action taken related to the violation of possession or consumption of alcohol or drugs and no disciplinary record of the incident kept in the Office of Student Conduct and Conflict Resolution.

This policy applies only to those students or organizations who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by University employees (e.g., Northeastern University police, faculty, administrative staff, or residence hall staff), or where the reporting student(s)/organization did not stay with them.

The Medical Amnesty Policy is not intended to shield or protect those students or organizations that repeatedly violate the Code of Student Conduct. *In cases where repeated violations of the Code of Student Conduct occur, the University reserves the right to take disciplinary action on a case-by-case basis regardless of the manner in which the incident was reported.*

Medical amnesty applies only to alcohol or other drug-related emergencies *but does not apply to other conduct violations such as assault, property damage, or distribution of illicit substances.* If other violations occur, then a student will face disciplinary charges for those violations. The use/or abuse of alcohol or drugs is never considered a mitigating circumstance for any other violations of the Code of Student Conduct.

Medical amnesty applies only to the University response to a medical emergency. Criminal/ police action may still occur separately from the Office of Student Conduct and Conflict Resolution.

Have questions about Medical Amnesty? Check out the January 2010 Husky Headlines; it covers the Medical Amnesty Policy and answers common questions like *Why does Northeastern have a Medical Amnesty policy? How does Medical Amnesty work? In the crime log in the Huntington News, it sounds like you have to go to OSCCR in cases of medical amnesty, are you in trouble anyway?*

You can also always contact OPEN with any questions at: open@neu.edu or 617-373-4459.

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WILLIAM &MARY | DEAN OF STUDENTS
Student Conduct

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Amnesty Policy

Student health and safety are of primary concern at the College. As such, in cases of extreme intoxication as a result of alcohol or other substances, the College encourages individuals to seek medical assistance for themselves or others. If an individual seeks medical attention due to a concern for health or safety as a result of consumption, the Dean of Students Office will not pursue student conduct sanctions against the student for violations of the Alcohol Beverage Policy or the Drug Policy. Additionally, those students who assist in obtaining medical attention for individuals who are intoxicated will not receive sanctions for violations of the Alcohol Beverage Policy or possession of drugs under the Drug Policy of the Student Code of Conduct.

This policy does not preclude sanctions due to any other violations of the Code of Conduct (not related to the Alcohol Beverage Policy or Drug Policy). Likewise, the Medical Amnesty Policy does not prevent action by police or other law enforcement personnel.

This policy does not grant amnesty for possession *with intent to distribute drugs.*

In lieu of sanctions, the intoxicated student, as well as the referring student(s), will be required to meet with a member of the Dean of Students staff who may issue educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance abuse assessment. Serious or repeated incidents will prompt a higher degree of concern/response. Failure to complete educational assignments or treatment recommendations issued under this policy normally will result in disciplinary action. The student will be responsible for any costs associated with drug or alcohol education interventions.

Application to Student Organizations:

In circumstances where an organization is found to be hosting an event where medical assistance is sought for an intoxicated guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol Policy or Drug Policy. However, the organization's willingness to seek medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol Policy or Drug Policy.

Disclosure of Amnesty Incidents:

The College may disclose amnesty incidents if a student is requesting that their discipline record be shared with Study Abroad, the Student Conduct system, and Residence Life when considering applicants for employment.

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OFFICE OF STUDENT CONDUCT

Medical Amnesty Policy

I. Philosophy

   a. The health and safety of members of the Lehigh University community is a primary concern.

   b. Students need to seek immediate medical attention for themselves or others when someone's health and/or safety is at risk.

   c. Students may be reluctant to seek assistance for themselves or someone else for fear of facing action from the Office of Student Conduct.

   d. Lehigh University seeks to remove barriers that prevent students from seeking the medical attention they need.

II. POLICY

Note: This Policy only provides amnesty from violations of the Lehigh University Code of Conduct. It does not grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local law.

   a. Students who seek emergency medical attention for themselves related to consumption of drugs or alcohol will not be charged with violations of the Lehigh University Code of Conduct related to that consumption (specifically: Art III, Section V., A,B,C,D), provided that the student subsequently completes an evaluation and any recommended treatment at the University Counseling and Psychological Services center within a reasonable time frame to be determined by the Office of Student Conduct. Failure to complete this evaluation/treatment may result in charges being filed with the Office of Student Conduct.

   b. Students who seek emergency medical attention for someone else will not be charged with violations of the Lehigh University Code of Conduct related to consumption of alcohol or drugs (specifically: Art III, Section V., A,B,C,D), or intoxication, provided that the student subsequently completes an evaluation and any recommended treatment at the University Counseling and Psychological Services center within a reasonable time frame if determined necessary by the Office of Student Conduct.

   c. Student Organizations are required to seek immediate medical assistance for their members or guests when any potential health risk is observed, including medical emergencies related to the use of alcohol and/or drugs. A Student Organization that seeks immediate assistance from appropriate sources will not be charged with violations of the Lehigh University Social Policy or the Code of Conduct related to providing alcohol, providing that the organization completes any educational programming required by the Office of Student Conduct and the Office of Fraternity and Sorority Affairs. However, the organization can and will be held accountable for any other violations of the Code of Conduct related to the incident (e.g. endangering the health or safety of others, covered smoke detectors, etc.). Student Organizations that fail to seek immediate medical assistance for members or guests in need of attention will likely be charged with violations of the Code of Conduct and face dissolution or termination as the outcome of such charges. It is imperative that student organizations seek medical assistance for their members or guests in such an emergency situation.

   d. This Policy applies only to those students or organizations who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by University employees. (i.e. University Police, Faculty, administrative staff, residence hall staff including gryphons)

   e. The Lehigh University Medical Amnesty Policy is not intended to shield or protect those students or organizations that repeatedly violate the Code of Conduct. In cases where repeated violations of the Lehigh University Code of Conduct occur, the University reserves the right to take judicial action on a case by case basis regardless of the manner in which the incident was reported. Additionally the University reserves the right to adjudicate any case in which the violations are egregious.

   f. The Office of Student Conduct reserves the right to contact any student to discuss an

incident whether or not the Lehigh University Medical Amnesty Policy is in effect.

**FOR ASSISTANCE IN AN EMERGENCY SITUATION CONTACT THE LEHIGH UNIVERSITY POLICE AT
ext. 84200**

Office of Student Conduct
227-229 Warren Square, Bethlehem, PA 18015 | 610.758.4632

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Learn more
About Us.
Penn Plays Safe.
Play Safe.

Get help
First Step
Education and
Prevention Activities
and Initiatives
Prescription Drug
Abuse
Say Something

Host an event
Hosting an event with
alcohol

Penn's Alcohol and Other Drug Policy

Medical Amnesty Policy
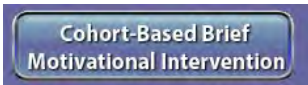
The University Alcohol and Drug Policy Section II, paragraph A3

In cases of intoxication and/or alcohol poisoning, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance (511 on campus, 911 off campus) for themselves or for a friend/acquaintance who is dangerously intoxicated.

No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student.

Tulane University
Medical Amnesty Program

The Medical Amnesty Program (MAP) represents the University's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or drug-related emergency. Every student, as a part of the Tulane University community, has a responsibility for care. In alcohol or drug related incidents, the primary concern of the University is the well-being, health, and safety of students.

Tulane University has an obligation to make mandatory administrative referrals of students for incidents related to alcohol and other drug-related emergencies. The potential for student conduct action by the University against the student in need of medical attention and/or the student reporting the incident may act as a barrier to students getting the immediate medical attention they need. In order to alleviate the behavioral consequences associated with these alcohol and other drug-related emergencies, and increase the likelihood that students will get the medical attention they need, the University has developed a Medical Amnesty Program. This policy applies to all students who call on behalf of another student and students who are in need of immediate medical assistance including being transported by EMS (either Tulane EMS or New Orleans EMS).

In order to receive Medical Amnesty, students must use the policy proactively. This means that students must take the initiative to get assistance and that asking for medical amnesty after being confronted for possible alcohol or drug policy violations will not result in application of MAP.

In addition, this policy does not prevent action by police or other law enforcement personnel.

Medical Amnesty Program

In order for medical amnesty to be granted, a student or representative from an organization hosting an event is expected to promptly call TUPD dispatch for medical assistance in an alcohol or drug-related emergency. There is no limit to the number of times a student can receive medical amnesty.

For the Student in Need of Medical Attention

A student in need of medical attention will not be subject to student conduct charges for the following Code of Student Conduct violations:
> III.B.4 – Unauthorized use and/or possession of any controlled substance or illegal drug
> III.B.6 – Use, possession, or distribution of alcoholic beverages in violation of the Tulane Alcohol Beverage Policy.

However, medical amnesty **does not preclude** students from the following:
1. Being charged with other violations of the Code of Student Conduct related to the incident (e.g., property damage, physical violence, disorderly conduct, or being in possession of false identification), or
2. Being required to meet with a Student Affairs professional and to complete the BASICS (Brief Alcohol Screening and Intervention for College Students) program and/or other appropriate administrative referral.

Failure to meet with a Student Affairs professional and/or complete the BASICS program or other appropriate administrative referral **will not** result in conduct charges. However, other penalties,

including but not limited to fines, blocked registration, and/or parental notification, will be levied until the student completes all requirements.

A student transported by EMS for alcohol or drug-related emergency will be required to meet with a Student Affairs professional and must complete the BASICS program and/or other appropriate administrative referral. There is an assessment fee for the BASICS program (which the student will be responsible for paying) and the student will have a required time frame by which to complete the program or referral. If additional follow up is required by the Student Affairs professional, the student must also complete those requirements in order to be in compliance. In no case will these additional penalties result in a student conduct case for the student.

A student who is not transported by EMS will be required to meet with a Student Affairs professional and may be referred to the BASICS program.

There is no limit to the number of times a student can receive medical attention and be immune from the Code of Student Conduct violations mentioned above.

For the Caller

A student who calls for medical assistance on behalf of someone else will not be subject to student conduct sanctions for the following Code of Student Conduct violations in relation to the incident:
> III.B.4 – Unauthorized use and/or possession of any controlled substance or illegal drug
> III.B.6 – Use, possession, or distribution of alcoholic beverages in violation of the Tulane Alcohol Beverage Policy

However, medical amnesty **does not preclude** the caller from being charged with other violations of the Code of Student Conduct related to the incident (e.g., property damage, physical violence, disorderly conduct, or being in possession of false identification).

There is no limit to the number of times a student can call on behalf of someone else who needs medical attention and be immune from the Code of Student Conduct violations mentioned above.

For the Organization

A representative of a student organization hosting an event is expected to call for medical assistance in an alcohol or other drug-related emergency. In this circumstance, the organization hosting the event and the caller who called for medical assistance on behalf someone else will not be subject to student conduct charges for the following Code of Student Conduct violations in relation to the incident:

> III.B.4 – Unauthorized use and/or possession of any controlled substance or illegal drug
> III.B.6 – Use, possession, or distribution of alcoholic beverages in violation of the Tulane Alcohol Beverage Policy

However, medical amnesty **does not preclude** organization from the following:
1. Being charged with other violations of the Code of Student Conduct related to the incident (e.g., hosting an unregistered event, providing alcohol to a minor, hazing, etc), or
2. Being required to meet with a Student Affairs professional in regards to education about appropriate alcohol use and university policies.

Medical amnesty only applies to an organization if medical assistance is requested at the event. If a student leaves the event and medical assistance is rendered later, the organization does not qualify for medical amnesty and faces all possible student conduct charges.

FAQs about Medical Amnesty

What is an alcohol or drug-related emergency?
A drug or alcohol related emergency is defined as any person whose health status is potentially at risk due to the intake of drugs or alcohol. This includes but is not limited to excessive vomiting, seizures, disorientation, or unresponsiveness.

Does this mean that Tulane University encourages students to drink?
No. Tulane University recognizes a student's safety and well being can be compromised due to excessive use of alcohol and/or other drugs. The medical amnesty program was put into place so a student can get the required medical emergency attention without fear of "getting in trouble" or the incident appearing on the student's conduct record.

So are EMS calls for medical assistance really confidential if Student Affairs is notified?
A call for medical assistance includes a response from TUPD as well. TUPD is required to write a report based on what the officer observes, **not information received from EMS personnel.**

Will my parents find out?
As a general rule, your parents will not be notified. However, your parents may be notified if your alcohol or drug-related emergency is life threatening and/or you fail to meet with a Student Affairs professional and/or complete the BASICS program

What is BASICS?
Brief Alcohol Screening and Intervention for College Students (BASICS) is a harm reduction approach to alcohol consumption that ultimately focuses on reducing the risky behaviors and harmful consequences associated with drinking alcohol. BASICS was specifically designed for college students 18 to 24 years old and is non-confrontational and non- judgmental. BASICS consists of two 50 minute sessions with a trained professional staff member. The first session, which takes place with a small group, will be an opportunity for the student to meet the BASICS facilitator and take an online assessment. Two weeks later the student will return to meet individually with the facilitator during which time they will discuss the results from the online assessment, examine their current alcohol use and have the opportunity to create personal goals for the future.

Adopted: 01/09/07
Reviewed & modified: 01/22/08
Reviewed & modified: 02/26/09
Reviewed & modified: 08/02/10

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5516

61st Legislature
2010 Regular Session

Passed by the Senate February 5, 2010
  YEAS 47 NAYS 1

_____

President of the Senate

Passed by the House February 28, 2010
  YEAS 57 NAYS 39

_____

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5516** as passed by the Senate and the House of Representatives on the dates hereon set forth.

_____

Secretary

Approved

FILED

_____

Governor of the State of Washington

Secretary of State
State of Washington

_____

ENGROSSED SENATE BILL 5516
_____

Passed Legislature - 2010 Regular Session

State of Washington   **61st Legislature**   **2010 Regular Session**

By   Senators Franklin, Kline, Kohl-Welles, Regala, Fraser, Kauffman, and Shin

Read first time 01/26/09. Referred to Committee on Judiciary.

1   AN ACT Relating to drug overdose prevention; amending RCW
2   18.130.180; reenacting and amending RCW 9.94A.535; adding a new section
3   to chapter 69.50 RCW; adding a new section to chapter 18.130 RCW; and
4   creating a new section.

5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6   NEW SECTION.   **Sec. 1.**   The legislature intends to save lives by
7   increasing timely medical attention to drug overdose victims through
8   the establishment of limited immunity from prosecution for people who
9   seek medical assistance in a drug overdose situation. Drug overdose is
10   the leading cause of unintentional injury death in Washington state,
11   ahead of motor vehicle related deaths. Washington state is one of
12   sixteen states in which drug overdoses cause more deaths than traffic
13   accidents. Drug overdose mortality rates have increased significantly
14   since the 1990s, according to the centers for disease control and
15   prevention, and illegal and prescription drug overdoses killed more
16   than thirty-eight thousand people nationwide in 2006, the last year for
17   which firm data is available. The Washington state department of
18   health reports that in 1999, unintentional drug poisoning was
19   responsible for four hundred three deaths in this state; in 2007, the

1 number had increased to seven hundred sixty-one, compared with six
2 hundred ten motor vehicle related deaths that same year. Many drug
3 overdose fatalities occur because peers delay or forego calling 911 for
4 fear of arrest or police involvement, which researchers continually
5 identify as the most significant barrier to the ideal first response of
6 calling emergency services.

7   NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50 RCW
8 to read as follows:
9   (1)(a) A person acting in good faith who seeks medical assistance
10 for someone experiencing a drug-related overdose shall not be charged
11 or prosecuted for possession of a controlled substance pursuant to RCW
12 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for the
13 charge of possession of a controlled substance was obtained as a result
14 of the person seeking medical assistance.
15   (b) A person acting in good faith may receive a naloxone
16 prescription, possess naloxone, and administer naloxone to an
17 individual suffering from an apparent opiate-related overdose.
18   (2) A person who experiences a drug-related overdose and is in need
19 of medical assistance shall not be charged or prosecuted for possession
20 of a controlled substance pursuant to RCW 69.50.4013, or penalized
21 under RCW 69.50.4014, if the evidence for the charge of possession of
22 a controlled substance was obtained as a result of the overdose and the
23 need for medical assistance.
24   (3) The protection in this section from prosecution for possession
25 crimes under RCW 69.50.4013 shall not be grounds for suppression of
26 evidence in other criminal charges.

27   NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130 RCW
28 to read as follows:
29   The administering, dispensing, prescribing, purchasing,
30 acquisition, possession, or use of naloxone shall not constitute
31 unprofessional conduct under chapter 18.130 RCW, or be in violation of
32 any provisions under this chapter, by any practitioner or person, if
33 the unprofessional conduct or violation results from a good faith
34 effort to assist:
35   (1) A person experiencing, or likely to experience, an opiate-
36 related overdose; or

1   (2) A family member, friend, or other person in a position to
2 assist a person experiencing, or likely to experience, an opiate-
3 related overdose.

4   **Sec. 4.** RCW 9.94A.535 and 2008 c 276 s 303 and 2008 c 233 s 9 are
5 each reenacted and amended to read as follows:
6   The court may impose a sentence outside the standard sentence range
7 for an offense if it finds, considering the purpose of this chapter,
8 that there are substantial and compelling reasons justifying an
9 exceptional sentence. Facts supporting aggravated sentences, other
10 than the fact of a prior conviction, shall be determined pursuant to
11 the provisions of RCW 9.94A.537.
12   Whenever a sentence outside the standard sentence range is imposed,
13 the court shall set forth the reasons for its decision in written
14 findings of fact and conclusions of law. A sentence outside the
15 standard sentence range shall be a determinate sentence.
16   If the sentencing court finds that an exceptional sentence outside
17 the standard sentence range should be imposed, the sentence is subject
18 to review only as provided for in RCW 9.94A.585(4).
19   A departure from the standards in RCW 9.94A.589 (1) and (2)
20 governing whether sentences are to be served consecutively or
21 concurrently is an exceptional sentence subject to the limitations in
22 this section, and may be appealed by the offender or the state as set
23 forth in RCW 9.94A.585 (2) through (6).
24   (1) Mitigating Circumstances - Court to Consider
25   The court may impose an exceptional sentence below the standard
26 range if it finds that mitigating circumstances are established by a
27 preponderance of the evidence. The following are illustrative only and
28 are not intended to be exclusive reasons for exceptional sentences.
29   (a) To a significant degree, the victim was an initiator, willing
30 participant, aggressor, or provoker of the incident.
31   (b) Before detection, the defendant compensated, or made a good
32 faith effort to compensate, the victim of the criminal conduct for any
33 damage or injury sustained.
34   (c) The defendant committed the crime under duress, coercion,
35 threat, or compulsion insufficient to constitute a complete defense but
36 which significantly affected his or her conduct.

1   (d) The defendant, with no apparent predisposition to do so, was
2   induced by others to participate in the crime.
3   (e) The defendant's capacity to appreciate the wrongfulness of his
4   or her conduct, or to conform his or her conduct to the requirements of
5   the law, was significantly impaired. Voluntary use of drugs or alcohol
6   is excluded.
7   (f) The offense was principally accomplished by another person and
8   the defendant manifested extreme caution or sincere concern for the
9   safety or well-being of the victim.
10   (g) The operation of the multiple offense policy of RCW 9.94A.589
11   results in a presumptive sentence that is clearly excessive in light of
12   the purpose of this chapter, as expressed in RCW 9.94A.010.
13   (h) The defendant or the defendant's children suffered a continuing
14   pattern of physical or sexual abuse by the victim of the offense and
15   the offense is a response to that abuse.
16   (i) The defendant was making a good faith effort to obtain or
17   provide medical assistance for someone who is experiencing a drug-
18   related overdose.
19   (2) Aggravating Circumstances - Considered and Imposed by the Court
20   The trial court may impose an aggravated exceptional sentence
21   without a finding of fact by a jury under the following circumstances:
22   (a) The defendant and the state both stipulate that justice is best
23   served by the imposition of an exceptional sentence outside the
24   standard range, and the court finds the exceptional sentence to be
25   consistent with and in furtherance of the interests of justice and the
26   purposes of the sentencing reform act.
27   (b) The defendant's prior unscored misdemeanor or prior unscored
28   foreign criminal history results in a presumptive sentence that is
29   clearly too lenient in light of the purpose of this chapter, as
30   expressed in RCW 9.94A.010.
31   (c) The defendant has committed multiple current offenses and the
32   defendant's high offender score results in some of the current offenses
33   going unpunished.
34   (d) The failure to consider the defendant's prior criminal history
35   which was omitted from the offender score calculation pursuant to RCW
36   9.94A.525 results in a presumptive sentence that is clearly too
37   lenient.

1   (3) Aggravating Circumstances - Considered by a Jury -Imposed by
2 the Court
3   Except for circumstances listed in subsection (2) of this section,
4 the following circumstances are an exclusive list of factors that can
5 support a sentence above the standard range. Such facts should be
6 determined by procedures specified in RCW 9.94A.537.
7   (a) The defendant's conduct during the commission of the current
8 offense manifested deliberate cruelty to the victim.
9   (b) The defendant knew or should have known that the victim of the
10 current offense was particularly vulnerable or incapable of resistance.
11   (c) The current offense was a violent offense, and the defendant
12 knew that the victim of the current offense was pregnant.
13   (d) The current offense was a major economic offense or series of
14 offenses, so identified by a consideration of any of the following
15 factors:
16   (i) The current offense involved multiple victims or multiple
17 incidents per victim;
18   (ii) The current offense involved attempted or actual monetary loss
19 substantially greater than typical for the offense;
20   (iii) The current offense involved a high degree of sophistication
21 or planning or occurred over a lengthy period of time; or
22   (iv) The defendant used his or her position of trust, confidence,
23 or fiduciary responsibility to facilitate the commission of the current
24 offense.
25   (e) The current offense was a major violation of the Uniform
26 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to
27 trafficking in controlled substances, which was more onerous than the
28 typical offense of its statutory definition: The presence of ANY of
29 the following may identify a current offense as a major VUCSA:
30   (i) The current offense involved at least three separate
31 transactions in which controlled substances were sold, transferred, or
32 possessed with intent to do so;
33   (ii) The current offense involved an attempted or actual sale or
34 transfer of controlled substances in quantities substantially larger
35 than for personal use;
36   (iii) The current offense involved the manufacture of controlled
37 substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

1   (n) The defendant used his or her position of trust, confidence, or
2 fiduciary responsibility to facilitate the commission of the current
3 offense.
4   (o) The defendant committed a current sex offense, has a history of
5 sex offenses, and is not amenable to treatment.
6   (p) The offense involved an invasion of the victim's privacy.
7   (q) The defendant demonstrated or displayed an egregious lack of
8 remorse.
9   (r) The offense involved a destructive and foreseeable impact on
10 persons other than the victim.
11   (s) The defendant committed the offense to obtain or maintain his
12 or her membership or to advance his or her position in the hierarchy of
13 an organization, association, or identifiable group.
14   (t) The defendant committed the current offense shortly after being
15 released from incarceration.
16   (u) The current offense is a burglary and the victim of the
17 burglary was present in the building or residence when the crime was
18 committed.
19   (v) The offense was committed against a law enforcement officer who
20 was performing his or her official duties at the time of the offense,
21 the offender knew that the victim was a law enforcement officer, and
22 the victim's status as a law enforcement officer is not an element of
23 the offense.
24   (w) The defendant committed the offense against a victim who was
25 acting as a good samaritan.
26   (x) The defendant committed the offense against a public official
27 or officer of the court in retaliation of the public official's
28 performance of his or her duty to the criminal justice system.
29   (y) The victim's injuries substantially exceed the level of bodily
30 harm necessary to satisfy the elements of the offense. This aggravator
31 is not an exception to RCW 9.94A.530(2).
32   (z)(i)(A) The current offense is theft in the first degree, theft
33 in the second degree, possession of stolen property in the first
34 degree, or possession of stolen property in the second degree; (B) the
35 stolen property involved is metal property; and (C) the property damage
36 to the victim caused in the course of the theft of metal property is
37 more than three times the value of the stolen metal property, or the
38 theft of the metal property creates a public hazard.

1   (ii) For purposes of this subsection, "metal property" means
2 commercial metal property, private metal property, or nonferrous metal
3 property, as defined in RCW 19.290.010.
4   (aa) The defendant committed the offense with the intent to
5 directly or indirectly cause any benefit, aggrandizement, gain, profit,
6 or other advantage to or for a criminal street gang as defined in RCW
7 9.94A.030, its reputation, influence, or membership.

8   **Sec. 5.** RCW 18.130.180 and 2008 c 134 s 25 are each amended to
9 read as follows:
10   The following conduct, acts, or conditions constitute
11 unprofessional conduct for any license holder under the jurisdiction of
12 this chapter:
13   (1) The commission of any act involving moral turpitude,
14 dishonesty, or corruption relating to the practice of the person's
15 profession, whether the act constitutes a crime or not. If the act
16 constitutes a crime, conviction in a criminal proceeding is not a
17 condition precedent to disciplinary action. Upon such a conviction,
18 however, the judgment and sentence is conclusive evidence at the
19 ensuing disciplinary hearing of the guilt of the license holder of the
20 crime described in the indictment or information, and of the person's
21 violation of the statute on which it is based. For the purposes of
22 this section, conviction includes all instances in which a plea of
23 guilty or nolo contendere is the basis for the conviction and all
24 proceedings in which the sentence has been deferred or suspended.
25 Nothing in this section abrogates rights guaranteed under chapter 9.96A
26 RCW;
27   (2) Misrepresentation or concealment of a material fact in
28 obtaining a license or in reinstatement thereof;
29   (3) All advertising which is false, fraudulent, or misleading;
30   (4) Incompetence, negligence, or malpractice which results in
31 injury to a patient or which creates an unreasonable risk that a
32 patient may be harmed. The use of a nontraditional treatment by itself
33 shall not constitute unprofessional conduct, provided that it does not
34 result in injury to a patient or create an unreasonable risk that a
35 patient may be harmed;
36   (5) Suspension, revocation, or restriction of the individual's
37 license to practice any health care profession by competent authority

in any state, federal, or foreign jurisdiction, a certified copy of the
order, stipulation, or agreement being conclusive evidence of the
revocation, suspension, or restriction;

(6) Except when authorized by section 3 of this act, the
possession, use, prescription for use, or distribution of controlled
substances or legend drugs in any way other than for legitimate or
therapeutic purposes, diversion of controlled substances or legend
drugs, the violation of any drug law, or prescribing controlled
substances for oneself;

(7) Violation of any state or federal statute or administrative
rule regulating the profession in question, including any statute or
rule defining or establishing standards of patient care or professional
conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation
covering the matter contained in the complaint filed with the
disciplining authority;

(c) Not responding to subpoenas issued by the disciplining
authority, whether or not the recipient of the subpoena is the accused
in the proceeding; or

(d) Not providing reasonable and timely access for authorized
representatives of the disciplining authority seeking to perform
practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining
authority or a stipulation for informal disposition entered into with
the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a
license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or
rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the
business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent
that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public

1   while suffering from a contagious or infectious disease involving
2   serious risk to public health;
3   (16) Promotion for personal gain of any unnecessary or
4   inefficacious drug, device, treatment, procedure, or service;
5   (17) Conviction of any gross misdemeanor or felony relating to the
6   practice of the person's profession. For the purposes of this
7   subsection, conviction includes all instances in which a plea of guilty
8   or nolo contendere is the basis for conviction and all proceedings in
9   which the sentence has been deferred or suspended. Nothing in this
10 section abrogates rights guaranteed under chapter 9.96A RCW;
11   (18) The procuring, or aiding or abetting in procuring, a criminal
12 abortion;
13   (19) The offering, undertaking, or agreeing to cure or treat
14 disease by a secret method, procedure, treatment, or medicine, or the
15 treating, operating, or prescribing for any health condition by a
16 method, means, or procedure which the licensee refuses to divulge upon
17 demand of the disciplining authority;
18   (20) The willful betrayal of a practitioner-patient privilege as
19 recognized by law;
20   (21) Violation of chapter 19.68 RCW;
21   (22) Interference with an investigation or disciplinary proceeding
22 by willful misrepresentation of facts before the disciplining authority
23 or its authorized representative, or by the use of threats or
24 harassment against any patient or witness to prevent them from
25 providing evidence in a disciplinary proceeding or any other legal
26 action, or by the use of financial inducements to any patient or
27 witness to prevent or attempt to prevent him or her from providing
28 evidence in a disciplinary proceeding;
29   (23) Current misuse of:
30   (a) Alcohol;
31   (b) Controlled substances; or
32   (c) Legend drugs;
33   (24) Abuse of a client or patient or sexual contact with a client
34 or patient;
35   (25) Acceptance of more than a nominal gratuity, hospitality, or
36 subsidy offered by a representative or vendor of medical or health-
37 related products or services intended for patients, in contemplation of
38 a sale or for use in research publishable in professional journals,

1   where a conflict of interest is presented, as defined by rules of the
2   disciplining authority, in consultation with the department, based on
3   recognized professional ethical standards.

--- END ---

CHAPTER # 154

APPROVAL # 4

JUL 20 2011

MEMORANDUM filed with Senate Bill Number 2063-C, entitled:

"AN ACT to amend the penal law and the criminal procedure law, in relation to prosecution of a person who, in good faith, seeks health care for someone who is experiencing a drug or alcohol overdose or other life threatening medical emergency"

A P P R O V E D

By my approval of this bill, New York will adopt a "good Samaritan 911 law" to encourage witnesses and victims to seek medical assistance for persons who are experiencing drug overdoses. I have received compelling letters from parents whose children have died from a drug overdose or are struggling with drug addiction urging me to approve this bill. These letters, and other information provided to me, has convinced me that this new law will save lives. The statistics on overdose deaths in New York are startling. According to the New York Academy of Medicine, which has urged approval of this bill, accidental drug overdose is the fourth leading cause of death among adults in New York. Approximately 85% of overdose events occur in the company of others, but no medical assistance was sought in half of those cases and in only 14% of cases was calling an ambulance the first response to a peer's overdose.

Balanced against the bill's potential to save lives are the concerns of law enforcement agencies that will have to apply this new law. Under the new law, some persons who, in good faith, seek medical assistance for a person experiencing a drug overdose or other life-threatening medical emergency may receive relief from prosecution or conviction for certain drug crimes.

Some law enforcement agencies are apprehensive that police officers responding to a scene of a drug overdose where drugs are found could have difficulty determining whether anyone can legally be charged with an offense, and could be subject to civil liability for arresting someone who might later be determined to have this statutory exemption from prosecution. That would be a perverse and unacceptable result, and the removal of the word "arrest" from an earlier version of this bill was meant to give these responding officers the ability to detain individuals who may or may not be entitled to the statutory exemption from prosecution conferred by this bill in order to investigate all the facts and circumstances of any criminal conduct and seek guidance from the appropriate officials.

Some law enforcement agencies also are concerned that responding police officers may be expected to make on-the-spot decisions about whether someone was suffering from an overdose or genuinely in need of medical care, and whether the person who sought aid acted in good faith. I understand these apprehensions about this new law, and believe that it is critical to offer training to these officers to assist them in making these very difficult decisions. I have therefore asked the Division of Criminal Justice Services to work with law enforcement groups to ensure that appropriate training and guidance is provided to law enforcement personnel who will be making these difficult determinations.

Finally, some are concerned that the bill will enable criminals to manipulate the exemptions to avoid prosecution when it is warranted. This bill is not intended to provide an escape hatch for those predatory drug traffickers who entice our children to consume the very substances that cause their overdose. I believe that law enforcement personnel, prosecutors and the courts will be able to thwart such manipulation, but if it occurs, I urge the Legislature to amend the law to ensure that it can serve its salutary purpose of saving lives, while at the same time ensuring that the very criminals who prey on those addicted to drugs are properly punished.

I appreciate these law enforcement concerns, but I believe that the benefit to be gained by the bill – saving lives – must be paramount.

This bill is approved.

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Share eLobbyist

Bill Text: NY Senate Bill 5191 - 2010 General Assembly

New York S05191 *(Prior Session Legislation)*

0   **Share**   Recommend   0

NY Legislature Page for S05191 - PermaLink

Summary   Sponsors   Texts   Votes   Research   Priori   Comments (0)

Other Bill Drafts: *__Amended__*

S T A T E   O F   N E W   Y O R K

————————————————————————————————————

5191--A

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

——————————

Introduced by Sen. DUANE -- read twice and ordered printed, and when
  printed to be committed to the Committee on Codes -- recommitted to
  the Committee on Codes in accordance with Senate Rule 6, sec. 8 --
  committee discharged, bill amended, ordered reprinted as amended and
  recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to seeking or
  receiving health care for a drug or alcohol overdose

  THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1   Section 1. It is the intent of the legislature to encourage a witness
2 or victim of a drug or alcohol related overdose to call 911 or seek
3 other emergency assistance in order to save the life of an overdose
4 victim by establishing a state policy of protecting the witnesses or
5 victim from arrest, charge, prosecution, and conviction for drug
6 possession, drug paraphernalia possession, and certain alcohol related
7 offenses. It is not the intent of the legislature to protect individuals
8 from arrest, charge, or prosecution for other offenses, including drug
9 trafficking, or to interfere with law enforcement protocols to secure
10 the scene of an overdose.
11   S 2. The criminal procedure law is amended by adding a new section
12 140.60 to read as follows:
13 S 140.60 WITNESS OR VICTIM OF DRUG OR ALCOHOL OVERDOSE.
14   1. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE
15 THE FOLLOWING MEANINGS:
16   (A) "DRUG OR ALCOHOL OVERDOSE" OR "OVERDOSE" MEANS AN ACUTE CONDITION
17 INCLUDING, BUT NOT LIMITED TO, PHYSICAL ILLNESS, COMA, MANIA, HYSTERIA
18 OR DEATH, WHICH IS THE RESULT OF CONSUMPTION OR USE OF A CONTROLLED
19 SUBSTANCE OR ALCOHOL AND RELATES TO AN ADVERSE REACTION TO OR THE QUAN-
20 TITY OF THE CONTROLLED SUBSTANCE OR ALCOHOL OR A SUBSTANCE WITH WHICH
21 THE CONTROLLED SUBSTANCE OR ALCOHOL WAS COMBINED; PROVIDED THAT A
22 PATIENT'S CONDITION SHALL BE DEEMED TO BE A DRUG OR ALCOHOL OVERDOSE IF

      EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

```
                          [ ] is old law to be omitted.
                                                           LBD11568-06-0
       S. 5191--A                        2
  1  A  PRUDENT  LAYPERSON,  POSSESSING  AN AVERAGE KNOWLEDGE OF MEDICINE AND
  2  HEALTH, COULD REASONABLY BELIEVE THAT THE CONDITION IS IN FACT A DRUG OR
  3  ALCOHOL OVERDOSE AND (EXCEPT AS TO DEATH) REQUIRES HEALTH CARE.
  4    (B) "HEALTH CARE" MEANS THE PROFESSIONAL SERVICES PROVIDED TO A PERSON
  5  EXPERIENCING  A  DRUG  OR ALCOHOL OVERDOSE BY A HEALTH CARE PROFESSIONAL
  6  LICENSED, REGISTERED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION LAW
  7  OR ARTICLE THIRTY OF THE PUBLIC HEALTH LAW WHO, ACTING WITHIN HIS OR HER
  8  LAWFUL SCOPE OF PRACTICE, MAY PROVIDE DIAGNOSIS, TREATMENT OR  EMERGENCY
  9  SERVICES FOR A PERSON EXPERIENCING A DRUG OR ALCOHOL OVERDOSE.
 10    2. A PERSON OR PERSONS WHO, IN GOOD FAITH, SEEKS HEALTH CARE FOR SOME-
 11  ONE WHO IS EXPERIENCING A DRUG OR ALCOHOL OVERDOSE OR OTHER LIFE THREAT-
 12  ENING  MEDICAL  EMERGENCY SHALL NOT BE ARRESTED, CHARGED, PROSECUTED FOR
 13  OR CONVICTED OF CRIMINAL POSSESSION  OF  A  CONTROLLED  SUBSTANCE  UNDER
 14  ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW, OR FOR UNLAWFUL OR CRIMINAL
 15  POSSESSION  OF  MARIHUANA  UNDER  ARTICLE  TWO HUNDRED TWENTY-ONE OF THE
 16  PENAL LAW, OR FOR POSSESSION OF ALCOHOL BY A PERSON UNDER AGE TWENTY-ONE
 17  YEARS UNDER SECTION SIXTY-FIVE-C OF THE ALCOHOLIC BEVERAGE CONTROL  LAW,
 18  OR FOR POSSESSION OF DRUG PARAPHERNALIA UNDER ARTICLE THIRTY-NINE OF THE
 19  GENERAL  BUSINESS LAW, WITH RESPECT TO ANY SUBSTANCE, MARIHUANA, ALCOHOL
 20  OR PARAPHERNALIA THAT WAS OBTAINED  AS  A  RESULT  OF  SUCH  SEEKING  OR
 21  RECEIVING SUCH HEALTH CARE.
 22    3.  A  PERSON  WHO IS EXPERIENCING A DRUG OR ALCOHOL OVERDOSE OR OTHER
 23  LIFE THREATENING MEDICAL EMERGENCY AND, IN GOOD FAITH, SEEKS HEALTH CARE
 24  FOR HIMSELF OR HERSELF OR IS THE SUBJECT OF SUCH A  GOOD  FAITH  REQUEST
 25  FOR  HEALTH  CARE,  SHALL  NOT  BE  ARRESTED, CHARGED, PROSECUTED FOR OR
 26  CONVICTED OF CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE UNDER ARTICLE
 27  TWO HUNDRED TWENTY OF  THE  PENAL  LAW,  OR  FOR  UNLAWFUL  OR  CRIMINAL
 28  POSSESSION  OF  MARIHUANA  UNDER  ARTICLE  TWO HUNDRED TWENTY-ONE OF THE
 29  PENAL LAW, OR FOR POSSESSION OF ALCOHOL BY A PERSON UNDER AGE TWENTY-ONE
 30  YEARS UNDER SECTION SIXTY-FIVE-C OF THE ALCOHOLIC BEVERAGE CONTROL  LAW,
 31  OR FOR POSSESSION OF DRUG PARAPHERNALIA UNDER ARTICLE THIRTY-NINE OF THE
 32  GENERAL  BUSINESS LAW, WITH RESPECT TO ANY SUBSTANCE, MARIHUANA, ALCOHOL
 33  OR PARAPHERNALIA THAT WAS OBTAINED  AS  A  RESULT  OF  SUCH  SEEKING  OR
 34  RECEIVING SUCH HEALTH CARE.
 35    S 3. Section 390.40 of the criminal procedure law is amended by adding
 36  a new subdivision 3 to read as follows:
 37    3.  THE  ACT  OF SEEKING HEALTH CARE FOR SOMEONE WHO IS EXPERIENCING A
 38  DRUG OR ALCOHOL OVERDOSE OR  OTHER  LIFE  THREATENING  MEDIAL  EMERGENCY
 39  SHALL  BE  CONSIDERED BY THE COURT WHEN PRESENTED AS A MITIGATING FACTOR
 40  IN ANY CRIMINAL PROSECUTION FOR A CONTROLLED SUBSTANCE, MARIHUANA,  DRUG
 41  PARAPHERNALIA, OR ALCOHOL RELATED OFFENSE.
 42    S 4. This act shall take effect immediately.
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AN ACT

RELATING TO CONTROLLED SUBSTANCES; PROVIDING LIMITED IMMUNITY

FROM PROSECUTION FOR A PERSON WHO SEEKS OR OBTAINS MEDICAL

ASSISTANCE FOR A DRUG-RELATED OVERDOSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Controlled Substances

Act is enacted to read:

"[NEW MATERIAL] OVERDOSE PREVENTION--LIMITED IMMUNITY.--

A. A person who, in good faith, seeks medical

assistance for someone experiencing a drug-related overdose

shall not be charged or prosecuted for possession of a

controlled substance pursuant to the provisions of Section

30-31-23 NMSA 1978 if the evidence for the charge of

possession of a controlled substance was gained as a result of

the seeking of medical assistance.

.164044.1

1   B. A person who experiences a drug-related

2 overdose and is in need of medical assistance shall not be

3 charged or prosecuted for possession of a controlled substance

4 pursuant to the provisions of Section 30-31-23 NMSA 1978 if

5 the evidence for the charge of possession of a controlled

6 substance was gained as a result of the overdose and the need

7 for medical assistance.

8   C. The act of seeking medical assistance for

9 someone who is experiencing a drug-related overdose may be

10 used as a mitigating factor in a criminal prosecution pursuant

11 to the Controlled Substances Act."

- 2 -

.164044.1

University Senate
TRANSMITTAL FORM

Senate Document #:	12-13-36
PCC ID #:	N/A
Title:	Open Access Issues
Presenter:	Patricia Steele, Chair, Joint Provost/Senate Open Access Task Force
Date of SEC Review:	February 1, 2013
Date of Senate Review:	February 14, 2013
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	In April 2011, the University Senate and President Loh approved the University Library Council's (ULC) recommendations regarding, "Open Access Movement: A Proposal for Broad University Engagement in Study, Dialog, and Policy" (Senate Document Number 10-11-32). The ULC undertook a thorough review of Open Access issues to determine whether a campus policy should be formulated. The ULC concluded that the issue is complicated and evolving, but that the University must formally address how best to proceed regarding Open Access. The Council unanimously agreed that a joint task force should be established in order to guide the development of Open Access awareness, education, and policies.
Relevant Policy # & URL:	N/A
Recommendation:	At its meeting on December 12, 2012, the Open Access Task Force voted unanimously in favor of recommending that the University sign the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities* as written. While such a signature does not create legal or financial issues for the University, it does convey an intention to move appropriately to a broader Open Access world. Authors still will execute control over their works. We would simply work to provide more options to share that work without harm to individual researchers or organizations.

Task Force Work:	In its meetings, the task force discussed the overall challenges presented to the University of Maryland by Open Access issues. The report by the University Library Council provided excellent perspective on the basic arguments. The task force agreed to focus on three major areas related to Open Access: economic/business models, the potential impact on the Appointments, Promotion, & Tenure (APT) process, and the general state of Open Access among our peers. Subgroups were formed to examine each of these areas over summer 2012. The groups used the listserv to share news, articles, and reports throughout the process and reported back to the entire task force in fall 2012. In September 2012, the task force invited Heather Joseph, the Executive Director of SPARC (Scholarly Publishing and Resources Coalition)—an initiative sponsored by the Association of Research Libraries—to discuss the current status of Open Access. Ms. Joseph was able to provide solid information on the increasing strength of the Open Access movement, including the international organizing of graduate students to support an open environment for sharing scholarship, and the development of new metrics to assess the impact of Open Access journals and individual articles therein. The SPARC website (http://www.arl.org/sparc/) proved an invaluable source of current and historical record. The task force initiated and endorsed two educational efforts: 1) a letter from the Dean of Libraries informing faculty of their rights and the possibility of appending a clause to publishing contracts that would permit deposit in the Open Access repository - Digital Repository at the University of Maryland (DRUM), and 2) an educational/informational session with the University Senate on October 10, 2012 conducted by the Dean of Libraries. Both efforts revealed that the education of faculty on the basic issues would be a necessary part of our subsequent recommendations. In addition, the task force consulted with the University's Legal Office, which provided an analysis of the possible adoption of the Berlin Declaration by the University of Maryland.
Alternatives:	The University could decide not to get involved in Open Access related issues.
Risks:	The University could risk being left behind with respect to Open Access issues.

Financial Implications:	Some financial resources will be required for implementation including funds for establishing a pilot program for open access fees, an Open Access publishing program, and educational aspects of the proposal.
Further Approvals Required:	Senate Approval, Presidential Approval

Senate Document 12-13-36

Open Access Issues

January 2013

BACKGROUND

In April 2011, the University Senate and President Loh approved the University Library Council's (ULC) recommendations regarding, "Open Access Movement: A Proposal for Broad University Engagement in Study, Dialog, and Policy" (Senate Document Number 10-11-32) (Appendix 1). The ULC undertook a thorough review of Open Access issues to determine whether a campus policy should be formulated. The ULC concluded that the issue is complicated and evolving, but that the University must formally address how best to proceed regarding Open Access. The Council unanimously agreed that a joint task force should be established in order to guide the development of Open Access awareness, education, and policies.

Ann Wylie, Senior Vice President and Provost and Eric Kasischke, Chair of the University Senate formed the Joint Provost/Senate Open Access Task Force in April 2012.   The task force was charged (Appendix 2) with reviewing the issues related to Open Access and determining how the University should proceed in this arena. Specifically, the task force was asked to do the following:
1. Review and evaluate the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities* (Appendix 3)
2. Consider whether the major tenets in the Berlin Declaration align with the University's mission or whether and how they should be modified to meet our specific and diverse needs, and
3. Recommend whether policy changes are appropriate.

The task force was asked to submit its report and recommendations by December 2012.

CURRENT PRACTICE

The University of Maryland College Park campus is in the initial stages of creating an environment supportive of Open Access. Evidence of this shift is available in many places on campus:
1. The University Library Council and the Libraries have begun to partner on nascent Open Access Week activities.
2. Departments on campus have started discussions of new publishing models.
3. Faculty members and students who are members of scholarly societies and/or involved in efforts to publish their work and/or as classroom

> teachers have reported their experiences with Open Access invitations and their need to consider emerging models for sustainability.
>
> 4. New business models with publishers are beginning to emerge that have led increasing numbers of students to prefer online forms of textbook or other assigned reading-materials.
> 5. The University of Maryland's Libraries are piloting an Open Access publishing initiative.
> 6. Librarians are becoming aware of the nuances of Open Access issues, so that they can take an active educational role on campus.

Clearly the campus is poised to move further into the Open Access movement through a variety of initiatives, both educational and practical. The recommendations in this report identify the manifold opportunities likely to further open scholarship at the university.

TASK FORCE WORK

In its meetings, the task force discussed the overall challenges presented to the University of Maryland by Open Access issues. The report by the University Library Council provided excellent perspective on the basic arguments. The task force agreed to focus on three major areas related to Open Access: economic/business models, the potential impact on the Appointments, Promotion, & Tenure (APT) process, and the general state of Open Access among our peers. Subgroups were formed to examine each of these areas over summer 2012. The groups used the listserv to share news, articles, and reports throughout the process and reported back to the entire task force in fall 2012.

In September 2012, the task force invited Heather Joseph, the Executive Director of SPARC (Scholarly Publishing and Resources Coalition)—an initiative sponsored by the Association of Research Libraries—to discuss the current status of Open Access. Ms. Joseph was able to provide solid information on the increasing strength of the Open Access movement, including the international organizing of graduate students to support an open environment for sharing scholarship, and the development of new metrics to assess the impact of Open Access journals and individual articles therein. The SPARC website (http://www.arl.org/sparc/) proved an invaluable source of current and historical record.

The task force initiated and endorsed two educational efforts: 1) a letter from the Dean of Libraries informing faculty of their rights and the possibility of appending a clause to publishing contracts that would permit deposit in the Open Access repository - Digital Repository at the University of Maryland (DRUM), and 2) an educational/informational session with the University Senate on October 10, 2012 conducted by the Dean of Libraries. Both efforts revealed that the education of faculty on the basic issues would be a necessary part of our subsequent recommendations. In addition, the task force consulted with the

University's Legal Office, which provided an analysis of the possible adoption of the Berlin Declaration by the University of Maryland.

In the process of the task force's outreach, work, and deliberations, it became clear that there was greater interest in discussing, exploring, and understanding Open Access issues than there had been when it was raised for public debate in the past. It was also evident that embedded in that interest was a need for further education and for the establishment of improved communication. Because the issues surrounding Open Access are so complex and potentially divisive, and because the key issues differ in various disciplines, we decided that the most productive approach we could take to Open Access, in addition to making a recommendation to sign the *Berlin Declaration,* was to suggest a variety of implementation strategies. These actions would be based on the premise that Open Access is gaining momentum and even mandated at the federal/foundation grant level, and that over the years, it increasingly will be part of our culture and our subsequent actions.

The task force decided not to become embroiled in the economic and business aspects of an Open Access model on any particular journal or scholarly society, or the pros and cons of the scholarly rigor of Open Access publications, or specifically how to change the APT response to an open environment. Rather, the task force decided to recognize the ideals of Open Access and the practical broad benefit of a world in which scholarship is open to sharing, discovery, and collaboration for scholars in advanced as well as developing countries. This approach is not to dismiss the real challenges that surround the realization of a more open model within the academy.

New business models with publishers are beginning to emerge. The very recent explosion of MOOCs (Massive Online Open Course) is already identifying new markets for publishers that will encourage different models for distribution. Over 50% of publishers have ways to accommodate the deposit of works into local repositories. There will be no single solution or path to an open world but, as a task force, we validate a more open future and wish to help scholars share in appropriate ways that advance openness without harming necessary structures.

<u>PEER COMPARISONS</u>

A majority of signers of the Berlin Declaration are international universities along with organizational members such as the Association of Research Libraries and the Canadian Library Association. Included in the Berlin Declaration signatories are Harvard, Duke, Oregon, UCLA and Purdue universities. With our signature, we will be joining a growing group of committed universities.

Some universities have developed formal Open Access policies. In the U.S, a consortium called the Coalition of Open Access Policy Institutions (COAPI) was formed in 2011 and has a current membership of 46 colleges, universities, and

research centers, although none of our own institutional peers have joined as of December 2012.   However, other comparable universities that have already signed include Purdue University, the University of Florida, Harvard University, Princeton University, and Duke University. COAPI's web site (http://www.arl.org/sparc/about/COAPI/index.shtml) provides guidance on creating a formal Open Access policy, based on those drafted by member institutions. More importantly, it provides" good practice" recommendations regardless of whether a formal policy is in place.   As its first major action, COAPI drafted a white paper in response to the White House Office of Science and Technology Policy's January 2012 Request for Information regarding Public Access to Peer-Reviewed Scholarly Publications Resulting From Federally Funded Research[1], in which they advocate that the federal government adopt a comprehensive public access policy for all federal funding agencies, similar to that implemented in 2008 at the National Institutes of Health[2].

While the Open Access Task Force is not advocating that the campus adopt a formal policy at this time, COAPI works closely with SPARC and the Association of Research Libraries, and will likely be a valuable resource for implementing the recommendations of this document.

RECOMMENDATIONS

At its meeting on December 12, 2012, the Open Access Task Force voted unanimously in favor of recommending that the University sign the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities* as written. While such a signature does not create legal or financial issues for the University, it does convey an intention to move appropriately to a broader Open Access world. Authors still will execute control over their works. We would simply work to provide more options to share that work without harm to individual researchers or organizations.

SUGGESTIONS FOR IMPLEMENTATION

The practices expressed in the following suggestions seek to move us further along the path of open sharing of the fruits of the academy. For clarity, the task force's suggestions are divided into actions that could be taken by the University, actions that could be taken by the Libraries, and educational actions that might be jointly undertaken by a variety of stakeholders.

---

[1] http://www.whitehouse.gov/sites/default/files/microsites/ostp/scholarlypubs-%28%23308%29%20coapt.pdf
[2] http://www.arl.org/sparc/bm~doc/coapi-update-2012-june-20.pdf

University Actions

1. Work with the office of the Associate Provost for Faculty Affairs to inform faculty of the need for an expanded view of promotion and tenure requirements in a digital age. Many departments already have made changes that incorporate accomplishments beyond the confines of the established published article or book. Sharing of best practices will be important to this effort, as will be the sharing of new metrics to determine impact in new publishing models.
2. Consider the impact of Open Access measures on technology transfer and commercialization efforts.
3. Establish a pilot program to fund Open Access fees for faculty, particularly in the humanities and social sciences, where grant support to pay such fees often is not available. This program could be simply organized with information available through the Division of Research, but with the process handled by the Libraries.

Libraries Actions

4. Inform faculty of ways of negotiating with publishers to retain the rights to deposit the scholarly works of University of Maryland faculty in DRUM.
5. Establish an Open Access publishing program that can support open publishing of scholarly works. The goal of such a model would be to include peer review and the quality factors that mark the present print publishing model.
6. Work with other libraries and organizations, including the campus administration, to support the creation and publishing of open textbooks.

Educational Actions

7. Initiate an education and information program for the University. Either create a separate Open Access website or reorganize the present copyright website (http://www.president.umd.edu/legal/policies/copyright.html)) to specify Open Access information and best practices.
8. Incorporate Open Access education and advising as part of the faculty librarian liaisons' portfolios. This will include options for actions, instructions for data management, and copyright advice. Since liaisons are discipline specific, this will help to address the diverse situation among scholars.
9. Expand the education outreach within the context of the Open Access Week activities. Develop plans for an annual speaker of sufficient stature to stimulate discussion about developments and encourage interest.
10. Educate faculty aggressively about how they can retain some rights for their scholarly work. This has implications for long-term preservation of materials now increasingly published electronically.

SUMMARY

The members of the Open Access Task Force trust that our approach and recommendations reflect the culture of the University of Maryland. We believe that the report recognizes appropriately the increasing prominence of the Open Access movement, while acceding to its complexities. We recommend actions that we hope will encourage exploration of Open Access issues throughout the academy and will encourage faculty to retain some of their rights in the publication process. We believe that it is imperative that we at the University of Maryland step forward to shape this developing movement to reflect our environment and to benefit our scholars and those across the world. It must be given priority at the highest levels of the University. Together and over time, we can identify strategies that will Open Access to the valuable work of our scholars in ways that do no harm to their disciplines or their own rewards and advancement within the academy.

APPENDICES

Appendix 1 – Report of the ULC – Open Access Movement: A Proposal for Broad University Engagement in Study, Dialog, and Policy (Senate Document Number 10-11-32)
Appendix 2 – Charge from the Provost and Senate Chair, April 3, 2012
Appendix 3 – Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities & Current Signatories

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SENATE LEGISLATION APPROVAL

Date:	April 8, 2011
To:	Wallace D. Loh
From:	Linda Mabbs Chair, University Senate
Subject:	Open Access Movement: A Proposal for Broad University Engagement
Senate Document #:	10-11-32

I am pleased to forward for your consideration the attached legislation entitled, "Open Access Movement: A Proposal for Broad University Engagement." Martha Nell Smith, Chair of the University Library Council, presented the proposal. The University Senate approved the proposal at its April 7, 2011 meeting.

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

Enclosure: Open Access Movement: A Proposal for Broad University Engagement
Senate Document # 10-11-32

LM/rm

Cc: Ann Wylie, Senior Vice President for Academic Affairs & 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

Approved: _____   Date: 4/14/11
          Wallace D. Loh
          President

University Senate
TRANSMITTAL FORM

Senate Document #:	10-11-32
PCC ID #:	N/A
Title:	University Library Council Report on the University Open Access Movement: A Proposal for Broad University Engagement
Presenter:	Martha Nell Smith, Chair University Library Council
Date of SEC Review:	March 15, 2011
Date of Senate Review:	April 7, 2011
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	The way we respond to the much-discussed crisis in scholarly publishing will profoundly affect the University's future, and our capabilities for achieving and sustaining excellence as a comprehensive research university. The issues involved are of vital importance to all campus constituencies—faculty, students, staff, and administrators. As many senators will remember, one proposed solution to some of the problems in scholarly publishing is known as "open access," which was debated in spring 2009. That debate revealed confusion, misinformation, and lack of information about "open access." As a result, the University Library Council undertook a year-long review of open-access issues to determine whether a campus policy should be formulated.
Relevant Policy # & URL:	N/A
Recommendation:	After extensive review and extended discussion, members of the Council have unanimously concluded that while the issues are very complicated, dynamic, and evolving, inaction by University in formally addressing "open-access" issues is not an option. The Council unanimously and emphatically agrees on the following recommendations to the Provost, University Senate, and Dean of

the Libraries:

- In order to oversee and coordinate the development of both open-access awareness and policies, we recommend the formation of a scholarly communications/publishing task force appointed jointly by the Provost, the Senate, and the Dean of Libraries, with representatives of all stakeholder groups and of various viewpoints.

- Consideration needs to be given to the development of policies that might be both campus-wide and policies that might apply to specific colleges or disciplines. In other words, policies developed should be flexible and adaptable to our constituencies' various, sometimes conflicting needs.

- Extensive education of the campus community on the issues and basic principles of open access are needed before any policy is formulated, considered, and possibly adopted. Any premature effort to address policy runs the risk of being unrealistic and, consequently, of failing (as did the previous proposal).

- This education should include efforts to make scholars aware of their rights as authors, which will be an important step in achieving a more favorable degree of control over the dissemination of their work.

Committee Work:	Five questions guided the Council's deliberations and generated our set of recommendations: 1. What is the nature of the crisis in scholarly publishing and how is the university community affected by it, directly or indirectly? 2. What are the characteristics of open-access publishing alternatives and self-archiving in digital repositories? 3. How appropriate are open access alternatives for faculty and students seeking to publish in leading journals, and how does this vary by discipline? 4. What are other institutions doing in regards to open access? 5. What should the university or individual departments do to

| | begin formulating policies on open-access publishing?

The Council's year-long review of open-access issues included reading widely and familiarizing ourselves with the range and the depth of varying views; inviting open-access experts to present and discuss their opinions with the Council; as stakeholders ourselves, debating the issues over the course of many meetings and formulating our four recommendations. |
|---|---|
| **Alternatives:** | The Senate could choose to do nothing at all, and the University could have no guiding principles regarding a most important issue regarding scholarly communication and knowledge production. |
| **Risks:** | The only risk appears to be in not having any policy whatsoever. |
| **Financial Implications:** | Judicious adaptations of open access policies in scholarly publishing will help drive down the increasingly prohibitive costs of scholarly exchange. |
| **Further Approvals Required:** | Senate Approval & Presidential Approval. |

TO: The University of Maryland Senate, Provost Ann Wylie, Dean Patricia Steele
FROM: Martha Nell Smith, Chair, on behalf of the University Library Council
RE: The Crisis in Scholarly Publishing and the Open Access Movement:
            A Proposal for Broad University Engagement in Study, Dialogue, and Policy[1]
DATE: 7 March 2011

The cause of the crisis in scholarly publishing is plain. Diminishing financial resources are running up against sharply rising costs and increasing demand for scholarly materials. The consequent financial concerns are trumping needs in research and teaching, and thus hamper educational attainment. At the University of Maryland, which has risen in recent decades to the ranks of top public research institutions, the way we respond to this crisis will profoundly affect our future trajectory. The issues involved are of vital importance to all campus constituencies—faculty, students, staff, and administrators. Each and all are stakeholders.

One proposed solution to some of the problems in scholarly publishing is known as "open access." While the term is applied in various ways, the most basic definition is: "Open access" means "available freely to the public via the internet. . ."[2] "Open access" also pertains to self-archiving in digital repositories. However, the growing movement to distribute scholarly work via open access is not without concerns and controversy, as is clear on our own campus. At the May 2009 meeting of the University Senate, the Faculty Affairs Committee introduced a resolution proposing, among other things, the increasing use of open-access options where these would not be detrimental to the careers of faculty and students. The resolution was hotly debated and then voted down.

As a result, in 2009-2010 the University Library Council undertook a year-long review of open-access issues. This memorandum summarizes our findings to date. Important to keep in mind is that the issues surrounding open access are not confined to journals, the focus of this report. Monographs and textbooks are also affected, and issues that are more monograph- and textbook-specific should be considered. Our hope is that these broader issues will be as more careful consideration of open access issues becomes more extensive among all campus constituencies. While the subject is complicated and the next steps are not entirely clear, we have concluded that one thing is certain: **Inaction is not an option**.

Five questions guided the Council's deliberations and generated our set of recommendations:

1. What is the nature of the crisis in scholarly publishing and how is the university community affected by it, directly or indirectly?

2. What are the characteristics of open-access publishing alternatives and self-archiving in digital repositories?

3. How appropriate are open access alternatives for faculty and students seeking to publish in leading journals, and how does this vary by discipline?

4. What are other institutions doing in regards to open access?

5. What should the university or individual departments do to begin formulating policies on open-access publishing?

Detailed summaries of what we learned from pursuing these questions are below. Our recommendations (p. 7), in brief, call for a process that would engage the entire campus community in study and substantive dialogue leading to the formulation of a flexible university policy on open access.

Question 1: What is the nature of the crisis in scholarly publishing and how is the university community affected by it, directly or indirectly?

The council has identified these key parameters of the crisis:

A growing disconnect between resources and needs. More and more journals are being published to meet scholarly needs for publication in ever more fragmented sub-disciplines and specialty research areas. Concomitantly, libraries with static or shrinking budgets are unable to add new subscriptions.

Rising prices. Journal prices have skyrocketed in the past 25 years. The amount varies by discipline but far outpaces inflation. Pricing is often controlled by a handful of international commercial publishers. They have come to dominate the market through acquisitions and mergers of smaller companies and takeovers of the publication programs of some scholarly societies. These corporations publish many of the highly ranked "core" journals, especially in the natural and social sciences.

A vicious cycle. With subscription rates so high, faculty have fewer personal subscriptions. They and their students rely on the library's subscriptions or licenses, both to paper journals and to electronic databases and e-journals. But increasing journal costs have meant decreasing access for faculty and students since the purchasing power of libraries has not kept pace with the increase in both the prices and numbers of journals. Meanwhile, as pressure increases to devote greater portions of library budgets to journals, fewer monographs, which are of critical importance for humanities scholarship, can be purchased.

A paradoxical effect of the push to publish. For faculty and students, advancement is dependent on frequent publication. The work product is typically given for free to publishers. But the library then has to buy back the intellectual products of the university's faculty and students at inflated prices, sometimes "bundled" in pricing packages with unwanted materials.

A wide array of stakeholders. Researchers and students in every discipline are affected when they cannot get the access they need for comprehensive and timely literature reviews. Researchers' lack of direct access to content puts additional demands on library staff, who must also make decisions about the allocation of inadequate resources. The burgeoning of journals, both in traditional and open access formats, confronts administrators seeking to measure and evaluate the scholarly output of faculty and students. Grant recipients face requirements from funding agencies that research findings be placed in publicly accessible repositories. And the publishing industry itself is struggling with new business models and competition from alternative modes for disseminating scholarly information.

Question 2: What are the characteristics of open access publishing alternatives?

(A) **Open Access Journals**

As the open-access movement has grown in recent years, the number of open access journals has risen dramatically. The *Directory of Open Access Journals* (DOAJ) – online at http://www.doaj.org/ – lists more than 5,000 "scientific and scholarly" titles that exercise "quality control" through peer review, an editorial board, or an editor. The *Directory* lists the following additional criteria for inclusion:

> *Coverage:*
> - *Subject: all scientific and scholarly subjects are covered*
> - *Types of resource: scientific and scholarly periodicals that publish research or review papers in full text.*
> - *Acceptable sources: academic, government, commercial, non-profit private sources are all acceptable.*
> - *Level: the target group for included journals should be primarily researchers.*
> - *Content: a substantive part of the journal should consist of research papers. All content should be available in full text.*
> - *All languages*
>
> *Access:*
> - *All content freely available.*
> - *Registration: Free user registration online is acceptable.*
> - *Open Access without delay (e.g. no embargo period).*[3]

The primary difference between subscription journals and journals included in the *Directory of Open Access Journals* is the business model, not coverage or quality. Open-access journals are not produced cost-free. But instead of subscriptions, they tend to be supported by advertising, grants, tax revenues, or publication fees. The latter may be paid by authors or on behalf of authors – sometimes from library budgets. And a combination of support methods may be used for any given journal.

Author-pay models are relatively rare. They occur in disciplines such as the natural sciences where grants have been used to underwrite publication costs. In fact, there is long precedent for grants that include the payment of publication fees in the life and earth sciences, both for open access and subscription journals. Publication fees as a funding means only work when there are sufficient sources of funds to allow authors to pay them. In an effort to assist faculty with publication fees, several institutions banded together to form the Compact for Open Access Publishing Equity, or COPE, online at http://www.oacompact.org/.[4]

(B). **Self-Archiving and Digital Repositories**

A second type of open-access distribution is self-archiving of an author's final version in a digital repository. The University of Maryland has such a repository, known as the Digital Repository at the University of Maryland, or DRUM. Launched in 2004 and managed by the

University Libraries, DRUM has several goals: wider dissemination of research; increased potential for citation; permanent URLs for individual documents; and a place for researchers to upload associated content, such as datasets, video, and audio files.

Many journals permit some self-archiving of pre-prints or post-prints, and the number of these publishers is growing. A list of these is maintained by a digital repository partnership in the United Kingdom, which now includes hundreds of journals that allow some form of self-archiving.[5] Different publishers—commercial, learned societies, university presses, university-supported, or government agencies—have varying policies regarding permissions they may grant as part of copyright transfer agreements. These policies address whether authors may archive their own papers on personal Web sites or in institutional repositories, and whether they may post links to their articles and reuse article content. Independent of the nature of agreements between publishers and authors, there is an increasing practice of being explicit about what authors can and cannot do with their papers after submission.

As individual authors or through their professional associations, many scholars are putting pressure on those publishers that do not allow self-archiving to change such policies. Over time, there has been less insistence on mandatory copyright transfer from author to publisher. A recent study found that whereas 83 percent of scholarly publishers required mandatory copyright transfer in 2003, that rate was down to 53 percent by 2008.[6] As publishers are pressured by authors, or are learning that offering authors more relaxed archiving options does not negatively impact subscriptions – and may even increase their journals' impact factor, which is an important consideration in the sciences and social sciences – more are allowing options for authors to make their work openly available online.

A growing number of funding sources – including U.S. government agencies such as the Institute of Education Sciences and the National Institutes of Health (NIH) and others such as Autism Speaks, the MacArthur Foundation, and the Howard Hughes Medical Institute – are requiring that grant recipients deposit their research papers in an open-access repository within a set period of time after being published in a refereed journal.[7] The goal is to ensure that funded research is widely disseminated and accessible. One such example is the NIH Public Access Policy requiring research funded by NIH to be deposited in the PubMed Central database. Legislation pending in Congress would broaden this requirement to all federal granting agencies.[8]

Question 3: How appropriate are open access alternatives for faculty and students seeking to publish in leading journals, and how does this vary by discipline?

According to some studies, open-access distribution leads to higher visibility and increased readership and open-access articles are typically cited more often than their traditional counterparts.[9] On the other hand, open-access publishing may generate unintended negative consequences. For example, competition between open-access journals and traditional journals might result in the demise of some of the latter, thus reducing the number of publication outlets for authors. Faculty members who have editorial or production roles in these journals worry about the publications' economic stability in the face of open-access competition. A related concern is whether the low revenue of open-access publishing will spawn the publication of

inferior and unreliable journals. In fact, there is already a broad range of quality in both subscription and open-access journals.[10]

Another concern with the open-access model comes from the natural and engineering sciences, where many journals are published by professional societies. The costs for these journals are recovered through page charges, along with fees negotiated with libraries. Researchers in these societies – examples include the Ecological Society of America, the Institute of Electrical and Electronic Engineers, and the American Geophysical Union – remain supportive of their journals and would not likely support open-access journals designed to serve the same audience.

Yet another concern related to the issue of sustainable models for open-access publishing is that while an author-pay model may work for some in the natural and social sciences, it does not work in the humanities. Further, as the demand for an article declines slowly over time in the humanities compared to the sciences where demand tends to fall off sharply, some publishers in the humanities may be less willing to allow self-archiving even after an embargo period. Also, all journals should be reliably archived, so all business models need to account for preservation.

Question 4: What are other institutions doing in regards to open access?

A growing number of academic institutions have adopted open-access policies or are considering doing so. These policies are a form of self-imposed mandate intended to increase access to faculty scholarship. A list of current worldwide policies is available online at the Registry of Open Access Repository Material Archiving Policies, or ROARMAP.[11] The list of academic institutions in the U.S., along with the date the policy was adopted, includes the following:

- Case Western Reserve University (April 2005)
- Cornell University (May 2005)
- Harvard Faculty of Arts & Sciences (February 2008)
- Harvard Law School (May 2008)
- Stanford School of Education (June 2008)
- Harvard School of Government (March 2009)
- MIT (March 2009)
- IUPUI Library Faculty (April 2009)
- Oregon State University Library Faculty (May 2009)
- Harvard Graduate School of Education (June 2009)
- Trinity University (September 2009)
- Oberlin College (November 2009)
- BYU Library Faculty (November 2009)
- BYU Instructional Psychology & Technology Department (November 2009)
- University of North Colorado Library Faculty (December 2009)
- Harvard Business School (February 2010)
- Rollins College Faculty of Arts & Sciences (February 2010)
- University of Kansas (February 2010)
- Wake Forest University Library Faculty (February 2010)
- University of Puerto Rico School of Law (March 2010)

- Duke University (March 2010)

This list suggests that the movement toward the development of explicit policies at the institutional level is gaining momentum. This does not suggest, however, that implementation of these policies has always been easy or fully successful. At some of these institutions, serious pockets of concern remain and there is not full consensus but in fact resistance to adoption of open-access policies. While they do represent bold experiments in changing the publishing environment, open-access mandates, whether coming from funding organizations or self-imposed by universities, do not fully address all the economic hurdles, rising production costs, need for new forms of distribution of scholarly work in process, and need for new ways to evaluate, preserve, and share scholarship.

Open-access policies adopted by universities have remained consistent with copyright law. Authors own the copyright to their work until and unless they transfer it to the publisher. They may choose to negotiate individually with publishers to retain their copyright, or, as Harvard and MIT have done, they can take advantage of a university-wide policy that has been negotiated with a few publishers on behalf of faculty. This type of policy allows for faculty who wish to refrain from retaining rights to do so, but this is not the default position. Rather, it is an option that authors need select explicitly or by directing that a waiver of the license be granted. Stuart M. Shieber, director of Harvard's Office for Scholarly Communication, has drafted a model policy to help universities that are contemplating such options.

Several large organizations and associations are supporting open access. In 2009, several of these – the Association of American Universities, the Association of Research Libraries, the Coalition for Networked Information, and the National Association of State Universities and Land-Grant Colleges – issued a "call to action" urging universities to push for wider dissemination of research and scholarship.[12]

Universities are responding in a variety of ways. The University of Maryland Libraries, for example, have an objective in their 2010 Strategic Plan (p. 4) to "initiate a program of open-access journal publishing, maintenance, and preservation," to "establish a library role in intellectual property rights management in the open-access environment," and to "expand the use and relevance of the institutional repository program [DRUM] to preserve and make available campus electronic scholarly products." MIT, the University of Michigan, Washington University in St. Louis, and Wayne State University address author rights in the form of *author addenda* that faculty can use to retain the rights they need to reuse their articles when negotiating with publishers.

Obviously, policy and practice regarding open access are still evolving—sometimes even lurching in different directions. Much depends on the discipline and type of publisher, but there are substantive differences within particular disciplines and even between different journals offered by the same publisher. Also, though there is a trend toward the relaxing of copyright agreements to allow self-archiving, there is also greater use of embargoes to hold back those rights for a period.

Question 5: What should the university or individual departments do to begin formulating policies on open access publishing?

The crisis in scholarly journals and in library funding is real, and it encompasses a series of interrelated problems. Open access has surfaced as one proposed solution to some of the problems. Within the Library Council there has been a spirited discussion over the past year about both the crisis and about open access as a solution. This discussion is a microcosm of the varied opinions and constituencies on campus. Where the Council is in unanimous and emphatic agreement, however, is in making the following recommendations to the Provost, University Senate, and Dean of the Libraries:

- In order to oversee and coordinate the development of both open-access awareness and policies, we recommend the formation of a scholarly communications/publishing task force appointed jointly by the Provost, the Senate, and the Dean of Libraries, with representatives of all stakeholder groups and of various viewpoints.

- Consideration needs to be given to the development of policies that might be both campus-wide and policies that might apply to specific colleges or disciplines. In other words, policies developed should be flexible and adaptable to our constituencies' various, sometimes conflicting needs.

- Extensive education of the campus community on the issues and basic principles of open access are needed before any policy is formulated, considered, and possibly adopted. Any premature effort to address policy runs the risk of being unrealistic and, consequently, of failing (as did the previous proposal).

- This education should include efforts to make scholars aware of their rights as authors, which will be an important step in achieving a more favorable degree of control over the dissemination of their work.

Finally, the Council recommends that these initiatives be undertaken without delay. Time lost in developing a response to the crisis in scholarly publishing and to the open access alternative will be measured in decreasing access to essential resources and increasing frustration of researchers. On the other hand, the crisis itself is also an opportunity if the university takes the initiative now to become a leader in developing creative and effective solutions to a problem vexing all of academe.

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[1] This memorandum is a result of the ULC's work for more than a year, was drafted by Trudi Hahn, in collaboration with Debra Shapiro and Ira Chinoy, and was finalized by Martha Nell Smith.

[2] Budapest Open Access Initiative (2002); http://www.soros.org/openaccess/read.shtml.

[3] "About," *DOAJ: Directory of Open Access Journals*; http://www.doaj.org/doaj?func=loadTempl&templ=about.

[4] Shieber, Stuart M. (2009), "Equity for Open-Access Journal Publishing," PLoS Biol 7(8): e1000165. doi:10.1371/journal.pbio.1000165; http://bit.ly/4ocFRP.

[5] "Publisher copyright policies & self-archiving," SHERPA RoMEO; http://www.sherpa.ac.uk/romeo/statistics.php, accessed Nov. 1, 2010.

[6] Sian Harris, "Publishers relax author rights agreements," *Research Information*, Europa Science Ltd., June/July http://www.researchinformation.info/features/feature.php?feature_id=225

[7] A complete list of agencies requiring such open-access dissemination is on the SHERPA Juliet website, http://www.sherpa.ac.uk/juliet/.

[8] The Federal Research Public Access Act, S. 1373, is pending in the Senate and a companion measure was recently introduced in the House. For updates on these bills, see: http://www.taxpayeraccess.org/issues/frpaa/frpaa_action/10-0915.shtml

[9] "The effect of open access and downloads ('hits') on citation impact: a bibliography of studies," OpCit Project: The Open Citation Project; http://opcit.eprints.org/oacitation-biblio.html.

[10] Stuart Shieber [Harvard University], "Is open-access journal publishing a vanity publishing industry?" *The Occasional Pamphlet* [blog], October 16th, 2009; http://blogs.law.harvard.edu/pamphlet/2009/10/16/is-open-access-publishing-a-vanity-publishing-industry/

[11] ROARMAP (Registry of Open Access Repository Material Archiving Policies); http://www.eprints.org/openaccess/policysignup/

[12] "The University's Role in the Dissemination of Research – A Call to Action," Association of American Universities, the Association of Research Libraries, the Coalition for Networked Information, and the National Association of State Universities and Land-Grant Colleges, February 2009; http://www.arl.org/bm~doc/disseminating-research-feb09.pdf.

SOURCES CONSULTED

This report is based on extensive Library Council research and discussions. Sources used in addition to those cited above include the following:

Borgman, C. L. (2007). *Scholarship in the Digital Age; Information, Infrastructure, and the Internet*. Cambridge, MA: The MIT Press.

Howard, J. (2009). A new push to unlock university-based research. *Chronicle of Higher Education* 55(26), A10. http://chronicle.com/weekly/v55/i26/26a01001.htm.

SPARC Web site. http://www.arl.org/sparc/index.shtml. [SPARC® (Scholarly Publishing and Academic Resources Coalition) is an international alliance of academic and research libraries working to correct imbalances in the scholarly publishing system. Developed by the Association of Research Libraries, SPARC's pragmatic focus is to stimulate the emergence of new scholarly communication models that expand the dissemination of scholarly research and reduce financial pressures on libraries].

Stuber, Peter. Open Access News [blog]. http://www.earlham.edu/~peters/fos/fosblog.html.

University Senate

CHARGE

Date:	April 3, 2012
To:	Patricia Steele
	Chair, Joint Provost/Senate Open Access Task Force
From:	Ann Wylie
	Senior Vice President & Provost
	Eric Kasischke
	Chair, University Senate
Subject:	Open Access Issues
Senate Document #:	10-11-32
Deadline:	December 14, 2012

Provost Wylie and the Senate Executive Committee (SEC) request that the Open Access Task Force determine how the University can best address "open access" issues at the University of Maryland.

During the 2009-2010 and 2010-2011 academic years, the University Library Council (ULC) conducted an extensive review of open access issues to determine whether a campus policy should be formulated. The ULC concluded that the issue is complicated and evolving but the University must formally address how best to address and advise all campus constituencies on open access. We ask that you review the issues related to open access and determine how the University should proceed in this arena. Specifically, we would like you to do the following:

1. Review and evaluate the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities,* which can be found at: http://oa.mpg.de/lang/en-uk/berlin-prozess/berliner-erklarung/.

2. Review how our peer institutions are handling issues related to open access.

3. Consider whether the major tenets in the Berlin Declaration align with the University's mission or whether and how they should be modified to meet our specific and diverse needs.

4. Given that the University wants to make scholarly output readily available and that there is variation amongst campus-wide and college/discipline-specific policies, recommend whether policy changes are appropriate.

5. Consult with the Office of Legal Affairs to review any policy recommendations.

We ask that you submit your report and recommendations to the Senate Office no later than December 14, 2012. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities

Preface

The Internet has fundamentally changed the practical and economic realities of distributing scientific knowledge and cultural heritage. For the first time ever, the Internet now offers the chance to constitute a global and interactive representation of human knowledge, including cultural heritage and the guarantee of worldwide access.

We, the undersigned, feel obliged to address the challenges of the Internet as an emerging functional medium for distributing knowledge. Obviously, these developments will be able to significantly modify the nature of scientific publishing as well as the existing system of quality assurance.

In accordance with the spirit of the Declaration of the Budapest Open Access Initiative, the ECHO Charter and the Bethesda Statement on Open Access Publishing, we have drafted the Berlin Declaration to promote the Internet as a functional instrument for a global scientific knowledge base and human reflection and to specify measures which research policy makers, research institutions, funding agencies, libraries, archives and museums need to consider.

Goals

Our mission of disseminating knowledge is only half complete if the information is not made widely and readily available to society. New possibilities of knowledge dissemination not only through the classical form but also and increasingly through the open access paradigm via the Internet have to be supported. We define open access as a comprehensive source of human knowledge and cultural heritage that has been approved by the scientific community.

In order to realize the vision of a global and accessible representation of knowledge, the future Web has to be sustainable, interactive, and transparent. Content and software tools must be openly accessible and compatible.

Definition of an Open Access Contribution

Establishing open access as a worthwhile procedure ideally requires the active commitment of each and every individual producer of scientific knowledge and holder of cultural heritage. Open access contributions include original scientific research results, raw data and metadata, source materials, digital representations of pictorial and graphical materials and scholarly multimedia material.

Open access contributions must satisfy two conditions:

1. The author(s) and right holder(s) of such contributions grant(s) to all users a free, irrevocable, worldwide, right of access to, and a license to copy, use, distribute, transmit and display the work publicly and to make and distribute derivative works, in any digital medium for any responsible purpose, subject to proper attribution of authorship (community standards, will continue to provide the mechanism for enforcement of proper attribution and responsible use of the published work, as they do now), as well as the right to make small numbers of printed copies for their personal use.

2. A complete version of the work and all supplemental materials, including a copy of the permission as stated above, in an appropriate standard electronic format is deposited (and thus published) in at least one online repository using suitable technical standards (such as the Open Archive definitions) that is supported and maintained by an academic institution, scholarly society, government agency, or other well established organization that seeks to enable open access, unrestricted distribution, inter operability, and long-term archiving.

Supporting the Transition to the Electronic Open Access Paradigm

Our organizations are interested in the further promotion of the new open access paradigm to gain the most benefit for science and society. Therefore, we intend to make progress by

- encouraging our researchers/grant recipients to publish their work according to the principles of the open access paradigm.
- encouraging the holders of cultural heritage to support open access by providing their resources on the Internet.
- developing means and ways to evaluate open access contributions and online journals in order to maintain the standards of quality assurance and good scientific practice.
- advocating that open access publication be recognized in promotion and tenure evaluation.
- advocating the intrinsic merit of contributions to an open access infrastructure by software tool development, content provision, metadata creation, or the publication of individual articles.

We realize that the process of moving to open access changes the dissemination of knowledge with respect to legal and financial aspects. Our organizations aim to find solutions that support further development of the existing legal and financial frameworks in order to facilitate optimal use and access.

On behalf of the German research organisations (in alphabetical order):

Hans-Jörg Bullinger   22 October 2003
President of the Fraunhofer Society

Karl Max Einhäupl   22 October 2003
Chairman des Wissenschaftsrates

Peter Gaehtgens   22 October 2003
President of the Hochschulrektorenkonferenz

Peter Gruss   22 October 2003
President of the Max Planck Society

Hans-Olaf Henkel   22 October 2003
President Leibniz Association

Walter Kröll   22 October 2003
President Helmholtz Association

Ernst-Ludwig Winnacker   22 October 2003
President German Research Foundation

Further national & international Signatories:

Bernard Larrouturou   22 October 2003
Director General, Centre National de la Recherche Scientifique (CNRS)

Jürgen Mittelstraß   22 October 2003
President, Academia Europaea

Paolo Galluzzi   22 October 2003
Director, Istituto e Museo di Storia della Scienza, Florence

Christian Bréchot   22 October 2003
Director General, Institut National de la Santé
et de la Recherche Médicale (INSERM)

Yehuda Elkana   22 October 2003
President and Rector, Central European University, Budapest

Jean-Claude Guédon   22 October 2003
Open Society Institute

Martin Roth   22 October 2003

Director General, Staatliche Kunstsammlungen, Dresden

Friedrich Geisselmann   22 October 2003
Head of the Deutscher Bibliotheksverband

José Miguel Ruano Leon   22 October 2003
Minister of Education, Cultura y Deportes Gobierno de Canarias

Dieter Simon   22 October 2003
President, Berlin-Brandenburg Academy of Sciences and Humanities

Jens Braarvig   22 October 2003
Director, Norwegian Institute of Palaeography and Historical Philology

Peter Schirmbacher   22 October 2003
CEO of the Deutsche Initiative für Netzwerkinformation

Status 22 October 2003 (conference end)

The actual status of signatories can be viewed at
http://www.oa.mpg.de/openaccess-berlin/signatories.html

University Senate
TRANSMITTAL FORM

Senate Document #:	11-12-30
PCC ID #:	N/A
Title:	Proposal to Implement a Retroactive Withdrawal Policy at the University of Maryland
Presenter:	Christopher Davis, Chair, Senate Academic Procedures and Standards (APAS) Committee
Date of SEC Review:	February 1, 2013
Date of Senate Review:	February 14, 2013
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	In February 2012, an undergraduate student submitted a proposal to the Senate Executive Committee (SEC) regarding the creation and implementation of a retroactive withdrawal policy for the University of Maryland. The proposer asked that the Senate consider recommending a policy that would allow students to retroactively withdraw from a previous semester.
Relevant Policy # & URL:	Undergraduate Catalog, Section 4. Registration, Academic Requirements, and Regulations: Withdrawal and Leave of Absence http://www.umd.edu/catalog/index.cfm
Recommendation:	The Senate APAS Committee does not recommend the creation of a formal retroactive withdrawal policy. Rather, the committee recommends that the section on Withdrawal and Leave of Absence in the University's Undergraduate Catalog be revised to clarify the standing procedures for retroactive withdrawal, as follows (recommended edits are noted in blue font): **Withdrawal:** A withdrawal is available anytime between the first and last day of classes. Students must submit written notice of withdrawal to the Office of the Registrar no later than the last day of classes. In exceptional cases, a retroactive withdrawal may be granted based on documented requests in which extenuating circumstances significantly impaired the student's ability to complete the semester and officially withdraw by the established

	semester deadlines. Such circumstances include, but are not limited to, medical or psychological causes. A student's return to the University is contingent upon the conditions outlined in Return to the University below. … **Additional Withdrawal/Leave of Absence Information:** The effective date of withdrawal or leave of absence for the purposes of refunds is the date that the notice is received by the Office of the Registrar. Notation of withdrawal/leave of absence and the effective date will be posted to the student's academic record. Instructors and college offices will be notified of all withdrawn students. The deadline date for submitting the withdrawal for each semester is the last day of classes. Students should contact the ~~Office of Undergraduate Admissions~~ Student Success Office for reenrollment information.
Committee Work:	The APAS Committee received the charge regarding retroactive withdrawals at the end of the 2011-2012 academic year. The committee consulted with representatives of the Office of Undergraduate Admissions, the Office of the Provost, and the Office of the Dean for Undergraduate Studies about the current processes related to withdrawal and reinstatement. The APAS Committee also consulted with the Registrar's Office and confirmed that there is a protocol in place for handling requests for retroactive withdrawals, but that there is no official policy regarding retroactive withdrawals. The APAS Committee reviewed similar policies, procedures, and practices at peer and other institutions. The APAS Committee decided that the section of the Undergraduate Catalog on Withdrawal and Leave of Absence should be updated to include information about how to request a retroactive withdrawal. In conjunction with the Office of the Registrar, the APAS Committee crafted language for insertion into the catalog. It also identified an area within the section on Withdrawal and Leave of Absence on reenrollment that needs to be updated, since it was confirmed that the Student Success Office is the clearinghouse for services and resources to assist students in completing their undergraduate degree, including coordination of reenrollment. At its meeting on December 12, 2012, the APAS Committee voted unanimously in favor of recommending that the Withdrawal and Leave of Absence section of the Undergraduate Catalog be edited for purposes of clarity.

Alternatives:	The Senate could choose not to approve the recommended changes to the Undergraduate Catalog, Section 4. Registration, Academic Requirements, and Regulations: Withdrawal and Leave of Absence. The section on Withdrawal and Leave of Absence would remain as is currently written.
Risks:	There are no associated risks.
Financial Implications:	There are no related financial implications.
Further Approvals Required:	Senate Approval, Presidential Approval.

Senate Academic Procedures and Standards (APAS) Committee

Report – Senate Document 11-12-30

Proposal to Implement a Retroactive Withdrawal Policy at the University

January 2013

BACKGROUND

In February 2012, an undergraduate student submitted a proposal to the Senate Executive Committee (SEC) regarding the creation and implementation of a retroactive withdrawal policy for the University of Maryland (UM). The proposer asked that the Senate consider recommending a policy that would allow students to retroactively withdraw from a previous semester. The proposal asserted that by removing a semester of failing grades, an undergraduate student's grade point average might be improved, and the student might have a greater chance of successful matriculation to graduate school or in securing a well-paid job following graduation. The proposal also included suggestions for changes to the current reenrollment process, in which a student who leaves the University due to mental health issues could return to the University within four semesters without having to reapply. The proposal noted that other institutions of higher education have implemented a retroactive withdrawal policy for students who experience extenuating circumstances that require them to leave school or fail to complete the semester without formally withdrawing.

The SEC reviewed this proposal at its meeting on February 22, 2012. The SEC charged the Senate Academic Procedures and Standards (APAS) Committee with reviewing the proposal. The SEC asked APAS to determine whether a formal retroactive withdrawal policy should be created for the University and whether the University's Undergraduate Catalog should be revised, as appropriate.

CURRENT PRACTICE

According to the 2012-2013 Undergraduate Catalog, a withdrawal is available any time between the first and last day of classes. Students must submit written notice of withdrawal to the Office of the Registrar no later than the last day of classes. A leave of absence is a type of withdrawal and is available for students wishing to take time away from the University with the intention of returning the following semester. The leave of absence status is especially helpful for recipients of federal financial aid because they are not considered to have withdrawn provided they do return and complete the following semester. Students may apply for a leave of absence only during the last 60 days of the semester. Normally, a student may withdraw or take a leave of absence from the University only once during matriculation as an undergraduate. Students who find it necessary to leave the University are required to petition the Faculty Review Board in order to return; students who have earned a minimum 2.0 cumulative GPA, with no previous withdrawal or leave of absence, are exempt from this requirement. Students who withdraw or take a leave of absence while on academic probation, or

those returning from dismissal, are always required to petition the Faculty Review Board. Students are also required to complete a Reinstatement Advising Meeting with their academic college advising office before the petition will be considered by the Faculty Review Board.

COMMITTEE WORK

The APAS Committee received the charge regarding retroactive withdrawals at the end of the 2011-2012 academic year. The committee began its review by consulting with representatives of the Office of Undergraduate Admissions, the Office of the Provost, and the Office of the Dean for Undergraduate Studies about the current processes related to withdrawal and reinstatement.

The committee also consulted with the Registrar's Office and confirmed that there is a protocol in place for handling requests for retroactive withdrawals, but that there is no official policy regarding retroactive withdrawals in the Consolidated University System of Maryland and University of Maryland College Park Policies and Procedures Manual. The Registrar's Office has a process in place for students to request leaves of absence or withdrawal from the University; the process does not make distinctions between the reasons why a student may request a leave of absence or withdrawal. While the University's Undergraduate Catalog explains how students can submit written notice of withdrawal any time between the first and last day of classes, the Undergraduate Catalog does not currently explain how retroactive withdrawals may be granted.

In consultation with the Registrar's Office, the committee learned that there is an appeals process in place for students who leave the University abruptly and who would like to retroactively address any resulting negative consequences (e.g. failing grades, financial obligations, etc.). Such students submit their appeals, along with any supporting documents, particularly those related to extenuating circumstances (e.g. health and mental health issues, family issues, financial issues, etc.) to the Registrar's Office for review. The committee found that the practice of not distinguishing between different reasons for withdrawal is valid and equitable. The committee is not supportive of the idea of singling out mental illness as a reason for withdrawal or leave of absence. The committee prefers to continue allowing students the flexibility to file a request for retroactive withdrawal based on extenuating circumstances, including mental health issues, which significantly impair the student's ability to complete the semester and officially withdraw by the established semester deadlines.

The committee also agreed that the proposer's concerns about the difficulty in obtaining information on the topic of retroactive withdrawals were valid. When the committee consulted with the Registrar's Office, representatives confirmed that the office had prioritized a complete website review, and that changes to the website's format and content were forthcoming. The Registrar's Office confirmed that it would include added details on processes and services to its updated website. During Fall 2012, the APAS Committee met with an Assistant Registrar who oversees the appeal process. The Assistant Registrar met with the committee on two occasions to discuss the process

and present potential text that would help to clarify and codify the process in the University's Undergraduate Catalog.

The APAS Committee also reviewed similar withdrawal policies, practices, and procedures at a number of peer and other institutions across the country, including the University of Maryland, Baltimore County; University of California, Berkeley; University of Illinois, Urbana-Champaign; University of California, Los Angeles; University of Michigan; University of North Carolina, Chapel Hill; University of Texas, Austin; Penn State University; University of Florida; and University of Kentucky.

The committee decided that the section of the University's Undergraduate Catalog on Withdrawal and Leave of Absence should be updated to include information about how to request a retroactive withdrawal. In conjunction with the Office of the Registrar, the committee crafted language for insertion into the catalog. It also identified an area within the section on Withdrawal and Leave of Absence on reenrollment that needs to be updated, since it was confirmed that the Student Success Office is the clearinghouse for services and resources to assist students in completing their undergraduate degree, including coordination of reenrollment. At its meeting on December 12, 2012, the committee voted unanimously in favor of recommending that the Withdrawal and Leave of Absence section of the Undergraduate Catalog be edited for purposes of clarity.

RECOMMENDATION

The Senate APAS Committee does not recommend the creation of a formal retroactive withdrawal policy. Rather, the committee recommends that the section on Withdrawal and Leave of Absence in the University's Undergraduate Catalog be revised to clarify the standing procedures for retroactive withdrawal, as follows (recommended edits are noted in blue font):

Withdrawal: A withdrawal is available anytime between the first and last day of classes. Students must submit written notice of withdrawal to the Office of the Registrar no later than the last day of classes. In exceptional cases, a retroactive withdrawal may be granted based on documented requests in which extenuating circumstances significantly impaired the student's ability to complete the semester and officially withdraw by the established semester deadlines. Such circumstances include, but are not limited to, medical or psychological causes. A student's return to the University is contingent upon the conditions outlined in Return to the University below.
…
Additional Withdrawal/Leave of Absence Information: The effective date of withdrawal or leave of absence for the purposes of refunds is the date that the notice is received by the Office of the Registrar. Notation of withdrawal/leave of absence and the effective date will be posted to the student's academic record. Instructors and college offices will be notified of all withdrawn students. The deadline date for submitting the withdrawal for each semester is the last day of classes. Students should contact the ~~Office of Undergraduate Admissions~~ Student Success Office for reenrollment information.

APPENDICES

Appendix 1 – Recommended Changes to the University's Undergraduate Catalog
Appendix 2 – Charge from the Senate Executive Committee, April 2012
Appendix 3 – Proposal from Samantha Roman, February 2012

Recommended Changes are listed in Blue/Bold Font

Excerpt from the University's Undergraduate Catalog
Section 4. Registration, Academic Requirements, and Regulations
http://www.umd.edu/catalog/index.cfm/show/content.section/c/27/ss/1586/s/1526

Withdrawal and Leave of Absence

Students admitted to the University of Maryland are expected to make regular and consistent progress towards the completion of their degree. However, the University understands that in exceptional circumstances a student may find it necessary to completely withdraw from all classes. The University considers such an interruption to be very serious as it delays normal progress towards the degree. Students should not withdraw for frivolous reasons or to avoid the consequences of ignoring their academic responsibilities. Any student considering withdrawal is strongly encouraged to meet with his or her academic college advisor before leaving the University.

Potential Implications: Withdrawing or taking a leave of absence from the University may have serious implications for international students, students receiving financial aid or students residing in on-campus housing. Students are advised to contact the appropriate offices before finalizing withdrawal or leave of absence plans.

Student Financial Services Office, 1135 Lee Building, 301-314-9000
Department of Resident Life, 2100 Annapolis Hall, 301-314-2100
Office of International Services, 2111 Holzapfel Hall, 301-314-7740

Withdrawal: A withdrawal is available anytime between the first and last day of classes. Students must submit written notice of withdrawal to the Office of the Registrar no later than the last day of classes. **In exceptional cases, a retroactive withdrawal may be granted based on documented requests in which extenuating circumstances significantly impaired the student's ability to complete the semester and officially withdraw by the established semester deadlines. Such circumstances include, but are not limited to, medical or psychological causes.** A student's return to the University is contingent upon the conditions outlined in *Return to the University* below.

Leave of Absence: A leave of absence is a type of withdrawal and is available for students wishing to take time away from the University with the intention of returning the following semester. The leave of absence status is especially helpful for recipients of federal financial aid because they are not considered to be withdrawn provided they do return and complete the following semester. Students may apply for a leave of absence only during the last 60 days of the semester. A student's return to the University is contingent upon the conditions outlined in *Return to the University* below.

Return to the University: Normally, a student may withdraw or take a leave of absence from the University only once during matriculation as an undergraduate. Students who find it necessary to leave the University are required to petition the Faculty Review Board in order to return. Students who have earned a minimum 2.0 cumulative GPA, with no previous withdrawal or leave of absence, are exempt from this requirement. Students who withdraw or take a leave of absence while on academic probation, or those returning from dismissal, are always required to petition the Faculty Review Board. Students are also required to complete a Reinstatement Advising Meeting with their academic college advising office before the petition will be considered by the Faculty Review Board.

Additional Withdrawal/Leave of Absence Information: The effective date of withdrawal or leave of absence for the purposes of refunds is the date that the notice is received by the Office of the

Registrar. Notation of withdrawal/leave of absence and the effective date will be posted to the student's academic record. Instructors and college offices will be notified of all withdrawn students. The deadline date for submitting the withdrawal for each semester is the last day of classes. Students should contact the ~~Office of Undergraduate Admissions~~ **Student Success Office** for reenrollment information.

The repeat policy will not apply to courses taken during the academic semester from which the student is officially withdrawn.

Military Call-ups: It is the intent of the University of Maryland, College Park, to facilitate the withdrawal or change in registration and the reenrollment of students who are called to active military duty during the semester. The student (or a representative) should take a copy of the military orders to the Office of the Registrar and process a withdrawal or change in registration papers. Detailed information about this process may be obtained from the Office of the Registrar. Withdrawal for active military service will have no effect on any subsequent request to withdraw from the University.

University Senate
CHARGE

Date:	April 10, 2012
To:	Robert Buchanan Chair, Academic Procedures & Standards
From:	Eric Kasischke Chair, University Senate
Subject:	Proposal to Implement a Retroactive Withdrawal Policy at the University of Maryland
Senate Document #:	11-12-30
Deadline:	March 30, 2013

The Senate Executive Committee (SEC) requests that the Academic Procedures & Standards (APAS) Committee review the attached proposal entitled, "Proposal to Implement a Retroactive Withdrawal Policy at the University of Maryland" and make recommendations on whether the Undergraduate Catalog's procedures for Withdrawal and Leave of Absence should be revised.

Specifically, we ask that you:

1. Review the University's Undergraduate Catalog-Withdrawal and Leave of Absence section:
   http://www.umd.edu/catalog/index.cfm/show/content.section/c/27/ss/1586/s/1526

2. Consult with the proposer to discuss her specific concerns about the current procedures.

3. Consult with representatives of the Office of the Registrar on their current procedures and the impact of the proposed changes.

4. Consult with representatives of the University's Health Center on data related to student mental health cases on our campus.

5. Consult with representatives of the Office of the Provost on the current procedures and their impact on the academic mission of the University.

6. Review similar withdrawal procedures at our peer institutions.

7. Consider whether the University should create a formal retroactive withdrawal policy.

8. Consult with the University's Office of Legal Affairs.

9. If appropriate, recommend whether the University's Undergraduate Catalog should be revised and a formal policy created.

10. If appropriate, make further related recommendations.

We ask that you submit your report and recommendations to the Senate Office no later than March 30, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Executive Summary

On college campuses across the nation, mental illness is a significant barrier to student success, often causing a student to miss class or leave school altogether to seek treatment. The University of Maryland should take steps to help students experiencing psychological distress by making it simpler for students to return after an extended absence and by implementing a policy allowing for retroactive withdrawal from a previous semester.

Within any given 12-month period, 26.2% of Americans over the age of 18 experience a diagnoseable mental health disorder (Kessler et al., 2005). This means statistically, there are approximately 10,000 undergraduate and graduate students on campus every academic year coping with a psychological disorder. Additionally, among people with a serious mental illness (which includes major depression, schizophrenia, bipolar disorder, obsessive compulsive disorder, panic disorder, post-traumatic stress disorder, and borderline personality disorder), young adults ages 18-24 are the least likely to seek help, with less than 50% receiving treatment for their disorder(s) (NAMI, 2011; NIMH, 2010).

For students that experience the onset or exacerbation of mental illness while at the University of Maryland, College Park, there are many resources available on campus. However, sometimes a student's illness is of such severity that the student fails to seek help, to attend class, or to complete his or her work; this student may ultimately have to leave the university, whether from academic dismissal or to seek treatment. It has come to my attention that the university's reinstatement policy may hinder a student with a mental illness from successfully re-enrolling in classes, and the lack of a retroactive withdrawal policy may prevent that student from achieving further success.

This proposal includes implementation of a policy which would allow students to petition the Faculty Review Board to withdraw from a semester prior to a period of absence due to psychological distress and/or extenuating circumstances that negatively affected the student's academic performance during that semester. By removing a semester of failing grades, a student's GPA may be improved and the student may have a greater chance of successful matriculation to graduate school or in securing a well-paid job following graduation. Additionally, this proposal includes changes to the current re-instatement policy in which a student who must leave the university due to mental health issues can return to the school within 4 semesters without having to reapply or defend his/her case before the Faculty Review Board.

This change would also require documentation from a mental health professional attesting to the student's treatment and ability to return to school, if the student left for mental health reasons.

These changes will only benefit the students at the University of Maryland, College Park. Indeed, many other universities across the nation have implemented a similar retroactive withdrawal policy for students who experience extenuating circumstances that require them to leave school or else fail to complete the semester without formally withdrawing. Among these schools are some of our aspirational peers, including the University of California, Los Angeles, the University of California, Berkeley and the University of Illinois, Urbana-Champaign. Even our sister institution, University of Maryland, Baltimore County has a retroactive withdrawal policy in place. In order to remain competitive and further care for its students' mental health, the university should also implement this policy. It would cost the university nothing to make these policy changes, and the proposed changes utilize an organization that is already in place, the Faculty Review Board, which would allow for a smooth policy transition.

I urge you to consider the potential benefits to both the student population and the greater campus community in supporting these proposed policy changes. By supporting and implementing this policy, the university not only directly shows students that mental health matters, but also that it does not have to be a barrier to higher education.

A Proposal to Implement a Retroactive Withdrawal Policy at the University of Maryland, College Park

Samantha Roman

February 2012

Prepared for the University Senate

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Introduction

In the 1960s, approximately 10% of college students experienced emotional conflicts severe enough to warrant professional help, 3-4% experienced depression severe enough to impair their work, and 0.2% experienced thoughts of suicide (Farnsworth, 1966, p. vi). Today, approximately 25% of college students have a diagnosable mental illness, 44% report symptoms of depression, and 7% of young adults (15-24) experience thoughts of suicide (Borchard, 2010; NIMH, 2010). Furthermore, levels of anxiety that would have been considered "high" in the 1950's, today are considered "average" (Sharkin, 2006, p.5).

Why the prevalence of mental illness in college students has risen so dramatically in the last half century has been the center of much debate and research. One contribution may be that more students with psychological disabilities have been able to enroll in college after the passage of the Americans with Disabilities Act in 1990; these students also have access to increasingly effective treatments that allow them to better manage their symptoms (Sharkin, 2006, p. 8). Students today may be more susceptible to stressors, or have more stressors than they have had in the past: uncertain economic futures, increasing pressures to succeed, and increasing peer-pressure due to increased social networking. In addition to the fact that most mental illnesses manifest during young adulthood, genetic predisposition to such illnesses might be enhanced by stressors such as homesickness, anxiety, relationship conflict, and alcohol or drug use (Fisher, 1994, p. 39). In addition, the current academic culture encourages success in a stressful environment and rewards such performance with entrance to prestigious graduate programs and high-paying jobs after graduation (Sharkin, 2006, p. 10).

Regardless of the causes of mental illness, since the 1980s, the number of students seeking help has significantly risen and counseling centers across the US have reported greater numbers of students presenting with increasingly severe psychological problems (Sharkin, 2006, p.4). Mental health is not a problem that only occurs on other college campuses or one that is relevant only when a tragic, high-profile case like Columbine High School or Virginia Tech is in the news. Student mental illness is a growing problem on our own campus. In the last year alone, Mental Health Services in the University Health Center has seen an 18.8% increase in the number of overall mental health appointments, a 22.2% increase in psychiatric medication management appointments, and a 90.9% increase in the number of mental health triage interviews. Additionally, the university has begun to implement a waiting list for students seeking therapy with a certified therapist or psychiatrist (M. Hopkinson, personal communication, November 8, 2011).

Students with a mental illness are less likely to enroll in a university and are more likely to drop out than students without a mental illness (Hartley, 2010). When they do matriculate to a university, it may increase the burden on the school to care for them, and students still may not receive the treatment they need. A case study of students withdrawing from Dartmouth College showed that depression was the cause of students' difficulties in approximately half of the withdrawals (Meilman et al., 1992). It is increasingly more important that the university take care to ensure success for its students, including those that experience psychological distress while enrolled. Statistically, the median age of onset for all mental health disorders is in the late teens through the early twenties, although specific onsets vary by disorder; this puts college students in the precarious position of being exposed to multiple, new stressors at a time when

mental illness is most likely to develop, especially for those students with a genetic

predisposition or family history of mental illness (Kessler et al., 2007).

Psychological Distress Affects Academics

Students experiencing the onset or exacerbation of a mental health disorder may find that

their symptoms interfere with class attendance, concentration, memory, motivation, persistence,

and study habits, which are all integral to success in the college environment (Sharkin, 2006, p.

10). They are less likely to manage their study environment efficiently, to persist in their studies,

or to seek academic assistance when needed, with academic performance being particularly

negatively affected in cases of depression and substance abuse (Brackney & Karabenick, 1995;

Sharkin, 2006, p. 11). Students may or may not be receiving treatment for such problems and

have access to a note written by a mental health professional. University policy V-1.00(G) states,

"The instructor shall establish a written policy for non-consecutive medically necessitated

absences beyond a single lecture, recitation, or lab" (University of Maryland Policies and

Procedures, 2011).

This means that students experiencing psychological distress must depend on the

understanding of their professors to allow them to make up missed work, which can be

significantly more difficult without medical documentation or if the student feels ashamed and is

unwilling to discuss his or her illness. Faculty who have had a personal experience with mental

illness (friends, family, etc.) tend to have more positive perceptions of students with mental

disorders than faculty who did not have a similar experience (Brockelman et al., 2006). It seems

reckless to base a student's academic success on the personal experiences of the faculty teaching

their classes, especially considering that faculty must ensure the missed work is for a legitimate reason, which is nearly impossible to prove without medical documentation.

Why Grades Matter

It may seem insignificant to some, but a GPA may be the single most significant value when students apply to graduate and professional programs or to entry-level jobs to begin their careers. It has been proven that people rely heavily on nominal performance indicators, like GPA, as an indicator of success while simultaneously failing to take into account information about the environment from which it came (Moore et. al. 2009). Furthermore, although many application processes may allow students to explain a semester in which they failed every class, every interviewer may not be open-minded or sensitive to the difficulties that accompany mental illness. Again, this bases the student's success on the personal experiences and biases of the interviewer; this may be very risky considering the fact that people with mental illnesses are one of the most stigmatized groups in today's society. Indeed, employers are more likely to hire someone with a physical than a mental disability (Stuart, 2006).

Although students with mental health disabilities should be encouraged to openly seek treatment for their disorder, they should not have to justify a low GPA by discussing details of their illness. More than half of the individuals with a severe mental illness report some experience with discrimination, most often occurring in employment, housing, and interactions with law enforcement (Corrigan et al., 2003). Due to these difficulties, the university should attempt to help its students succeed by allowing them to erase a semester of failing grades prior to time spent away from school due to a mental health disorder.

Advantages of Withdrawing

Approximately 5% of college students fail to complete their college education due to mental health disorders (Kessler et al., 1995). Not only does mental illness affect the physical, emotional, cognitive, and interpersonal functioning of the student, but it may also impact the greater campus community; students with emotional and behavioral problems may affect other students, faculty or staff by being disruptive, disturbing, and possibly dangerous (Kitzrow, 2003). Evidence suggests that academic performance can be improved upon return from a temporary withdrawal for mental health reasons, and in many cases, withdrawing to seek treatment for mental illness is beneficial both to the student and to the greater university community (Sharkin, 2006, p. 111). As such, the university should make it easy for its students to understand the policies for both withdrawing from and returning to classes, in order to seek treatment for mental illness and other personal difficulties.

Current University Policy Regarding Withdrawal and Reinstitution

According to current university policy, students who wish to withdraw must submit a written notice to the Registrar's Office in the Mitchell building no later than the last day of classes. There is no additional information provided on the university's website about withdrawal, and it is very difficult to obtain information on this topic through phone calls. One recommendation is to make withdrawal procedures clear on the Registrar's website, and provide any forms a student may need to fill out. The university website complicates withdrawal by referencing a leave of absence, which is defined as a withdrawal during the last 60 days of the semester with the intent of returning the following semester. This is essentially the same as a withdrawal, but students remain eligible to continue receiving federal loans and grants. (Office of the Registrar, 2012).

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The current policy to reinstate students who have withdrawn is somewhat complicated as well and depends on the student's academic history. Those with a cumulative GPA greater than 2.0 and who had not previously withdrawn or taken a leave of absence must reapply for admission and do not need to petition the Faculty Review Board to return. Students with a cumulative GPA less than 2.0, left the university in poor academic standing, or who had previous withdrawals or leaves of absence must complete a Reinstatement Advising Meeting with their academic college's advising office and then petition the Faculty Review Board in order to be reinstated (Office of the Registrar, 2012).

Barriers to Students with Mental Illness: Why the Policy should be Revised

The current policy for withdrawal and reinstitution creates many barriers to students experiencing mental health difficulties. Students without a mental illness that must leave the university due to extenuating circumstances are more likely to seek out information on withdrawing before the semester ends and successfully withdraw than a student experiencing psychological distress. The motivation and planning this requires may be especially true of students who must leave due to financial difficulties and work to support their families. However, the focus of this proposal is mental illness because many symptoms of mental illness may directly affect a student's ability and ambition to seek out such procedures and withdraw before the end of the semester.

For example, the lack of motivation, excessive sleep and depressed mood characteristic of major depression may make it difficult for a student to complete coursework and attend class, much less find procedures for withdrawing and complete them. Additionally, a student must recognize his or her symptoms, and the fact that the symptoms are negatively impacting

academic performance, before the end of the semester. Although some information can be found on the university's website, the withdrawal policy, beyond submitting a notice in writing to the Office of the Registrar, is not clear.

Although young adults ages 18 to 24 are the least likely to seek treatment out of all age groups, they have the highest rates of suicidal thoughts and serious mental illness (NIMH, 2010). It is quite alarming that even on college campuses where mental health services are offered to all students, most students with mental health disorders do not receive the treatment they need (Eisenberg et al., 2007). This increases the chances that a student seeking treatment for the first time does so only during an emergency, in which case the student may be hospitalized for his or her symptoms. If this occurs in the later part of a semester, it would be nearly impossible for a hospitalized student to withdraw before the last day of class.

The process for reinstitution is equally as challenging for a student with mental health difficulties. When a student reapplies, there exists the possibility that the student may not be accepted a second time. Furthermore, if the student had a poor GPA, or left the university without being in good academic standing, he or she must actually defend him or herself before a panel of faculty to be reinstated at the university; the student may be further disadvantaged by having to explain his or her illness before faculty who may or may not be sympathetic to the student's situation. It seems that this policy is more detrimental than helpful in the student's career, creating barriers to the continuation of education at the university level and preventing students with mental illness from re-entering the school.

Proposed Policy Changes

There are two parts to the proposed policy changes: an amendment to the re-enrollment process and inclusion of a new policy allowing students to retroactively withdraw from a previous semester.

As an amendment to the current re-enrollment policy, students should be allowed to resume undergraduate enrollment without having to reapply if they were enrolled as a student within the past four semesters. If they have left due to mental illness, students should be required to submit documentation to the university from a mental health professional (either from the University Health Center or from the student's personal psychiatrist/therapist) indicating the student has received treatment or otherwise dealt with the difficulties which prompted the period of absence, and is ready and able to resume classes. The student should also be required to meet with an academic advisor in his or her academic college to create a revised academic plan.

As a new policy, after re-enrolling at the university, students should be able to petition the Faculty Review Board for the withdrawal of the last semester in which they were enrolled. This would be contingent on the fact that the last semester was the semester in which the student experienced difficulties which negatively impacted his or her grades, prevented him or her from withdrawing before the last day of classes, and prompted his or her leaving the university. This policy could be extended to any extenuating circumstance in which a student was prevented from withdrawing before the last day of classes and needed to leave the university for some period; however, the focus of this proposal is specifically mental illness.

Schools the University Could Use as a Model

As previously mentioned, many undergraduate institutions have retroactive withdrawal policies that the university could model their policy after. This long list includes schools like the

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University of Texas, North Carolina State University, California State University, the University of California system, University of Missouri, University of Illinois at Urbana-Champaign, Pennsylvania State University, University of Florida, University of Kentucky, and even University of Maryland, Baltimore County. These schools vary in how a student must go about applying or petitioning for a withdrawal, but all of these schools have an official policy regarding the circumstances and procedures for students to withdraw after the semester has ended. Many even have forms available for students online and are clear about the procedures for retroactively withdrawing. Please see Appendix A for links to examples of retroactive withdrawal policies and online forms published by the aforementioned schools.

Potential Consequences

This policy change would not require any financial contributions on the part of the university, and it would utilize the Faculty Review Board, which is already in existence. In addition, the Office of the Registrar would be largely responsible for implementing and monitoring these proposed changes as it already deals with student enrollment and withdrawals.

The effects of such a policy change would have mostly positive consequences, largely for students who have had to leave school due to deteriorating mental health. The new re-enrollment policy would make it less stressful and intimidating for students to return to school and continue their education. Most significantly, students who failed an entire semester could increase their chances of matriculation to a graduate-level program or employment after college by improving their GPA by retroactively withdrawing. To prevent abuse of this policy, the withdrawal would be contingent on documentation from medical personnel that the student's reason for leaving indeed impacted his or her grades in the last semester.

One negative impact may be an increased workload on the University Health Center's Mental Health Services if students seek mental health documentation from its providers. As previously mentioned, Mental Health Services is already inundated with students needing mental health treatment, and the university might consider increasing funding to help better care for the mental health of its students. However, alternatives may exist to disperse the Mental Health Services workload, such as having students receive such documentation from community providers.

Conclusion

About half of Americans will meet the criteria for a psychological disorder sometime in their life, and 26.2% of the U.S. population can be diagnosed such a disorder in any given 12-month period (Kessler et al., 2005). Statistically, it is not surprising that many students experience the symptoms of mental illness while at school, especially considering the number of stressors prevalent in the college environment. Mental health resources are available on campus, but are not nearly adequate to treat the nearly 38,000 students on campus at the University of Maryland. A formal policy to help students, especially those with a mental illness, experiencing academic difficulty is needed. Furthermore, helping its students in this way comes at no cost to the university, which is critically important in these difficult economic times. By making it easier for students to return to school and withdraw from semesters in which their difficulties negatively impacted their grades, the university would greatly help these students continue and succeed throughout their college careers.

Appendix A

Institution	Link to Policy Regarding Retroactive Withdrawal
University of Maryland, Baltimore County	http://www.umbc.edu/artsciences/coursewithdraw.pdf
UC Berkeley	http://registrar.berkeley.edu/elecforms/RetroWDPet.pdf
University of Texas	http://www.utexas.edu/provost/policies/withdrawal/
NC State University	http://www.ncsu.edu/stud_affairs/counseling_center/services/academic/Forms/wd_request_information.pdf
California State University	http://www.csupomona.edu/~academic/programs/docs/RW_Policy.pdf
University of Missouri	http://www.umkc.edu/catalog/pg2449.html
University of Illinois Urbana-Champaign	http://faa.illinois.edu/files/RetroactiveWithdrawal.pdf
Penn State University	http://dus.psu.edu/handbook/petition.html
University of Florida	http://www.dso.ufl.edu/publications/rmp_instructions.pdf
University of Kentucky	http://www.uky.edu/eForms/forms/RWAform.pdf

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General Information on the Retroactive Withdrawal Policy and Process

Background: Official and Unofficial Procedures for Dropping Classes

Official Withdrawal from All Classes: All students wishing to withdraw from classes must do so by posted deadlines each quarter using the official withdrawal process. The withdrawal process is completed through the Registrar's Office, by filing a petition called the "***Petition to Withdraw Completely from the Current Quarter***." The petition must be signed by the Instructor(s), Department chair, and College Dean. Documentation may be required. When all guidelines are followed and permission is granted, students will receive a "W" for all courses taken , indicating formal withdrawal. The grade of "W" does not affect a student's grade point average (GPA). For more information go to http://dsa.csupomona.edu/registrar/withdrawal.asp?setactive=page .

Dropping Individual Classes: The procedure to be followed depends on what point in the quarter a student wishes to withdraw from a class(es). From the 1st day of registration to the 5th day of instruction, students may drop class(es) online without a notation on their records. From the 6th day to the 15th day of instruction, students may drop class(es) online, but will receive a grade of "W". From the 16th day of the quarter through the last day of finals week, to drop one or more classes, students must file a petition called the "***Petition to Drop after the Third Week of Instruction***." The petition must be signed by the Instructor(s), Department Chair and College Dean, and approval is granted only for serious and compelling reasons. Documentation may be required. When all guidelines are followed and permission is granted, students will receive a grade of "W" for all classes dropped. This grade does not affect a student's grade point average. For more information on the timeline for dropping and procedures, go to http://www.dsa.csupomona.edu/registrar/drop.asp.

Unofficial Withdrawal: Students who stop attending classes (unofficially withdraw) and do not follow this procedure, may receive a grade of "F" or "WU" (Withdrawal Unauthorized). The "WU" is worth 0 grade points, similar to a grade of "F".

What Is Retroactive Withdrawal?

The Retroactive Withdrawal process allows students to petition to withdraw from all classes in one or more quarters after those quarters have ended. If permission is granted, the result is that all grades for those quarters are changed to "W" grades.

Who Can Apply for Retroactive Withdrawal?
Students who unofficially withdraw from one or more quarters, receive "WU" " grades in ALL coursework taken those quarters, and have serious and compelling reasons for the unofficial withdrawal.

When Can I apply for A Retroactive Withdrawal?

A student has up to ***one (1) calendar year from the last day of the quarter*** in question to apply for a retroactive withdrawal. A student need not be enrolled at the University at the time that the petition for retroactive withdrawal is submitted. The petition form and documentation should be submitted to the Office of Academic Programs. Deadlines for turning in petitions and all relevant documentation may be found at the Academic Programs website: **http://www.csupomona.edu/~academic/programs/withdrawals.shtml**

Where Can I Get More Information?
The "***Request for Retroactive Withdrawal***" petition form is available on-line through the Office of Academic Programs at **http://www.csupomona.edu/~academic/programs/withdrawals.shtml** . **A**dditional questions about

the retroactive withdrawal process and processing timelines should be referred to the Office of Academic Programs at (909) 869-6975. General information, guidelines and petition form may be found at:

http://www.csupomona.edu/~academic/programs/withdrawals.shtml

At any time prior to submission deadline, you may make an appointment for a comprehensive review of your Retroactive Withdrawal package by the Academic Programs Counselor. Please call (909) 869-3121 or (909) 869-6975 to schedule an appointment.

Once I submit the petition, what happens?

- All efforts are made to schedule the Retroactive Withdrawal Committee within a few weeks following the deadline date. However, faculty availability determines the time that a meeting can be scheduled so that committee members can consider all retroactive withdrawal petitions submitted for that term. In addition, those petitions submitted during Summer term may not be reviewed until the beginning of Fall term, depending on the availability of committee members during the Summer. For Summer petitions, all efforts are made to set the review meeting at least within the first few weeks of the Fall quarter if not sooner.

- Once decisions have been rendered, each student is notified in writing approximately two weeks after the Committee's decision.

How Does the Review Committee Decide?

The Cal Poly Pomona Retroactive Withdrawal Committee will give consideration to the following factors:

- The student has provided a clear explanation of why the student did not withdraw from the university by filing the appropriate forms with the Registrar's Office in a timely manner during the quarter(s) in question.

- The student has serious and compelling reasons for the student's unofficial withdrawal, e.g., serious illness or injury to student or family member, death in the family, etc.

- The student has provided documentation of the serious and compelling reasons.

- The student's overall academic history.

- If the student earned A-F grades during the quarter(s) in question, a clear explanation of why those grades were not WU grades.

- In the rare case that exceptional circumstances prevent the student from filing the petition within one calendar year of the last day of the quarter(s) for which the student is requesting retroactive withdrawal, a clear explanation, supported by documentation, of these circumstances.

- Supporting documentation from the student's major department advisor or from the student's advisor(s) in support programs such as the Maximizing Engineering Potential Program, the Math Intensive Learning Experience Program, the Educational Opportunity Program, and Disability Resource Center.

What are the Steps for Submitting a Petition for Retroactive Withdrawal?

1) Obtain a "*Request for Retroactive Withdrawal*" petition form from the Office of Academic Programs website:
   http://www.csupomona.edu/~academic/programs/withdrawals.shtml
2) Review the guidelines on the form carefully. If you have questions about the process, contact the Office of Academic Programs at (909) 869-6975.
3) Complete, sign and date the form.
4) Provide a statement following the suggestions below. Use business letter format and address your statement to the Retroactive Withdrawal Committee.
5) Provide documentation.
6) Before submitting your petition packet, review your packet with a counselor in the Office of Academic Programs. To make an appointment, call (909) 869-3121 or (909) 869-6975.
7) Submit your completed petition packet by the deadlines posted on the Office of Academic Programs website:
   http://www.csupomona.edu/~academic/programs/docs/Petition_Deadlines.pdf

For advice on preparing a retroactive withdrawal petition, review the document "Suggestions for Preparing a *Request*", available at the Academic Programs website:
http://www.csupomona.edu/~academic/programs/docs/Retroactive_Withdrawal_Prep.pdf

If you have additional questions, please contact:
The Office of Academic Programs
(909) 869-6975

NC State Counseling Center
Personal Counseling, Academic Support, and Career Counseling Services

Requesting a Late or Retroactive University Withdrawal

Please read the following instructions thoroughly before filling out the pre-application for a withdrawal request.
Failure to follow these instructions may result in a delay of the processing of your withdrawal request.

A late (current semester after the last day of the official drop period) or retroactive (prior semester) withdrawal permits a student to drop all of the courses that he/she is registered for after the last day to officially drop in a given semester.

The University guidelines for the approval of a late or retroactive withdrawal require a student to prove, through documentation, that conditions of a medical, psychological, and/or hardship nature occurred during the semester in question and:

♦ Cause (d) a serious disruption in academic functioning
♦ Are (had been) reasonably unforeseeable and unavoidable prior to the last day to officially drop classes

Withdrawal petitions involve several steps on the part of the student and the University to insure that sufficient grounds exist to alter a student's record. Since the withdrawal process requires several steps and there is no guarantee that approval will take place, you should allow plenty of time to pursue the withdrawal request and should have a back-up plan in the event that your withdrawal is not approved or is delayed.

1. Consult with your advisor to discuss the academic implications of the intended withdrawal, and to plan for other avenues in the event that your withdrawal request is not approved.

2. Please fill out the Withdrawal pre-application form available on the Counseling Center website and bring it with you when you come to make an appointment. You will possibly be asked to fill out other Counseling Center paperwork that will become part of your permanent medical record.

3. Organize the details of your case as best you can before you see your counselor. It is often helpful to write a statement detailing the grounds for your request to withdraw (e.g., what occurred, when it occurred, how it affected you and what you have done or plan to do about it). For medical and psychological withdrawals this statement can be provided on the Counseling Center's Withdrawal Pre-application Form or in a separate letter addressed to the Counseling Center. For hardship withdrawals the statement should be in a letter addressed to your Academic Dean.

   In cases of medical or psychological withdrawal requests:
   Contact any off-campus physicians, therapists, or other health care providers whom you may have seen to help you document your difficulties for the semester in question. In order to make sure you have all the information required, please download the **Health Services Provider Information letter** from the Counseling Center website linked to this page. This letter asks for written verification of (1) diagnosis and/or description of the problem including date of onset, actual or estimated duration and degree of incapacitation and (2) the degree to which the medical and/or psychological problem cause (d) a disruption in academic functioning.

4. **For medical or psychological withdrawal requests, please bring any documentation you have gathered with you to your evaluation session**. If approved, the withdrawal application form will be completed by your counselor and you will be given a withdrawal clearance sheet that may require several additional steps (e.g., clearance with Financial Aid) before Registration and Records will be able to process your application.

   In cases of medical or psychological withdrawal requests:
   Your counselor will evaluate existing documentation and/or assist you in obtaining a further evaluation. If the counselor believes that you may have a legitimate case for withdrawal, your written permission will be required to consult with the Associate Dean of your college. Your counselor and/or the Associate Dean may raise additional questions, require additional documentation, or set certain conditions that must be met before a withdrawal is approved.

   In cases of hardship withdrawal requests:
   Your counselor will provide you with a Withdrawal Application Form and will direct you to the appropriate person(s) in your college for additional information after verifying that your potential grounds for applying for a withdrawal are not mainly medical or psychological. You will need verification of the extenuating, unavoidable and unforeseeable circumstances that have interfered with your academic functioning when you meet with your dean's office. If approved, the Associate Dean of your college will indicate approval on the Withdrawal Application Form and direct you back to the Counseling Center for processing.

If you have any questions or concerns, you are welcome to discuss these matters further with a counselor.

Rev 10/2002

Retroactive Medical Petition (RMP)
INSTRUCTIONS
Previous Semester

Petition to withdraw retroactively from a previous semester for medical reasons.
(Do not fill out this form if you have already withdrawn from the entire semester.)

A Sub-Committee of the University Petitions Committee is available to consider petitions to withdraw retroactively from **all classes** from a previous semester that you have received grades for **medical reasons only.** If your retroactive withdrawal/drop is for selected classes or for non-medical reasons, please visit the University Registrar in 222 Criser. (Pursuant to the Rule of the Department of Education 6C1-3.0371, "tuition and registration fees will be refunded in full in the circumstances noted: (e) Death of the student or member of his/her **immediate family** (parent, spouse, child, sibling), (f) Illness of the student of such severity or duration, as confirmed in writing by a physician, that completion of the semester is precluded.") **Florida Administrative Code Rule 6C-7.002(10): written appeal for a refund or other appeal action must be submitted to the university within six (6) months of the close of the semester to which the refund or other appeal action is applicable.** (If six months or longer has passed for the semester you wish to petition, you can still submit a retroactive medical petition to have your grades reviewed, but monetary reimbursement will not be granted.)

The procedure for petitioning to withdraw past the published deadline because of medical reasons include the following:

1. Print or email this packet. Please read ALL instructions carefully, and if you have any questions contact the Medical Withdrawal Process at the Dean of Students Office, 202 Peabody Hall, P.O. Box 114075, Gainesville, FL 32611. Office Fax: 352-392-5566, Office Phone #: 352-392-1261 ext. 209

2. Completely fill out the RMP Summary, Action Request Form, INCLUDING your 2-3 page typed personal statement. Please return this paperwork to Ms. Malphurs at the Dean of Students, 202 Peabody so that your file can be established and a status sheet will be kept as your documents are completed and turned in.

3. This can be the most difficult part of the entire medical petition process. Please be patient with your instructor(s). The instructor(s) must complete the RMP Instructor Recommendation Form for each of the course(s) for which you were registered during the term(s) you are petitioning. If the instructor(s) is no longer at UF, the department chair can sign off on the Instructor Form. The completed forms can be given to students directly, or the instructor(s) may mail the form(s) through campus mail. Form(s) may also be emailed to dsocares@dso.ufl.edu or faxed to 352-392-5566.
   *Please note it has been helpful for students to completely fill out the top portion of the instructor form, as the bottom part is completed by the instructor(s). Then send as a .pdf attachment in an email to the individual instructor(s). This makes it easy for the instructor(s) to print out, complete, and return to our office.

4. Obtain medical documentation from a physician, psychologist, or counselor. The documentation should be a professional letter typed on the physician/psychologist/counselor's letterhead. The documentation should include ALL dates the student has been under medical care, the nature (diagnosis), and duration of medical problem and how it interfered with the student's ability to perform academically (being very specific is helpful), and recommendation whether student should withdraw from previous semester student is petitioning. Documentation should not be from a family member. Remember your documentation should support your personal statement and all dates should match the semester you are petioning.

5. Once the DSO has your completed file your material will be reviewed. Your material cannot be reviewed until all of the above paperwork is sufficiently completed and turned in to Ms. Malphurs. If necessary you will be contacted to schedule a personal interview or phone interview with a committee member at the Dean of Students Office. Decision on medical petition will be made on the 2nd and 4th Tuesday of every month. Students will be notified via email of the committee's decision and it will be posted to your ISIS. If the Sub-Committee denies the student's petition, it is automatically forwarded to the University Petition Committee as part of the appeal process.

6. Retain copies of all information submitted. The documents you submit will remain on permanent file with the university; they will not be returned.

Univ. of Kentucky

University of Kentucky - Request for Retroactive Withdrawal
This side to be completed by the student

Name _____   Student Number _____

Local Address _____ City _____ State ___ Zip _____

Phone _____ Email _____ Date _____

Semester and year you wish to withdraw from _____

College and major during the semester under consideration _____

Current college and major (if applicable) _____

Do you wish to appear before the committee in person?[1] ____ yes ____ no

List all courses for the semester under consideration[2] (include course prefix, number, title, instructor name and telephone number)

Student Checklist

___ I have included a detailed personal statement explaining my rationale for this request that
1. Explains a serious injury or illness, or serious personal/family problems, or serious financial difficulties, or a permanent disability verified by the Disability Resource Center and diagnosed **after** the semester in question.
2. Explains why you were unable to withdraw during the semester in question.

___ I have attached documentation to support my rationale for this request
(petitions without documentation will not be considered)

___ I have consulted with my Academic Dean and completed the necessary procedures for my college to evaluate my case and make a preliminary ruling (your Dean will complete the other side of this form)

---

[1] "The student shall have the right to appear in person before the Committee to present his or her request and shall have the right to be represented by an attorney or other designated individual" (University Senate Rules 4.1.8.3 transmittal November 28, 1997). The committee will contact you if you elect to appear in person.
[2] "Typically, a student may withdraw for a given semester only if the withdrawal is from **all** classes" (University Senate Rules 5.1.8.3 transmittal November 28, 1997).

University of Kentucky - Request for Retroactive Withdrawal
*This side to be completed by the Dean of the college where
the student was enrolled during the semester in question*

Name (of Dean reviewing the case): _____

Address _____ Speed Sort _____ Phone _____

College _____ Email _____ Date _____

Checklist of procedures for the Dean in the retroactive withdrawal process

1. The Dean consults with the student and informs him/her of required procedures to facilitate the particular college's review process (i.e. documentation requirements, whether instructor feedback is required, etc.)
2. Upon receipt of necessary documents from the student, the Dean reviews the case and makes a preliminary recommendation to support or not support the student's request. This recommendation should be in the form of a detailed letter to the committee outlining the college's position for the particular case in question.
3. The Dean shall provide the committee with an unofficial copy of the student's transcript(s).
4. All materials shall be forwarded (even in cases where the Dean does not support the request) to the Faculty Senate Office in a timely manner after the Dean has made the recommendation.
5. The Senate Retroactive Withdrawal Appeals Committee will review the case and render its decision (usually within 30 days). The Dean's office will be notified of the decision and, in turn, the Dean notifies the student and instructors (if applicable).

___ I support the student's request for retroactive withdrawal.

___ I do not support the student's request for retroactive withdrawal.

_____   _____
Dean's Signature   Date

College *of* Fine &*Applied* Arts
UNIVERSITY *of* ILLINOIS *at* URBANA-CHAMPAIGN

UNDERGRADUATE GUIDELINES FOR RETROACTIVE WITHDRAWAL

If students are experiencing academic difficulties for any reason during a semester, they are strongly encouraged to contact the Academic Advisor for their FAA unit and the FAA College Office of Undergraduate Academic Affairs. The College is eager to discuss the alternatives available to address student problems. Action during the semester is much preferred to waiting until after the semester ends and grades have been submitted.

If a student was not able to address the academic problems during the semester as a result of health, emotional, or psychological problems, a retroactive withdrawal is an option, which may be requested by the student. To receive a retroactive withdrawal, the student must provide documentation from a health care provider verifying that the student has experienced a hardship, which would warrant such an extraordinary action. If the College approves the withdrawal, the student will be withdrawn from all courses taken that semester with "W"'s remaining on the student's record. The "W" would indicate a late withdrawal, but would not affect the student's GPA. A partial retroactive withdrawal from selected classes with lower grades while maintaining classes with higher grades is not an option in FAA.

The college office does not require extensive details regarding a health problem. The health care provider must appropriately verify that the student was treated for a problem, which would have prevented the student from completing the semester's academic work. If a student's care provider provides the College with an assurance that the student has experienced a health problem which would not affect academic performance for the next semester, the college will consider a resumption of the student's academic progress the next semester.

When a student has experienced emotional or psychological problems such that the student must request a retroactive mental health based withdrawal, University of Illinois Dean of Students and McKinley Health Care standard practice is to require that the student not continue at the University the next semester. The student would then be required to petition for re-admission. A condition of readmission is that the student must provide permission for an appropriate University representative (which is usually the McKinley Health Center) to communicate with the student's care provider to verify that the student is able to continue in a University program. A letter from the provider to the College office addressing the general re-entry related issues would also be required.

When a student has experienced a medical problem, which has impacted negatively on a prior semester, they are encouraged to seek advising regarding the appropriateness of a retroactive withdrawal. This process would result in the records showing a withdrawal, but the problem grades would no longer impact upon the student's future academic plans.

Revised Jan-05

UNIVERSITY OF CALIFORNIA, BERKELEY   **OFFICE OF THE REGISTRAR**

NOTICE OF WITHDRAWAL
FOR RETROACTIVE (I.E., PRIOR TERM) WITHDRAWALS ONLY

COMPLETE IN BLUE OR BLACK INK -- INSTRUCTIONS & INFORMATION ON REVERSE

TERM: ☐ Fall   ☐ Spring   Semester 20____

SID No.: _____U G

Name: _____
           last   *first*   *middle*

Local Address: _____
                  no. & street   *city*   *state*   *zip*

Permanent Address: _____
                     no. & street   *city*   *state*   *zip*

Telephone No.: Local (_____)_____   Permanent (_____)_____

E-Mail Address: _____

Birthdate: _____   First enrolled at Berkeley: _____
                                                                    term/year

College, School, or Division: _____   Major/Curriculum: _____

Reason for withdrawal: ☐ Personal   ☐ Medical (this must be approved by UHS)   ☐ Other

Explanation: _____

Are you planning to resume studies at Berkeley?   ☐ No   ☐ Yes   If yes, when?   ☐ Fall   ☐ Spring Semester 20_____

GRADUATE STUDENTS ONLY: Do you receive financial assistance from the University or any governmental agency? ☐ No ☐ Yes   If yes, specify: _____ Are you the beneficiary of a loan fund or a holder of any fellowship or scholarship? ☐ No ☐ Yes   If yes, name of sponsoring agency: _____

REQUIRED SIGNATURES (SEE REVERSE TO DETERMINE SIGNATURES YOU NEED.)

Student: _____

Graduate Dean or Dean's Representative: _____   Date: _____

Head Graduate Adviser: _____   Date: _____

Medical Director, Student Health Service: _____   Date: _____

International Student Adviser: _____   Date: _____

Financial Aid Officer: _____   Date: _____

EOP Adviser: _____   Date: _____

Veterans Services: _____   Date: _____

Billing and Payment Services: _____   Date: _____

THIS SPACE RESERVED FOR THE OFFICE OF THE REGISTRAR Eligible for refund: ☐ No ☐ Yes ➜   Percent: ____% Readmit Approval: _____ Date: _____ Fees: ☐ Paid ☐ Offset _____ _____

INSTRUCTIONS

This petition is intended for students requesting a *retroactive* withdrawal. i.e., after the ending date of the term for which withdrawal is requested. Students wishing to withdraw for a term still in progress must contact their college or school dean's office (undergraduates) or their major adviser (graduates); this form should *not* be filed. Students wishing to withdraw for the term following the current term should *cancel* their registration via Tele-BEARS.

UNDERGRADUATES	GRADUATES
SPECIAL NOTE FOR STUDENTS IN THE COLLEGES OF ENGINEERING, ENVIRONMENTAL DESIGN, AND LETTERS & SCIENCE: Retroactive withdrawals may be subject to a semester-out rule on readmission. Exceptions may be made by the deans. REQUIRED SIGNATURE: **Dean or Dean's Representative** - Required of all students. FILING: File this petition at the Office of the Registrar, 120 Sproul Hall.	REQUIRED SIGNATURES - OBTAIN AS FOLLOWS: **Head Graduate Adviser** - Required of all students. (Law students must obtain the signature of the Dean of the Law School.) **Graduate Dean or Dean's Representative** (Graduate Division, 302 Sproul Hall) - Required of all students. FILING: File this form at the Graduate Division, 302 Sproul Hall.

ADDITIONAL SIGNATURES - ALL STUDENTS

Medical Director, Student Health Service (Room 2100, Tang Center) - Required of all students who withdraw due to illness and who wish to request a refund of fees.

International Student Adviser (International House) - Required of all F-1 or J-1 visa holders.

Financial Aid Officer - Required of all students receiving financial aid. Undergraduates in the College of Letters and Science go to 250 Sproul Hall; all other students go to 201 Sproul Hall.

EOP Adviser (Golden Bear Center) - Required of all students under the EOP Program.

Veterans Services (120 Sproul Hall) - Required of all students receiving benefits from the Veterans Administration or the California Department of Veterans Affairs.

Billing and Payment Services (140 University Hall) - An exit interview is required of all students with outstanding loans.

IMPORTANT NOTICE REGARDING FEES

Students withdrawing retroactively are liable for the full amount of fees assessed; no refunds are granted. If you withdraw retroactively and have an unpaid balance on your CARS account, you will continue to receive billing statements until the debt is cleared.

RETURNING TO BERKELEY

If you wish to enroll for a future term, you must file an Application for Readmission by the following dates: Fall Semester, April 15; Spring Semester, August 15. Forms are available at the Office of Undergraduate Admission and at Deans' Offices. (Graduate students must consult the Graduate Division.) Refer to the application for information concerning readmission procedures.

UMBC

AN HONORS UNIVERSITY IN MARYLAND

MEMORANDUM

TO: All Faculty, Staff and Students in The College of Arts & Sciences

FROM: Victor G. Wexler
            Associate Dean
            College of Arts & Sciences

RE: Requests for Retroactive Course Withdrawal or Registration

DATE: August 22, 2003

The Dean's Office in the College of Arts and Sciences will consider requests for late or retroactive withdrawal under the following circumstances:

1. Serious and prolonged illness as certified in writing by a doctor.

2. Written evidence of traumatic events such as serious accidents or death in the immediate family.

3. An error in electronic registration certified by University Computing.

4. Any request for course withdrawal after the deadline requires the written approval of the instructor even if the student never attended the class.

5. Any request for late or retroactive registration must be approved in writing by the instructor.

6. All requests must be made to the Dean in writing after the appropriate documentation is obtained.

University Senate
TRANSMITTAL FORM

Senate Document #:	12-13-07
Title:	Implementation of the Policy on Smoking at USM Institutions
Presenter:	Marcy Marinelli, Chair, Campus Affairs Committee
Date of SEC Review:	February 1, 2013
Date of Senate Review:	February 14, 2013
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	In June 2012, the Board of Regents (BOR) instituted a policy requiring smoke-free environments at each institution throughout the University System of Maryland (USM). Each institution must implement this policy prior to June 30, 2013. The Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) with reviewing the USM policy on smoking and making recommendations on a related campus policy and an implementation process for the University of Maryland.
Relevant Policy # & URL:	USM Policy VI-8.10 "Policy on Smoking at USM Institutions." http://www.president.umd.edu/policies/vi810.html
Recommendation:	The CAC recommends that the attached policy entitled, "VI – 8.10 (A) Policy on Smoking at University of Maryland" be adopted as official University of Maryland policy and be added to the Consolidated USM and UMD Policies and Procedures Manual. In addition, the CAC presents thirteen recommendations on the implementation of the policy for Senate consideration. These recommendations are organized under the following categories: Communication; Policy Management, Assessment, and Evaluation; Enforcement; Prevention, Education, and Treatment; and Reporting Responsibilities.

Committee Work:	The CAC began reviewing the charge and the USM policy at its meeting on September 6, 2012. The committee devoted six meetings to consideration of the charge.
	In order to organize its research and discussion over the course of the semester, the CAC formed a number of subgroups focused on different aspects of the policy and its implementation. The subgroups were charged with studying peer institutions, creating and disseminating a survey, researching prevention, education, and treatment resources on campus, exploring models of enforcement at institutions with smoke-free policies, considering the management, assessment, and evaluation of the policy, and considering communications strategies related to the new smoke-free policy. These subgroups performed research and made recommendations to the full committee.
	Over the course of its work, the CAC reached out to various units and groups on campus to better understand how the new policy would affect the community and its operations. The CAC spoke with representatives from the University Health Center, Resident Life, Residential Facilities, the Department of Intercollegiate Athletics, University Human Resources, and the Office of Legal Affairs, and also asked for feedback from the Senate Staff Affairs Committee.
	After much review and discussion, the Campus Affairs Committee voted to approve the recommendations and send them forward for consideration at its meetings on December 13, 2012 and January 24, 2013.
Alternatives:	The Senate could reject the proposed policy and the recommendations for implementing a policy tailored to the University of Maryland campus. The USM policy would remain as the official policy for the campus.
Risks:	There are no associated risks.
Financial Implications:	Financial resources may be needed to carry out some of the recommendations for implementation, particularly those affecting the University Health Center and its services.
Further Approvals Required:	Senate approval, Presidential approval.

Senate Campus Affairs Committee

Senate Document # 12-13-07

Implementation of the Policy on Smoking at USM Institutions

January 2013

BACKGROUND

In June 2012, the Board of Regents (BOR) of the University System of Maryland (USM) instituted a policy that requires smoke-free environments at each institution throughout the system (Appendix 4). Each institution is required to implement this policy prior to June 30, 2013. The University of Maryland (UM) Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) with reviewing the USM policy on smoking and making recommendations on a related campus policy and an implementation process for UM (Appendix 5).

CURRENT PRACTICE

The University Senate has previously considered whether to ban smoking on campus, and has received a number of proposals related to smoking policies over the past few years. In 2009-2010, the CAC was charged with reviewing a proposal to ban smoking from campus and chose not to recommend the adoption of a smoke-free campus policy. The CAC did, however, make administrative recommendations regarding the existing smoking policies on campus. In response, the Division of Administration and Finance (then known as the Division of Administrative Affairs) proposed that the campus smoking policy be amended to adjust the distance from buildings in which smoking is allowed. The CAC reviewed the proposal and recommended its adoption, which was subsequently approved by the Senate and the President in September 2011.

The recently approved USM policy on smoking (Appendix 4) prohibits smoking on all institution grounds and property. As a USM policy, this new initiative takes precedence over the current UM campus policy. However, the new policy allows each campus the latitude to establish limited designated areas in which smoking would be allowed at its discretion.

COMMITTEE WORK

Over the course of five months during the 2012-2013 academic year, the CAC considered its charge regarding the implementation of the policy banning smoking at UM. Throughout its review, the CAC discussed the complexity of implementing a campus-wide ban. The CAC recognizes that smoking is not illegal, and the committee is sensitive to the fact that smoking is an addiction that is difficult to quit. It is also cognizant of the campus climate and the message that the University wants to send about being smoke-free.

From September 2012 to January 2013, the CAC focused on consideration of the smoking policy and its implementation. At its initial meeting, the CAC developed a plan and timeline for studying the issue.

In order to organize its research and discussion over the course of the semester, the CAC formed a number of subgroups focused on different aspects of the policy and its implementation. These subgroups performed research and made recommendations to the full committee.

The Peer Institutions Subgroup was charged with researching policies and practices related to smoking at peer institutions. This group reviewed the experiences of Towson University, Montgomery College, University of Missouri, Ball State, University of North Carolina, Oregon State University, and University of Michigan in their implementation of a smoke-free campus. The CAC discussed experiences at other universities, which sent conflicting messages when they included designated areas for smoking in their smoke-free policy. For example, the University of Michigan designed a policy with designated areas that included smoking pavilions, and specifically changed its policy after its implementation to remove the designated areas on campus, because it felt the existence of smoking pavilions weakened the smoking policy and made it less effective.

The Survey Subgroup was charged with creating a survey to measure campus-wide awareness of the USM policy and attitudes towards a smoke-free campus policy. A survey was created by the subgroup, with the committee's advice, and was sent to a random sample of faculty, staff, and students. The survey was also advertised on the Senate website, Facebook, and Twitter, and promoted at the Great American Smoke-Out event hosted by the University Health Center (UHC).

The smoking ban survey received over 2,900 responses (Appendix 3). Significant findings from the survey include the following:
- Only a small percentage (21.76%) of respondents were familiar with the USM policy;
- More than half (58.09%) of the respondents were in favor of banning smoking on campus;
- 58% of respondents would approve of having designated smoking areas;
- Respondents do not feel comfortable asking others to stop smoking – only 35.28% would feel comfortable doing so; and
- 21.48% of the respondents indicated that they were smokers. Of those who smoke, only 7.74% would be encouraged to quit because of the ban, and only 3.63% indicated they would take advantage of smoking cessation services on campus.

The Prevention, Education, and Treatment Subgroup was charged with researching smoking cessation resources available on campus through the UHC. It reported that services are provided free of cost by the UHC to students, faculty, and staff, and include smoking cessation counseling, nicotine patches, acupuncture, and the other services. These services are provided primarily in English, as well as in Spanish to some extent. The subgroup reported a concern that the UHC may have to impose a fee for these services if the smoking ban results in a great number of campus members seeking services. It noted that additional financial support for the UHC for increased staffing may be needed to continue to provide these services.

An Enforcement Subgroup focused on enforcement of the policy and explored models at peer institutions, while considering what scenarios may be appropriate for use at UM. It reported on the policies at University of Michigan, Frostburg State University, and Towson University, and found differing levels of enforcement at each institution, ranging from emphasis on a climate of respect and wellness to more severe enforcement methods involving fines and infractions as part of the staff performance, review, and development (PRD) process. The CAC discussed UM's campus climate and agreed that a policy focused on respect and wellness, rather than punitive actions, would be a better fit. The CAC agreed that communication, education, social norming, and a strong focus on the health benefits of a smoke-free environment would be better suited to the University than strict enforcement methods. The CAC also agreed that efforts to change the campus culture may prove more effective in aiding enforcement of the policy than punitive measures, and discussed ways to utilize the influence and passion of student groups to affect such change.

The Enforcement Subgroup also led a lengthy discussion on designated smoking areas. It presented the challenges of enforcing the smoking ban on UM's large, non-contiguous campus. It also noted that it would be difficult to prohibit activity on UM property that is legal on the property surrounding campus. The CAC discussed whether designated areas would weaken the policy and noted that the USM policy intentionally provides the option of designated areas.

The Policy Management, Assessment, and Evaluation Subgroup was charged with reviewing the exact specifications of the BOR policy and reporting on what a campus policy might entail. This subgroup presented its finding that it would be difficult to enforce designated smoking areas, and advocated that the committee recommend following the BOR's intent to create a smoke-free campus. It cited the University of Michigan's experience, where smoking pavilions were initially created in designated areas and then eliminated. Michigan's continued requests for additional pavilions eventually made them realize the smoke-free policy seemed to be moving in the opposite direction of its original intent. The subgroup recognized the difficulties in changing the culture on campus, and recommended that the first year of implementation should focus on education and communication tailored to each campus constituency to explain that UM is now a smoke-free campus.

The CAC discussed communications strategies at length and noted how important communication will be to implementation of the policy. Committee members agreed that communications should have a supportive and positive tone, and that they should be put in the context of a "smoke-free environment," while being sensitive to the challenges that smokers will face. The CAC discussed a phased-in communications campaign to start immediately, which would focus on awareness of the new policy and campus resources, involvement of the campus community, and implementation of the policy. A marketing campaign, similar to the "Nothing is Slower than a Sick Turtle" or the sustainability awareness campaigns, was discussed.

In the course of its work, the CAC reached out to various units and groups on campus to better understand how the new policy would affect the community and its operations. The committee spoke with representatives from the University Health Center, Resident Life, Residential Facilities, and the Department of Intercollegiate Athletics, to make them aware of the smoking ban and learn how this might affect their operations. The CAC met with representatives of University Human Resources (UHR) on their perspective on the new USM policy. UHR had concerns about how it might affect faculty and staff differently, in terms of enforcement and possible disciplinary action. For instance, staff members have limited breaks in their schedule, and requiring them to leave campus to smoke may place more of a burden on staff than on faculty or students who smoke.

The CAC also reviewed feedback that it received from the Senate Staff Affairs Committee about the smoking ban and its potential impact on staff members. The Staff Affairs Committee noted that there has been little communication about the impending smoking ban, and committee members felt that more should be done to inform the campus community of the upcoming changes. Members of the committee also agreed with the idea of a progressive system of implementation that focuses on communication and education first.

In addition, the CAC consulted with the Office of Legal Affairs on the text of a draft policy on smoking at UM (Appendix 2).

RECOMMENDATIONS

At its meetings on December 13th, 2012 and January 24th, 2013, the Campus Affairs Committee voted in favor of recommendations on the implementation of the smoke-free campus policy.

The Campus Affairs Committee recommends that the attached policy (Appendix 2) entitled "VI – 8.10 (A) Policy on Smoking at University of Maryland" be adopted as official University of Maryland policy and be added to the Consolidated USM and UMD Policies and Procedures Manual. In addition, the CAC presents the following recommendations on the implementation of the policy for Senate consideration.

Communication

- The Campus Affairs Committee recommends that the Division of Administration and Finance and University Relations lead the development and dissemination of an appropriate communication and signage strategy for the campus, beginning with awareness communication to start immediately. A smoke-free campus identity campaign should be promulgated throughout campus, and adequate and appropriate signage should be located at all entrances to campus, as well as at major public thoroughfares and spaces, and in campus buildings.

- The Campus Affairs Committee recommends that the smoke-free policy be continually communicated to the University community in a simple, positive, and respectful manner throughout each phase of implementation.

- The Campus Affairs Committee recommends that the smoke-free policy be adequately communicated to external constituents, including but not limited to, applicants for admission and employment, contractors, visitors to campus, and vendors.

Policy Specifications, Management, and Evaluation

- The Campus Affairs Committee recommends that all University of Maryland property be smoke-free. Any limited and specific designated areas in which smoking may be permitted would be subject to the designation of the President.

- The Campus Affairs Committee recommends that the new smoking policy be administered by the Division of Administration and Finance, with appropriate involvement of relevant groups on campus, including University Relations, the University Health Center, the Division of Student Affairs and other appropriate units as designated by the President. The committee recommends that the Division of Administration and Finance have responsibility to oversee implementation and manage enforcement of the policy, and recommends that it involve faculty, staff, and students in its processes when appropriate.

- The Campus Affairs Committee recommends that the Division of Administration and Finance develop a centralized reporting mechanism for concerns regarding the policy from the campus community.

- The Campus Affairs Committee recommends that the University conduct periodic evaluations of effectiveness of the policy during the first five years of its implementation. The data collected could include measurements of the utilization of health and educational services, and annual surveys of random faculty, staff, and students, among other sources.

Enforcement

- The Campus Affairs Committee recommends that enforcement and administration of the smoking policy focus on respect and wellness as opposed to discipline and punitive measures by utilizing a progressive enforcement program whereupon we seek voluntary compliance before any strict sanctions. Such a program should focus on warnings and persuasion first; referrals to resources

second; and punitive measures as a last resort in situations of blatant or repeated violation of the policy. The committee recommends that any punitive enforcement be delayed during the initial year of the policy to allow the University to first focus on communication and preparation.

- The Campus Affairs Committee recommends that the Division of Administration and Finance (or other appropriate units as designated by the President) work with University Human Resources and the University Health Center to develop resources for faculty, staff, and students that empower them to assist in achieving campus compliance with the smoke-free policy through peer interaction.

Prevention, Education, and Treatment

- The Campus Affairs Committee recommends that the University Health Center continue to be designated as a centralized resource for information regarding both on-campus and off-campus smoking cessation resources and peer education programs for faculty, staff, and students.

- The Campus Affairs Committee recommends that prevention, education, and treatment strategies be equally geared towards all constituencies and that steps be taken to ensure that faculty, staff, and students all have access to the services provided. One way to accomplish this goal would be to effectively promote services to faculty, staff, and students through concerted communication efforts.

- Campus Affairs Committee recommends that sufficient resources be allocated to the University Health Center to support smoking cessation efforts for faculty, staff, and students, and that the current smoking cessation services offered by the University Health Center be expanded, where appropriate.

Reporting Responsibilities

- The Campus Affairs Committee recommends that the Division of Administration and Finance (and other appropriate units as designated by the President) provide status reports to the University Senate on the progress and outcomes of implementation as well as on campus compliance with the policy each year for the first five years of the smoking policy.

APPENDICES

Appendix 1 – Suggestions for Implementation

Appendix 2 – Proposed Policy on Smoking at University Of Maryland (VI – 8.10(A))

Appendix 3 – Campus Affairs Committee Smoking Ban Survey – Abbreviated Results

Appendix 4 – University System of Maryland (USM) Policy VI – 8.10 Policy on Smoking at USM Institutions

Appendix 5 – Senate Executive Committee Charge on Implementation of the Policy on Smoking at USM Institutions

SUGGESTIONS FOR IMPLEMENTATION

The Campus Affairs Committee discussed implementation scenarios and options in depth from September 2012 through January 2013. As a result, the CAC would like to share suggestions for how implementation could proceed, while ultimately encouraging the administration to conduct its implementation efforts however it feels appropriate outside of the recommendations the CAC has previously presented.

Communication
The CAC stresses that communication should be the first priority of implementation of the smoking policy, and it should begin immediately. The CAC has found that most faculty, staff, and students are not familiar with the policy and do not know that the University will be smoke-free by June 30, 2013. There is a great deal of confusion over whether it will in fact be implemented. Understanding this reality, the CAC developed its recommendations regarding communication with the consensus that these are the most critical for implementation of the policy.

In its committee work, the CAC discussed many options for implementation of its communication recommendations. The committee discussed breaking communications strategies into phases, to appropriately focus efforts at specific points before and during implementation. It suggests focusing first on awareness and education about the policy, next on engaging the campus community in discussions about the policy, and then focusing on the actual details of the policy and its implementation.

Immediate communication efforts could start small and grow as appropriate.
- The CAC found the countdown ticker on the UHR webpage, and suggests incorporating a similar effort into other critical websites, such as the UM homepage.
- Websites and promotional materials that reach external constituents, such as applicants for admission and employment and visitors to campus, could incorporate notices about the smoke-free policy.
- Email messages or other communications from the University administration may raise the profile of the policy and greatly assist in spreading awareness across campus.
- Also, common venues that communicate campus news to faculty, staff, and students – such as *Between the Columns*, *Faculty Voice*, and *The Diamondback*, -- could be utilized as well.
- Physical signage campaigns take a great deal of time, so the CAC suggests that other strategies be utilized for quicker dissemination of information while physical signage is created. The committee suggests maximizing use of social media messaging, FYI advertisements, email messages, website announcements, and other digital methods as appropriate.

In discussing the content of communications, the CAC stresses a focus on positive language and the phrase "smoke-free environment" can be more effective than messages that single out those who smoke or focus on negative language, such as "smoking strictly prohibited." Using such language is also one way of shaping the context for the policy and building a campus identity that could lead to a genuine acceptance of the policy. As an example of a simple, positive, and respectful messaging campaign, the CAC discussed the "Nothing Slower Than a Sick Turtle" flu prevention campaign and suggests development of a similar messaging tool that can be placed on windows, doors, or elsewhere throughout campus to serve as a positive daily reminder of the smoke-free policy.

Policy Specifications, Management, and Evaluation

The CAC believes that the leadership of the Division of Administration and Finance (DAF) in administering the policy will help provide centralization for the efforts associated with the smoking policy and significantly impact its success. The committee feels that many of the critical aspects of the policy will involve different departments in DAF – from UHR to Facilities Management to Finance and Community Engagement – and that it warrants the oversight of the Vice President for Administration and Finance (VPAF).

However, the CAC would not suggest that the DAF work alone in its efforts and offers the following suggestions for implementation process:
- The CAC suggests that the DAF work closely with other groups across campus as necessary to implement and enforce the policy.
  - o Other universities have found it helpful to form smoke-free environment implementation committees or work groups with all of the relevant departments represented. Such a committee could be useful in:
    - Carrying out implementation details,
    - Tracking the progress of implementation across campus, and
    - Making decisions as new developments unfold.
- The DAF should engage with faculty, staff, and students whenever possible as it makes decisions about implementation and policy assessment. The DAF could:
  - o Conduct surveys where the campus or specific constituencies are asked to rate their preferences on different implementation options;
  - o Invite representatives of different constituencies to meetings; or
  - o Hold specific meetings or open forums with each constituency.

The CAC stresses the importance of continual evaluation of the smoking policy. By evaluating the effectiveness of the policy on an annual basis, the University will have an opportunity to identify pieces that are not working and adjust its procedures over time. The CAC suggests that evaluations:
- Examine the violations of the policy, including violations resulting in "formal" action (such as referral to smoking cessation resources or further measures) and the trend of violations over the years;
- Attempt to illustrate the extent to which smoking remains a problem on campus over time; and
- Seek to determine whether the campus culture is changing to incorporate a smoke-free identity.

Enforcement

The CAC stresses a policy based on respect and wellness, and feels that, consistent with policies at other campuses, such a policy will be more likely to be respected. However, the committee also understands that further enforcement options should be available for more serious violations of the policy. It recommends a progressive enforcement system, and presents the following suggestions for such a program.

The CAC found that in most peer institutions, implementation of a smoke-free policy is a multi-year process, and the CAC is concerned about the level of understanding of and preparation for the new policy in the UM community. The CAC suggests that any aspects of implementation that involve punitive enforcement measures be delayed initially, and that the University place emphasis on awareness and preparation within the first year of the policy.

The CAC feels that persuasion and peer interaction should be the basis of the first level of enforcement. Peer interaction is a powerful tool, and the CAC regards it as an important enforcement mechanism. While CAC's survey results show that most people would not feel comfortable addressing smokers, the

committee believes that if individuals are given appropriate tools, they will be more likely to address situations they see arising across campus. The CAC suggests that tools and language specifically geared towards faculty, staff, and students be developed to give the campus community constructive ways to address smoking and smokers on campus with the goal of encouraging compliance with the policy.

The CAC also suggests developing a friendly reminder system that can be used by all campus members to encourage adherence to the smoking policy. Similar to the previously discussed communications strategies, the CAC suggests creating a simple, positive tool that each person can use to encourage others to adhere to the policy. The CAC discussed the friendly warning tickets used for first-time parking violations as a guide.

The tools developed should be widely shared and the community should be encouraged to use them appropriately. While the CAC is hesitant to suggest involving campus police too heavily in enforcement, the committee considered that the Police Auxiliary might be involved in dissemination of communications and friendly reminders about the policy. Likewise, student groups could be called upon to assist in spreading information about the policy in particular areas where smoking has been reported as a problem. These could be either existing groups that focus on smoking cessation or related activities that wish to be involved, or new groups created specifically for this purpose.

The second and third levels of enforcement would be reserved for repeat instances of violation of the policy. The CAC feels that referring individuals to the resources available to them is a critical step in enforcement of the policy. Referring individuals to the UHC or other resources on campus for smoking cessation, stress relief, or other assistance should be prioritized. In situations of blatant or repeated violations of the policy, additional intervention may be necessary and disciplinary measures can be considered. However, the CAC strongly rejects the idea that smoking should enter into any PRD discussions for faculty or staff.

Prevention, Education, and Treatment

During its review of the smoking policy, the CAC found that the UHC already has programs in place to provide resources and information about smoking cessation opportunities, and the CAC recommends that it continue to do so. The CAC was very pleased to hear that their services are open to all campus constituencies, and was also pleased to learn that some of the services are currently provided with Spanish translations. The CAC offers the following suggestions for enhancing the services already offered in the wake of the new smoking policy.
- The committee recommends that the UHC be given the resources it needs to appropriately fulfill their responsibilities under this new policy.
- The CAC feels that an expansion of UHC services may be warranted
    - In its review, the CAC found that some smoking cessation services are not provided due to cost considerations. The CAC suggests considering whether these services would be possible with appropriate additional funding.
    - The committee's survey results included many comments that asked for more options for smoking cessation services. Specifically,
        - Additional smoking cessation workshops and seminars,
        - Campus support groups,
        - Resources on how to adapt smoking habits around new schedules,
        - Extra stress management and reduction services as a component of smoking cessation
    - The committee also received many concerns that staff members feel that they are unable to take advantage of the services available to them. The UHC could consider:

- Providing more Spanish-language services and assessing whether additional languages would be appropriate,
- Tailoring some services more effectively to staff members,
- Offering certain events or resources at different hours to reach those with different schedules,
- Offering more services and resources online, and
- Communicating with supervisors about encouraging staff and faculty who choose to take advantage of these services.
  - o The CAC suggests that peer education on smoking cessation be added to existing Peer Education programs.
- The CAC suggests that UHC evaluate the marketing of its smoking cessation programs and consider how to use the new policy to enhance awareness of its services.
  - o The committee's survey showed that only 49.39% of those who reported that they smoked were familiar with the smoking cessation services offered by the UHC.
  - o The CAC suggests that UHC work with the DAF to combine communication efforts where possible.

Reporting Responsibilities

Due to a short time-frame for implementation, it is unrealistic to expect full implementation and campus acceptance immediately. The CAC anticipates this reality, and will remain interested in the implementation and success of the policy as it progresses. To encourage communication between the representatives for the University's diverse constituencies and the administrators of this policy, the CAC recommends that the DAF report to the SEC once every year for the first five years of implementation of the smoking policy. The committee suggests that these reports contain a brief status update on how the implementation is progressing, what the DAF's internal evaluations of the policy find on its acceptance across campus, and what future steps need to be taken to successfully implement the policy. These updates can also serve as an opportunity for the DAF to ask the Senate for further review of any aspect of the smoking policy if such reviews become necessary.

VI – 8.10(A) POLICY ON SMOKING AT UNIVERSITY OF MARYLAND
(Proposed Policy)

I.   Purpose and Scope
 a. Purpose. This policy establishes standards and requirements to provide a smoke-free environment for all UMD faculty, staff, students, and visitors, in compliance with the Board of Regents Policy on Smoking at USM Institutions (VI – 8.10).
 b. Scope. This policy applies to all UMD students, faculty, staff, contractors and employees of contractors providing services at UMD, agents, guests, and visitors.
 c. The following policy, VI-8.10(A) Policy on Smoking at University of Maryland, replaces any policies or procedures previously established at the University of Maryland that are in conflict with the purpose, applicability, or intent herein.

II.   Definitions
 a. "Institutional Property" means any property owned, leased, or otherwise controlled or operated by UMD, including buildings, other structures and grounds, and vehicles owned or leased by the institution.
 b. "Smoking" means carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes.

III.   Prohibitions on Institution Property
 a. Prohibitions against Smoking
  i. Consistent with Maryland law, smoking is not permitted in any institution building, including academic buildings, residence halls, administrative buildings, other enclosed facilities, or vehicles, except as provided in Section III(a)iii, below.
  ii. Smoking is prohibited on all institution grounds and property, including walkways, parking lots, and recreational and athletic areas, except as provided in Section III(a)iii, below.
  iii. Smoking in and on institution property will be permitted only as follows:
   1. For controlled research, and educational, theatrical, or religious ceremonial purposes, with prior approval of the President or the President's designee;
   2. In limited and specifically designated areas on University property and areas leased to third parties as may from time-to-time be approved by the President; or
   3. Subject to any other exception to this policy recommended by the President and approved by the Chancellor.
 b. Prohibitions against Sale. The sale of tobacco and smoking-related products is prohibited on institution property.

IV.   Smoking Cessation Assistance
 a. Assistance Programs. The University Health Center shall make available smoking cessation assistance to students, faculty and staff, which may include opportunities to participate in smoking cessation seminars, classes, and counseling and the availability of smoking cessation products and materials.
 b. Smoking Cessation Information. The University Health Center shall be designated to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.

V.   Implementation Process
 a. This policy shall be administered by the Division of Administration and Finance.

b. Communication. The University shall provide initial and ongoing information to communicate the requirements of this policy, including:

    i. Dissemination of the key elements of the policy to faculty, staff, students, and others on websites and in appropriate written materials; and

    ii. The placement of exterior and interior notices and signs announcing that smoking is prohibited.

c. Community Outreach. The University will engage in outreach to the community, as appropriate, to facilitate coordination with local government authorities and to assist residents and businesses near the institution in preventing trespass and littering that may result if members of the campus community seek to smoke in nearby off-campus areas.

d. Consequences. The University may establish appropriate procedures and consequences, which may include fines or disciplinary measures, for violations of this policy.

e. Implementation. The provisions of this policy shall be implemented at the University of Maryland no later than June 30, 2013.

APPENDIX 3 - CAMPUS AFFAIRS COMMITTEE SMOKING SURVEY - ABBREVIATED RESULTS

NOTE: A complete record of survey comments is on file in the Senate Office.

Q1. How familiar are you with the University System of Maryland's new policy banning smoking on all campuses?

Count	Percent	
209	7.12%	Extremely familiar
430	14.64%	Very familiar
893	30.41%	Moderately familiar
704	23.97%	Slightly familiar
701	23.87%	Not at all familiar
2937		Respondents

Q2. Are you in favor of banning all smoking on campus?

Count	Percent	
1301	44.30%	A great deal
405	13.79%	Considerably
226	7.69%	Moderately
146	4.97%	Slightly
859	29.25%	Not at all
2937		Respondents

Q3. How will the campus-wide smoking ban make you feel about our campus community?

Count	Percent	
206	7.01%	1 - Doesn't care about my health
177	6.03%	2
633	21.55%	3
620	21.11%	4
1301	44.30%	5 - Cares a lot about my health
2937		Respondents

Q4. Do you favor asking people to leave campus entirely in order to smoke?

Count	Percent	
636	21.65%	Strongly favor
574	19.54%	Favor
422	14.37%	Neither opposed or in favor
436	14.85%	Opposed
845	28.77%	Strongly opposed
24	0.82%	Prefer not to respond
2937		Respondents

Q5. Are you in favor of having designated areas on campus for smoking?

Count	Percent	
1713	58.32%	Yes (where would you want these areas to be?)
979	33.33%	No
245	8.34%	Prefer not to respond
2937		Respondents

Q6. Please indicate your level of agreement with the following statements: - Breathing smoke-free air in my daily environment is important to me

Count	Percent	
1734	59.04%	Strongly agree
568	19.34%	Agree
282	9.60%	Neither agree nor disagree

Q6. Please indicate your level of agreement with the following statements: - Breathing smoke-free air in my daily environment is important to me

Count	Percent	
130	4.43%	Disagree
194	6.61%	Strongly disagree
29	0.99%	Prefer not to respond
2937	Respondents	

Q7. Please indicate your level of agreement with the following statements: - Having smokers leave campus to smoke will lead to lost productivity

Count	Percent	
815	27.75%	Strongly agree
796	27.10%	Agree
603	20.53%	Neither agree nor disagree
370	12.60%	Disagree
306	10.42%	Strongly disagree
47	1.60%	Prefer not to respond
2937	Respondents	

Q8. Please indicate your level of agreement with the following statements: - Having smokers who live on campus leave their residence hall at night to smoke is a safety concern

Count	Percent	
858	29.21%	Strongly agree
914	31.12%	Agree
467	15.90%	Neither agree nor disagree
410	13.96%	Disagree
248	8.44%	Strongly disagree
40	1.36%	Prefer not to respond
2937	Respondents	

Q9. Please indicate your level of agreement with the following statements: - I would feel comfortable telling a smoker that this is a non-smoking campus.

Count	Percent	
498	16.96%	Strongly agree
538	18.32%	Agree
441	15.02%	Neither agree nor disagree
652	22.20%	Disagree
745	25.37%	Strongly disagree
63	2.15%	Prefer not to respond
2937	Respondents	

Q10. Please indicate your level of agreement with the following statements: - No Smoking signs are effective at deterring smoking

Count	Percent	
248	8.44%	Strongly agree
685	23.32%	Agree
621	21.14%	Neither agree nor disagree
714	24.31%	Disagree
629	21.42%	Strongly disagree
40	1.36%	Prefer not to respond
2937	Respondents	

Q11. Do you smoke (cigarettes, cigars, pipe, hookah, marijuana)?

Count	Percent	
620	21.48%	Yes
2267	78.52%	No
2887		Respondents

Q12. How often during the last 30 days have you smoked?

Count	Percent	
181	6.27%	1 - 2 days
81	2.81%	3 - 5 days
50	1.73%	6 - 9 days
73	2.53%	10 - 19 days
77	2.67%	20 - 29 days
181	6.27%	All 30 days
2244	77.73%	I have not smoked in the last 30 days.
2887		Respondents

Q13. Do you smoke on campus?

Count	Percent	
427	14.79%	Yes
2460	85.21%	No
2887		Respondents

Q14. Where on campus do you smoke? (Check all that apply)

Count	Respondent %	Response %	
146	35.35%	15.45%	Outside my residence hall
161	38.98%	17.04%	Outside my office building
133	32.20%	14.07%	Outside the Stamp Student Union
189	45.76%	20.00%	Outside McKeldin and Hornbake Libraries
201	48.67%	21.27%	In the parking lots
115	27.85%	12.17%	Other (please specify)
413			Respondents
945			Responses

Q15. Please indicate your level of agreement with the following statements: - When more restrictive smoking regulations are implemented at UMCP I would transfer to another college or seek employment elsewhere.

Count	Percent	
46	11.14%	Strongly agree
41	9.93%	Agree
90	21.79%	Neither agree nor disagree
92	22.28%	Disagree
107	25.91%	Strongly disagree
37	8.96%	Prefer not to respond
413		Respondents

Q16. Please indicate your level of agreement with the following statements: - Having a no smoking policy on campus would encourage me to quit smoking.

Count	Percent	
16	3.87%	Strongly agree

Q16. Please indicate your level of agreement with the following statements: - Having a no smoking policy on campus would encourage me to quit smoking.

Count	Percent	
16	3.87%	Agree
52	12.59%	Neither agree nor disagree
82	19.85%	Disagree
239	57.87%	Strongly disagree
8	1.94%	Prefer not to respond
413	Respondents	

Q17. Please indicate your level of agreement with the following statements: - I am familiar with the campus smoking cessation services.

Count	Percent	
67	16.22%	Strongly agree
137	33.17%	Agree
63	15.25%	Neither agree nor disagree
58	14.04%	Disagree
72	17.43%	Strongly disagree
16	3.87%	Prefer not to respond
413	Respondents	

Q18. Please indicate your level of agreement with the following statements: - After the smoking ban is implemented, I will take advantage of the campus smoking cessation services.

Count	Percent	
4	0.97%	Strongly agree
11	2.66%	Agree
102	24.70%	Neither agree nor disagree
77	18.64%	Disagree
195	47.22%	Strongly disagree
24	5.81%	Prefer not to respond
413	Respondents	

Q19. What is your age?

Count	Percent	
21	0.74%	17 years old or younger
1128	39.58%	18 - 21 years old
560	19.65%	22 - 26 years old
284	9.96%	27 - 30 years old
246	8.63%	31 - 39 years old
218	7.65%	40 - 49 years old
226	7.93%	50 - 59 years old
128	4.49%	60 - 69 years old
19	0.67%	Over 70 years old
20	0.70%	Prefer not to respond
2850	Respondents	

Q20. What is your classification?

Count	Percent	
1398	49.05%	Undergraduate student
642	22.53%	Graduate student
281	9.86%	Faculty
336	11.79%	Exempt staff

Q20. What is your classification?

Count	Percent	
137	4.81%	Non-exempt staff
32	1.12%	Contingent staff (I or II)
24	0.84%	Other (please specify)
2850	Respondents	

Q21. Are you an international student?

Count	Percent	
145	5.09%	Yes
2705	94.91%	No
2850	Respondents	

Q22. Where do you live?

Count	Percent	
108	3.79%	On campus - North Campus
91	3.19%	On campus - Denton
68	2.39%	On campus - Ellicott
67	2.35%	On campus - Cambridge
170	5.96%	On campus - Commons
145	5.09%	On campus - South Hill
33	1.16%	On campus - Leonardtown
2168	76.07%	Off campus (please specify)
2850	Respondents	

VI – 8.10 POLICY ON SMOKING AT USM INSTITUTIONS

(Approved by the Board of Regents, June 22, 2012)

I.   PURPOSE AND SCOPE

   A. Purpose. The University System of Maryland (USM) seeks to promote a healthy, smoke-free environment for students and employees. In recognition of the health risks of tobacco smoke, this policy establishes standards and requirements to provide a smoke-free environment for all USM faculty, staff, students, and visitors.

   B. Scope. This policy applies to all USM students, faculty, staff, contractors and employees of contractors providing services on USM campuses, agents, guests, and visitors.

II.   DEFINITIONS

   A. "Institution Property" means any property owned, leased, or otherwise controlled or operated by an institution, including buildings, other structures and grounds, and vehicles owned or leased by the institution.

   B. "Smoking" means carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes.

III.   PROHIBITIONS ON INSTITUTION PROPERTY

   A. Prohibitions against Smoking
      1. Consistent with Maryland law, smoking is not permitted in any institution building, including academic buildings, residence halls, administrative buildings, other enclosed facilities, or vehicles, except as provided in Section III(A)3, below.
      2. Smoking is prohibited on all institution grounds and property, including walkways, parking lots, and recreational and athletic areas, except as provided in Section III(A)3, below.
      3. Smoking in and on institution property will be permitted only as follows:
         a. For controlled research, and educational, theatrical, or religious ceremonial purposes, with prior approval of the President or the President's designee;
         b. In limited and specific designated areas on institution grounds, as approved by the President; or
         c. Subject to any other exception to this policy recommended by the President and approved by the Chancellor.

B. Prohibitions against Sale. The sale of tobacco and smoking-related products is prohibited on institution property.

IV.   SMOKING CESSATION ASSISTANCE

A. Assistance Programs.   Each institution may make available smoking cessation assistance to students, faculty and staff, which may include opportunities to participate in smoking cessation seminars, classes, and counseling and the availability of smoking cessation products and materials.

B. Smoking Cessation Information. The President of each institution shall designate an individual or individuals to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.

V.   IMPLEMENTATION PROCESS

A. Communication. Each institution shall provide initial and ongoing information to communicate the requirements of this policy, including:
   1. Dissemination of the key elements of the policy to faculty, staff, students, and others on websites and in appropriate written materials; and
   2. The placement of exterior and interior notices and signs announcing that smoking is prohibited.

B. Community Outreach. Each institution will engage in outreach to the community, as appropriate, to facilitate coordination with local government authorities and to assist residents and businesses near the institution in preventing trespass and littering that may result if members of the campus community seek to smoke in nearby off-campus areas.

C. Consequences. Each institution may establish appropriate consequences, which may include fines or disciplinary measures, for violations of this policy.

D. Implementation. The provisions of this policy shall be implemented at each institution no later than June 30, 2013.

University Senate
CHARGE

Date:	September 5, 2012
To:	Marcia Marinelli Chair, Campus Affairs Committee
From:	Martha Nell Smith Chair, University Senate
Subject:	Implementation of the Policy on Smoking at USM Institutions
Senate Document #:	12-13-07
Deadline:	January 11, 2013

The Senate Executive Committee (SEC) requests that the Campus Affairs Committee review the recently approved University System of Maryland (USM) Policy on Smoking at USM Institutions (VI-8.10) and make recommendations on a related policy and implementation process for our campus.

Specifically, we ask that you:

1. Review the report of the 2010-2011 Campus Affairs Committee regarding the Proposal for a Tobacco-Free Campus (Senate Doc. No. 08-09-15).

2. Review similar policies and implementation strategies at other USM and peer institutions.

3. Consult with representatives from University Human Resources regarding the impact of such a policy on the University's employees,

4. Consult with a representative from the Office of Staff Relations.

5. Consult with a representative of the University Health Center regarding smoking cessation programs, including who will be designated to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.

6. Consult with representatives from the Division of Administrative Affairs regarding potential implementation and enforcement procedures, and effective communication about campus policy.

7. Gather input from various campus constituents, including faculty, staff, and students, regarding the impact of such a policy.

8. Consider the impact of such a policy on external constituents such as visitors, alumni, patrons of University events etc.

9. Develop a campus policy that aligns with the USM Policy on Smoking at USM Institutions.

10. Develop potential implementation procedures for a campus policy.

11. Consult with a representative of the Office of Legal Affairs.

We ask that you submit your report and recommendations to the Senate Office no later than January 11, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.