

March 4, 2009

MEMORANDUM

TO: University Senate Members

FROM: Kenneth G. Holum
Chair of the University Senate

SUBJECT: University Senate Meeting on Thursday, March 12, 2009

The University Senate will meet on Thursday, March 12, 2009. The meeting will convene at **3:15 p.m.**, in **Room 0200, Skinner Hall**. If you are unable to attend, please contact the Senate Office¹ 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://senate.umd.edu/meetings/materials/> and click on the date of the meeting.

Meeting Agenda

1. Call to Order
2. Approval of the February 9, 2009, Senate Minutes (Action)
3. Report of the Chair
4. Report of the Senate Executive Committee
5. Report of a Committee:
 - PCC Proposal to Rename the B.A. in Spanish Language & Literature as the B.A. in Spanish Language, Literatures, and Cultures (Senate Document Number 08-09-17) (Action)
 - PCC Proposal to Change designation of the Meyerhoff Center from "Center" to "Program" (Senate Document Number 08-09-18) (Action)
 - PCC Proposal to Rename the Maryland Cooperative Extension as the University of Maryland Extension (Senate Document Number 08-09-19) (Action)
6. Report of the Post-Tenure Review Taskforce
 - Report of Annual Performance Review for Tenured Faculty Policy
7. Report of a Committee:
 - APAS Committee Report Regarding the Arbitrary & Capricious Grading Policy for Undergraduates (Senate Doc. No.06-07-51) (Action)
8. New Business
9. Adjournment

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

University Senate

February 9, 2009

Members Present

Members present at the meeting: 92

Call to Order

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

Approval of the Minutes

Chair Holum asked for additions or corrections to the minutes of the December 11, 2008 meeting. Hearing none he declared the minutes approved as distributed.

Report of the Chair/ Report of the Senate Executive Committee (SEC)

Chair Holum welcomed everyone.

General Education Task Force

Chair Holum explained that we now have a Chair for the General Education Task Force. Ira Berlin will lead the group of 19 campus representatives. They will begin their work this semester and will continue over the summer to collect preliminary data. They will present their report to the Senate in December 2009 or spring 2010 so that the new requirements can be implemented in the fall of 2010. Holum commended Berlin and his colleagues for taking on such a daunting task serving on this important task force.

Post-Tenure Review Task Force

Adele Berlin, Chair of the task force, has presented a draft of her report to the Senate. It will be discussed later in the meeting, and Senators will be given an opportunity to give feedback.

Committee Update

Chair Holum gave an overview of the current activity on some of the Senate committees. The Student Conduct Committee (SCC) has established a working group chaired by Brad Docherty, Undergraduate Senator in Business and SEC member. They will look at the Good Samaritan Policy and will report to SCC and to Senate by the end of the spring semester. The SCC is also working on formulating strategies to reduce plagiarism. Their report should come to Senate by end of semester.

The Elections, Representation & Governance (ERG) Committee will present a report at today's meeting. The Academic Procedures & Standards (APAS) Committee will give a report on the Arbitrary and Capricious Grading Policy at the next Senate Meeting. The Educational Affairs Committee's report on expanding the services provided by the

University Writing Center is going to the Graduate Council. The Campus Affairs Committee is reviewing a Smoke-Free Campus proposal.

Elections

Montfort explained that the elections for next year's Senators were running smoothly. Staff elections are complete, and every category of staff will be represented. Undergraduates are currently in the candidacy period with over 65 applicants thus far for 23 apportioned seats. Montfort further explained that next year's Senate will have representation from every constituency on campus.

Senate Elections, Representation & Governance (ERG) Committee Amendment to Teaching Faculty Election Policy Senate Doc. No. 08-09-9 (Action)

Sabrina Baron, Chair of the ERG committee was not present at the meeting. Breslow advised that the report could be moved by another Senator. Holum gave an overview of the amendment. He further stated that the SEC requested a slight revision on the text of the amendment in order to remove redundancy. Miller-Hooks, Chair-Elect, Civil & Environmental Engineering, made a motion to present the ERG Committee's report to the Senate and Falvey, Chemistry & Biochemistry seconded the motion. Holum opened the floor to discussion. Hearing none, he called for a vote. The result was 1 opposed, majority yes. The amendment was adopted. Cohen, Physics, made a motion to approve the language change and Levermore, IPST, seconded the motion. Holum opened the floor to discussion. Hearing none, he called for a vote. The result was unanimously in favor of approving the language change.

Special Order of the Day

Open Forum to Discuss and Provide Input on the Draft Report from the Post-Tenure Review Task-Force

Chair Holum gave an overview of the report, and he described the procedure to be used to speak at the forum. He explained that this was just a forum not a vote on the report. He further announced that some of the task force members were present along with the Chair, Adele Berlin, and they would answer questions.. He noted that task force members can speak without an introduction. Holum explained that there would be no formal presentation. He gave a summary of the policy and how it makes use of the existing salary and merit committees as a framework for reviewing faculty performance. Holum invited Berlin to speak about the report. Berlin explained that the report is a draft but is open to input. She explained that she cannot promise that all comments will be included in the final report but will take into account any comments made at the Senate meeting. Holum further explained that the final report would be presented to the Senate at the next meeting.

Holum invited the Senate to comment on the proposed policy.

Senator Auchard, Faculty, College of Arts & Humanities, was concerned about the size of the pieces involved. He is especially concerned that research that takes a long time will be drastically affected (i.e. poems vs. novels or scientific research). He believes we are following a poor business model.

Berlin, Task Force Chair, stated that the aim was to make the review simple and efficient instead of the five year review. She explained that there must be defined measures and each department must work it out for themselves. There is a misunderstanding of how tough the annual reviews would be. They would have the same criteria as the current merit review.

Senator Levermore, Faculty, College of Computers, Mathematical & Physical Sciences, was at Arizona when they implemented their post-tenure review policy and the same issues were raised. He believes that in Arizona the policy addressed critics in the legislature and overall helped the university. However, he believes our policy lacks directive on how the units should implement the policy. They need a clear trail that includes whether the review has to be in writing, signed, etc. Generally, he is supportive but vagueness of procedure is a shortcoming. Each department should say what their general guidelines are and then individual changes can be made. Having things written out will be easier to defend in court.

Scholnick, Task Force Member, stated that Levermore had a legitimate concern, but a lot of this is already in place in the APT criteria process. The department should already assign points or some other system.

Senator Cohen, Faculty, College of Computers, Mathematical & Physical Sciences, has served on salary committee in his unit so is aware of the process. The problem he has is that the policy does not specify how sharp any salary reduction could be. There is no clear number of how much of a reduction is allowed. It would be nice if there could be a restriction on how much the reduction could be so that the system is not abused.

Berlin, Task Force Chair, stated that this issue came up in the task force discussions, but they didn't know what number was appropriate so they decided to leave it out. The committee was perplexed on how to agree on a number or percentage.

Senator Gullickson, Faculty, College of Arts & Humanities, stated that she was troubled by the proposal because it seems as if we do not trust each other and are looking over each other's shoulder. This policy opens the door for all of that. She thinks it is enough to conduct a review every 5 years. The annual review is unnecessary and takes up the time of people actually conducting the reviews. She is unhappy about the proposal and wishes we were not moving in this direction. She believes that the Administration already has enough power to do something about underperforming faculty if they wish, so we do not need to give them more power. She is disturbed about putting part of the decision in the hands of someone outside the department.

Senator Pease, Faculty, College of Behavioral & Social Sciences, read a statement from the Sociology faculty. They stated that they believe the policy as proposed is seriously flawed in numerous ways. It is unworkable for larger departments to have a huge number of such reviews to conduct. This is much more than simply supplementing the annual merit review. They also believe that an annual "post-tenure" review will essentially make the faculty into staff members (without the benefit of union representation) and raise serious questions about to what degree the word "tenure" retains its historical meaning. They feel that the policy is an insult to faculty who have worked hard to make the University what it is today. It is hard for us to imagine the faculty of any university department recommending

reducing the income of one of its colleagues. They strongly believe that the proposed policy should be withdrawn.

Senator Almon, Emeriti, stated that he does not like the sound of this policy. He said that it discourages investment. He gave examples of faculty who took 15 years for their most notable works. If this policy was put in place in the past, we would have lost one of our most distinguished works.

Scholnick, Task Force Member, stated that many units have already built into their salary considerations a range of time in their evaluations. Everyone is focusing only on research and scholarship but that is not the only factor. Those with long turnovers on research might excel in other areas such as teaching. This process acknowledges the accomplishments of faculty not the tail end.

Senator Miller-Hooks, Chair-Elect, College of Engineering, inquired what happens to the money when a reduction in salary is made. She believes there is a conflict of interest there.

Berlin, Task Force Chair, stated that the task force raised the same point and felt that it should stay in the unit, but the task force did not write it into the policy. They understand the implications but it will be such a small amount of money that the conflict of interest should not be a factor.

Senator Newhagen, Faculty, College of Journalism, stated that he was on the Faculty Affairs Committee and Senate when the five year review was implemented. He thinks it is a useful policy but believes that most units are not complying with the current policy. He also stated that his faculty colleagues universally agreed that they were uneasy with the policy in substance and style. He stated that the salary committee process is highly political. He is concerned that this policy will further politicize the process and particularly objects to the idea of a salary reduction.

Senator Gimpel, Faculty, College of Behavioral & Social Sciences, stated that he was taking a middle position on the policy. He stated that they do have faculty who are not productive but also thinks that an annual review is excessive and is probably going to mean that they do not do it at all. It could be better to do review between 1-5 years and should account for the pace of knowledge production in the various fields.

Senator Docherty, Undergraduate, Robert H. Smith School of Business, stated that the policy is not clear on whether faculty have to excel in all three aspects (research, teaching & service) or just one of them.

Falvey, Task Force Member, responded that individual units should set a standard of weights of each of the aspects. Units should also account for short term and long term research.

Berlin, Task Force Chair, cited excerpts from the policy: Paragraph 1: "expectations may vary from unit to unit, faculty to faculty and over the career of an individual faculty member. The committee took this to mean that there is a lot of flexibility for each faculty member. Paragraph 5: "if for 2 consecutive years, overall performance has fallen substantially below reasonable and equitable expectations," so the expectations are more narrowly defined.

Senator A'Hearn, Faculty, College of Computers, Mathematical & Physical Sciences, stated that he had reservations about salary reductions. He would prefer to have colleagues in the unit review and make decision rather than the administrators. It seems as if the issue is with the salary committees in their units not the policy. The ones that can look at the case the best are colleagues. He believes that the benefits outweigh disadvantages.

Senator Klank, Faculty, College of Arts & Humanities, agrees that decisions should go with the unit but is concerned about people deciding who is good or not. In the performing/creative arts, it is nearly impossible to do annual reviews because productions take several years to come to fruition. He has a general problem with the timeline being too restrictive.

Berlin, Task Force Chair, stated that she hears his concerns about showing productivity every year and will look at it; the higher-level review is there so there are not political considerations and for protection to the faculty member;

Senator Moses, Faculty, College of Arts & Humanities, stated that the faculty in her unit have set a standard that all of the faculty must meet and have paid attention to how they work, look at course evaluations and service. Her unit already does it every year, so it appears that everything here is what we currently do until we get to how to handle nonperformers. She asked are we asking outside people to be involved in setting standards for people in our unit and is the only new portion, punitive measures for non-performers.

Berlin, Task Force Chair, responded that they hope all units are already conducting an annual review and that the punitive measures are the only addition to existing practice.

Senator Cadou, Faculty, College of Engineering, stated that their system works well because expectations are made clear. He has concerns that the policy is vague. He believes that if standards are communicated ahead of time there should not be a problem. If people are worried about abuse, then Miller-Hook's suggestion could be an issue. He suggested that we create an escrow account within the department with these funds for special needs.

Senator Siewerdt, Faculty, College of Agricultural & Natural Resources, stated that he was surprised that the only issue everyone seems to have is focused on is punishment not how to re-motivate the underperformers and get them back on track. He believes punishment versus motivation is the real issue and wonders if department chairs are being candid on what it will take to get people back on track.

Scholnick, Task Force Member, stated that the development plan should motivate people and provide opportunities for development.

Senator Zlatic, Undergraduate, Arts and Humanities, believes that the policy is really vague and that there is so much left open and not specific. She thinks it needs more specific wording.

Senator Pease, Faculty, College of Behavioral & Social Sciences stated that if you do the numbers 5% (under-performing) is approximately 100 faculty on campus who would get

reduction. He has an issue with the process of the task force report going to SEC and Senate and everyone voting on it. He thinks this should be a faculty only vote because it is a faculty policy.

Scholnick, Task Force Member, stated it was only about five people total that had the full review in peer institutions.

Senator Levermore, Faculty, College of Computers, Mathematical & Physical Sciences, stated that he applauded the flexibility but the critiques are based on vagueness of the policy. He believes that there must be precise numbers so there is no abuse of the system. There should be a mandate that units be precise. Everything should be in writing, signed, with an arbitration process. He believes that the procedural items have to be cleaned up before we can approve the policy.

Falvey, Task Force Member, stated that the Faculty Affairs committee did send recommendations that each unit set specific standards.

Senator Auchard, Faculty, College of Arts & Humanities, stated that he was concerned that older faculty are not considered for service and should not be faulted for that. He is concerned about how we are treating senior faculty.

Senator Fries-Britt, Faculty, College of Education, inquired, what are we not capturing with the existing policy that does not allow us to address the issue?

Scholnick, Task Force Member, responded that right now the five year review is not being done and does not have to be done. She is concerned that the process is inefficient. Those not carrying their weight cannot be dealt with. This policy suggests alternatives and builds in a system of oversight for the punitive portion.

Senator Fries-Britt, Faculty, College of Education, stated that she assumes that there is already an existing policy to deal with this and hold people accountable. She asked why the current policy couldn't be beefed up. She also stated that this policy feels punitive to those who do perform well.

Senator Rupp, Faculty, College of Education, stated that he is concerned about what message we are sending about reviews. How do we define productivity and each unit should have this timeline clearly identified. It seems as if faculty do not want to be evaluated once they get tenure.

Holum thanked everyone for a productive discussion.

New Business

Senator Johnson, Faculty, College of Engineering stated that recordings of committee meetings should be destroyed.

Chair Holum responded that this policy was reviewed and guidelines were sent to all committee chairs.

Hearing no further business, Senate Chair Holum adjourned the meeting at: 4:55pm.

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

DATE SUBMITTED 10-14-08

PCC LOG NO.

08038

COLLEGE/SCHOOL ARHU/SLLC

DEPARTMENT/PROGRAM SPAP

PROPOSED ACTION (*A separate form for each*) ADD DELETE CHANGE x

DESCRIPTION (*Provide a succinct account of the proposed action. Details should be provided in an attachment. Provide **old** and **new** sample programs for curriculum changes.*)

Change the name of the undergraduate major to BA in Spanish Language, Literatures, and Cultures.
(Current title: B.A. in Spanish Language & Literature)

JUSTIFICATION/REASONS/RESOURCES (*Briefly explain the reason for the proposed action. Identify the source of new resources that may be required. Details should be provided in an attachment.*)

The new title, with addition of the term "cultures," reflects the additional focus put on cultural acquisition at all levels of the degree.

APPROVAL SIGNATURES - Please print name, sign, and date

1. Department Committee Chair Lauretta Coughlin Klee 1-15-09
2. Department Chair Dennis H. Long 1/15/2009
3. College/School PCC Chair T. MOORE RM 1/24/09
4. Dean SB 1/26/09
5. Dean of the Graduate School (if required) _____
6. Chair, Senate PCC _____
7. Chair of Senate _____
8. Vice President for Academic Affairs & Provost _____

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

DIRECTIONS:

- Provide one form with original approval signatures in lines 1 - 4 for **each** proposed action. Keep this form to one page in length.
- Early consultation with the Office of the Associate Provost for Academic Planning & Programs is strongly recommended if there are questions or concerns, particularly with new programs.
- Please submit the signed form to Claudia Rector, Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus.
- Please email the rest of the proposal as an MSWord attachment to pcc-submissions@umd.edu.

DATE SUBMITTED 7/31/08

PCC LOG NO. 08020

COLLEGE/SCHOOL ARHU

DEPARTMENT/PROGRAM JWST

PROPOSED ACTION (*A separate form for each*) ADD DELETE CHANGE X

DESCRIPTION

Change the **name** of the Joseph and Rebecca Meyerhoff **Center** for Jewish Studies to:
Joseph and Rebeca Meyerhoff **Program and Center** for Jewish Studies

JUSTIFICATION/REASONS/RESOURCES

Unit currently functions as a Program:

- Tenure home for two faculty lines
- Houses Undergraduate and Graduate programs
- Seeks to create Israel Studies Institute (separate application)
- Seeks to house Religious Studies minor, and Israel Studies minor (in development)

Change regularizes the status of the "Center" within the USM and MHEC terminology and policy on Centers, Institutes, and Programs.

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APPROVAL SIGNATURES - *Please print name, sign, and date*

1. Department Committee Chair _____
2. Department Chair *Harjine Kapin* Harjine Kapin 9/9/09
3. College/School PCC Chair *MARJORIE VENT* MARJORIE VENT 10/13/08
4. Dean *Elizabeth Lorraine* Elizabeth Lorraine 10/24/08
5. Dean of the Graduate School (if required) _____
6. Chair, Senate PCC _____
7. Chair of Senate _____
8. Vice President for Academic Affairs & Provost _____

Proposal to Change the Name of the Meyerhoff Center to
The Joseph and Rebecca Meyerhoff Program and Center for Jewish Studies

Rationale

For historical reasons, the Joseph and Rebecca Meyerhoff Center for Jewish Studies is anomalously designated. Called a “Center,” it houses academic “Programs” (the Jewish Studies Program, with its BA, undergraduate minor, and MA). Previously, it had not held tenure lines (all its faculty had 100% or 51% appointments in other units). However, for administrative reasons in the College of Arts and Humanities as well as in response to the increasingly Program-like profile that it maintains, the Meyerhoff Center was granted permission to hold two tenure lines. We hope to add a third at the beginning of the 2010 academic year. However, the designation of the Center has never been adjusted.

On the recommendation of the Associate Provost for Academic Planning and Programs, we request that the Center’s designation be changed to:

The Joseph and Rebecca Meyerhoff **Program and Center** for Jewish Studies

Structure of the Center

1. Academic Programs and Institutes

Currently, the Meyerhoff Center houses three MHEC-approved academic programs:

- Bachelor of Arts in Jewish Studies
- Master of Arts in Jewish Studies
- Post-Baccalaureate (Graduate) Certificate in Jewish Studies

The Center also houses two undergraduate Minors, with a third in preparation:

- Jewish Studies (approved)
- Religious Studies (approved)
- Israel Studies (in preparation)

The latter two require--but under the Center’s current designation as a Center, cannot presently receive--designated course rubrics (RELS, ISRL).

The new Joseph B. and Alma Gildenhorn Institute for Israel Studies will be housed within the Meyerhoff Program and Center, which will be the home for its academic programs. (Under our current designation as Center, such an arrangement is not possible.)

2. Core Faculty

a. Faculty with tenure homes in Jewish Studies

Maxine L. Grossman (Associate)
Keila (Rachel) Manekin (Assistant)*
[Kay Professor for Israel Studies, newly created, currently unoccupied]

b. Faculty with joint appointments

Adele Berlin (Full, 51% English)
Sheila Jelen (Associate, 51% English)
Hayim Lapin (Full, 51% History)

c. Faculty with 100% appointments in other units

Bernard D. Cooperman (Associate, History)
Nili Levi (Instructor, Languages, with job security)
Charles P. Manekin (Full, Philosophy)
Marsha L. Rozenblit (Full, History)
Eric Zakim (Associate, Languages)

d. Faculty members with 100% appointments in other units will be given a 0% appointment in Jewish Studies. Under current Senate rules such members are entitled to vote in the unit. Any problems (for APT and other matters) that may be caused by the two current appointments will be addressed by the University policy for joint appointments.

e. Faculty with appropriate research interests may wish to be considered Core Faculty of the Program. This will require the approval of the tenure-home department and of the Dean of the appropriate college. Upon such approval, Jewish Studies will provide a 0% appointment for such faculty. The normal rules for joint appointments in APT votes and other matters will apply.

3. Status as Meyerhoff Center Faculty

Most faculty assignments to the Center currently operate on the basis of a 1993 memo by then-President William Kirwan that designated a number of occupied lines as Jewish Studies lines. At the time of the Center's last unit review, the status of these lines as Jewish Studies lines was affirmed by the Dean of Arts and Humanities (attachment). These lines are:

- The half lines associated with named professorships, currently occupied by Berlin, Cooperman, and Rozenblit. (Balance of appointment is funded from designated endowments in the Common Trust: Robert H. Smith, Louis Kaplan, and Harvey M. Meyerhoff funds respectively.)
- Three full-time faculty lines then in the Department of Hebrew and East Asian

* Created for FY 2008 as a spousal hire. Cost-sharing basis includes Kaplan fund, College of Arts and Humanities, Provost, and Department of Philosophy.

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(now in Asian and Eastern European in the School of Languages, Literatures and Cultures), currently occupied by Lapin, C. Manekin, and Zakim (two of which are no longer in the SLLC).

- The instructional line in the Department of Hebrew and East Asian (now SLLC) then and still occupied by Nili Levi.

Since then, the Center has added one additional Jewish Studies line (occupied by Sheila Jelen) of which 51% is currently allocated to English and more recently three lines in Jewish Studies proper (Grossman, K. Manekin, and the Kay Professorship line). The designation of the line shared with English as a Jewish Studies line was also affirmed in as part of the unit review, with the limitations placed on the permanence of all line allocations in the College, and with special considerations should Jewish Studies petition to move the line from the current departmental (and field) allocation.

4. Operational Resources

The Center's State Budget consists of funding for:

- 4 half-FTE faculty appointments
- A budget line for Hebrew Language instruction
- A budget line for Israel Studies, to be used for the Kay Professorship
- A director's stipend
- One exempt staff FTE
- Small operating and assistantship allocations.

The bulk of the operations of the Center (the balance of 4 faculty FTEs, a non-exempt staff FTE, extensive additional instruction through adjunct faculty in FY09 budgeted as another 4 FTE, conferences and other programs) is supported by a sizable endowment and gifted operating funds.

Appendix A

The Jewish Studies Program at the University of Maryland is an academic unit, one that offers its own degrees including the BA and MA. As of August 23, 2005 it possesses two faculty FTE, Lapin (half), Grossman (full), and Jelen (half). A significant portion of the funding on Berlin's line is from endowment that resides in Jewish Studies. Only Grossman has her tenure home in Jewish Studies, because her degree and disciplinary orientation lies in Jewish Studies. All other faculty in Jewish Studies have their tenure home in whatever disciplinary department is most relevant. As such they are full-time members of Jewish Studies as well as of their disciplinary home unit.

Because of the anomaly presented by joint appointment of virtually the entire program faculty in more than one unit, it is important to be clear as to 'ownership' of these lines. This document defines these lines and the procedure that will be followed in case of a vacancy occurring in any of them.

To begin: all lines in the College of Arts and Humanities require the approval of the Dean before any new search can be made based on any given line.

The President of the University of Maryland, William E. 'Brit' Kirwan guaranteed certain assets as dedicated to Jewish Studies in 1993. These include a secretarial line and an operating budget, together with seven (7) named lines in various departments. These include three named and partly endowed chairs, two in History, and one in English. In addition four (4) were in the then Department of Hebrew and East Asian Languages and Literatures (held by professors Levy, Isaacs, Manekin and Berlin). These latter are now held by Manekin in Philosophy, Levy and Zakim in the School of Languages, Literatures, and Cultures, and Lapin in History and Jewish Studies. These lines are committed to support of Jewish Studies, although there is, as always, leeway in who holds the position, what that person's expertise is, and in what unit they reside.

In addition, the Dean of ARHU has approved lines and funding for two new faculty, Professor Jelen (English and Jewish Studies) and Professor Grossman (Jewish Studies).

The lines noted above are all currently dedicated to Jewish Studies. Should any line become vacant, the relevant units must request permission of the Dean to search to fill those lines. No department, whether Jewish Studies or another disciplinary 'home' department, may unilaterally decide how to reallocate a line and only the Dean may ultimately decide to reallocate. The seven lines noted above as dedicated by President Kirwan to Jewish Studies will remain so dedicated as long as there is a Jewish Studies Program or Department. Lines provided by the Dean will remain as Jewish Studies lines subject only to possible recall by the university or the state of state funds. As with all lines in the college, 20% of state funds revert to the Dean when lines become vacant. Should Jewish Studies wish to move one of these lines to another department, including

THE UNIVERSITY OF MARYLAND, COLLEGE PARK
PROGRAM/CURRICULUM PROPOSAL



DIRECTIONS:

- Provide one form with original approval signatures in lines 1 - 4 for **each** proposed action. Keep this form to one page in length.
- Early consultation with the Office of the Associate Provost for Academic Planning & Programs is strongly recommended if there are questions or concerns, particularly with new programs.
- Please submit the signed form to Claudia Rector, Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus.
- Please email the rest of the proposal as an MSWord attachment to pcc-submissions@umd.edu.

DATE SUBMITTED: July 7, 2008

PCC LOG NO. 07088

COLLEGE: College of Agriculture and Natural Resources

PROGRAM: Maryland Cooperative Extension

PROPOSED ACTION (*A separate form for each*) ADD _____ DELETE _____ CHANGE: X

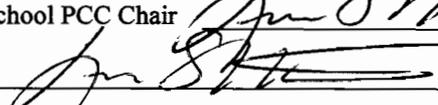
DESCRIPTION (*Provide a succinct account of the proposed action. Details should be provided in an attachment. Provide **old** and **new** sample programs for curriculum changes.*)

The College of Agriculture and Natural Resources is proposing to change the name of Maryland Cooperative Extension (MCE) to University of Maryland Extension (UME).

JUSTIFICATION/REASONS/RESOURCES (*Briefly explain the reason for the proposed action. Identify the source of new resources that may be required. Details should be provided in an attachment.*)

Adding "University of" will ensure that we have a stronger stated linkage with the University of Maryland, which will be a benefit from the university perspective as well as for the general public. There is strong name recognition with the University of Maryland, and this addition will be of great benefit for building branding and value. In addition, it is recommended that we drop the word "Cooperative" from our name because the general public does not recognize nor understand this term.

APPROVAL SIGNATURES - *Please print name, sign, and date*

1. Department Committee Chair _____
2. Department Chair _____
3. College/School PCC Chair  _____
4. Dean  7.18.08 _____
5. Dean of the Graduate School (if required) _____
6. Chair, Senate PCC _____
7. Chair of Senate _____
8. Vice President for Academic Affairs & Provost _____

ATTACHMENT 1

Rationale and Justification for Program Name Change

The College of Agriculture and Natural Resources is proposing to change the name of Maryland Cooperative Extension (MCE) to University of Maryland Extension (UME). This recommendation is based upon a MCE Marketing Task Force report which was chaired by Theresa Flannery, Former Assistant VP for University of Maryland Marketing and Communication. The Task Force consists of MCE faculty from Academic Departments, Regional Education Centers, County Offices, as well as the University of Maryland Eastern Shore (task force members are noted below).

The MCE Marketing Task Force recommends that we add “University of” to our name. From an organizational marketing standpoint this makes a great deal of sense. Adding “University of” will ensure that we have a stronger stated linkage with the University of Maryland. This will be a benefit from the university perspective as well as for the general public. There is strong name recognition with the University of Maryland, and this addition will be of great benefit for building stronger branding and value. Changing the name to University of Maryland Extension will help increase the program’s overall identity and recognition internally within the University of Maryland system as well as externally with stakeholders and the general public.

In addition, it is recommended that we drop the word “Cooperative” from our name because the general public does not recognize nor understand this term. Over thirty other peer Extension institutions have omitted the word “Cooperative” from their name.

This proposed change is only a name change; it will not cause any changes regarding educational outreach work that is conducted by MCE on behalf of the University of Maryland. This name change will not cause any structural or management changes within the organization.

The proposed name change has been discussed and reviewed by the MCE Faculty and Staff Advisory Committee, the University of Maryland Eastern Shore, and it was presented at the MCE Annual Conference on April 9, 2008 to all faculty and staff.

MCE Marketing Task Force Committee Members

MCE Administration representatives

- a. Mary Ellen Waltemire, West Region Extension Director
- b. Tom Miller, East Region Extension Director
- c. Dick Byrne, Assistant Director and State Program Leader, Family & Consumer Science and 4-H / Youth Development

1890 Extension representatives

- a. Daniel Kuennen, Senior Agent & Director, Rural Development Center, UMES
- b. Tom Rippen, Principal Agent & Extension Specialist, Seafood Technology, UMES

State faculty representatives

- a. Andrew Ristvey, Commercial Horticulture Regional Specialist, Wye Research & Education Center
- b. Erin Peterson, Lecturer & Horse Specialist, Institute for Applied Agriculture
- c. John Lea-Cox, Associate Professor & Extension Specialist, Plant Science & Landscape Architecture

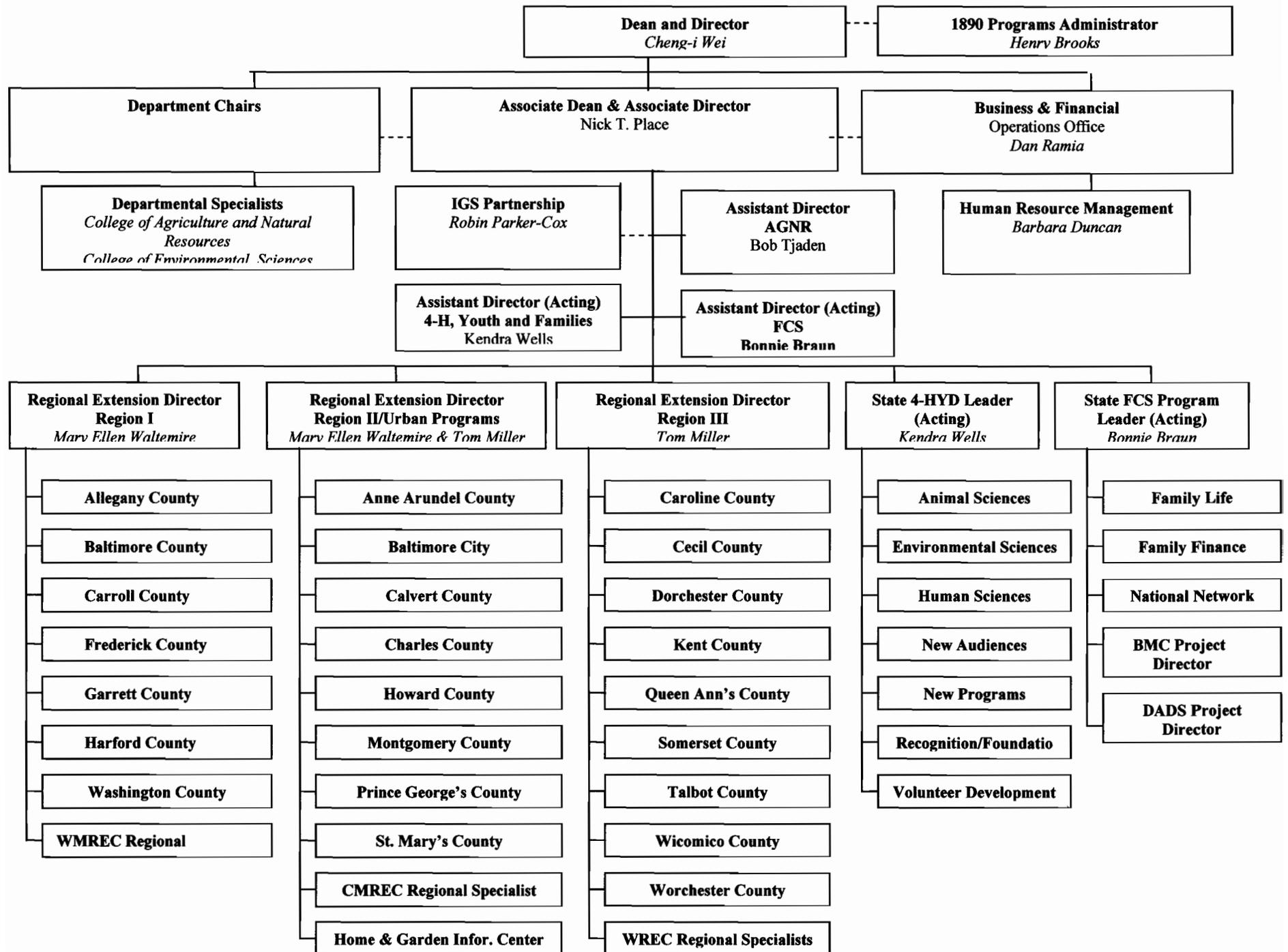
Field faculty representatives

- a. Shannon Dill, County Extension Director and Agriculture & Natural Resource Educator, Talbot County
- b. Jeff Semler, Agriculture & Natural Resource Educator, Washington County
- c. Alganesh Piechocinski, 4-H/Youth Development Educator, Montgomery County
- d. Thelma Lorraine Harley, Family & Consumer Science Educator, Calvert & Charles Counties
- e. Megan O'Neil Haight, Family, Youth & Communities Educator, Worcester County

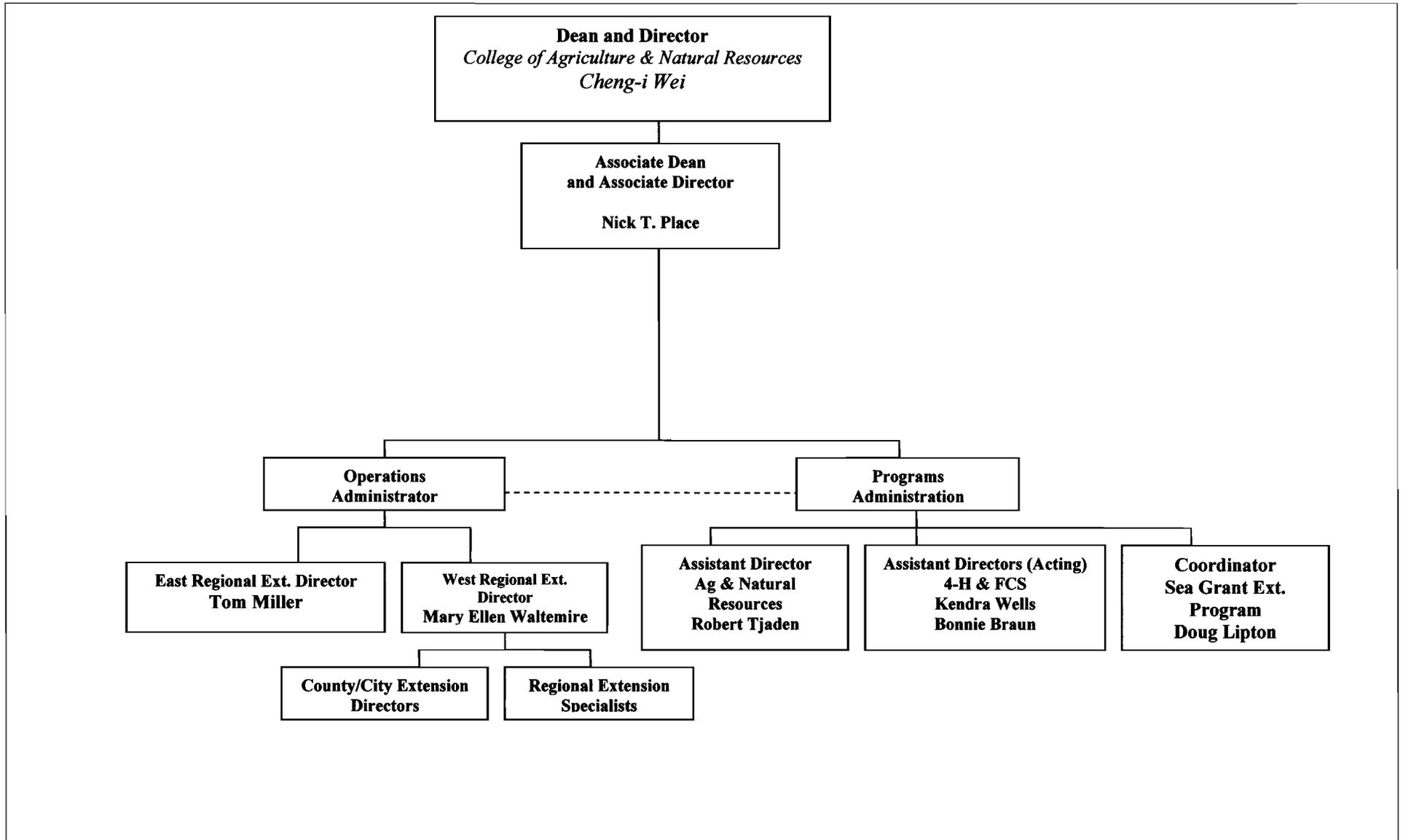
Pam Townsend, AGNR Marketing and Media Services (Co-chair)

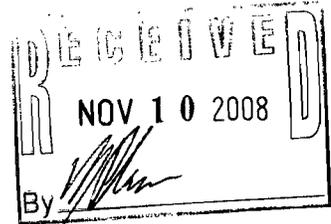
Teresa Flannery, Asst. Vice President, UMD-Marketing and Communications (Chair)

Maryland Cooperative Extension



Maryland Cooperative Extension





SCHOOL *of* AGRICULTURAL AND NATURAL SCIENCES

November 6, 2008

Dr. Nick Place
Associate Professor, Associate Dean & Associate Director
1202 Symons Hall
University of Maryland
College Park, MD 20742

Dear Dr. Place:

I have been in communication with Dr. Henry Brooks concerning the proposed name of the Maryland Cooperative Extension to the University of Maryland Extension. The initial concerns with this change in name has been discussed and resolved. We can see the value and better connection for both land grant universities. Thus, the University of Maryland Eastern Shore supports and endorses this name change.

Sincerely,

A handwritten signature in cursive script that reads "Gladys G. Shelton".

Gladys G. Shelton, Ph.D.
Interim Dean

FAQ's for the Policy on Annual Performance Reviews of Tenured Faculty

1. Why do we need this policy?

In Fall, 2008, a Task Force was appointed jointly by the Senate and the Provost to draft a policy that would implement a section of the Strategic Plan, Goal 3, concerning the University's reward system. Paragraphs C and D of Goal 3 seek to ensure that post-tenure review is carried out systematically and critically; that outstanding accomplishments will be rewarded; and that a fair and equitable mechanism for reducing compensation will be established for use when performance improvement goals that are set following an unsatisfactory post-tenure review are not subsequently met. In his charge to the Task Force, the provost also asked that the policy should lead to an implementation that is efficient, minimizes bureaucracy, and minimizes the time and effort needed to conduct the reviews.

2. What about our current policy on the Periodic Evaluation of Tenured Faculty?

We have a policy on the Periodic Evaluation of Tenured Faculty, requiring each tenured faculty member to be reviewed every five years, but in many departments and colleges it has fallen into disuse (if it was ever implemented). There are two reasons for this: (1) it is costly in terms of faculty time and effort, requiring the preparation of a report by the reviewee and a specially-convened departmental review committee, a burden on small units who have few people to serve on committees and a burden on large units who may have six or seven people to review each year; and (2) the results of the evaluation carry no significant consequences other than a discussion between the reviewee and the unit head, with a provision for drafting a development plan. Clearly, the current policy is not effective and does not speak to the goals of the Strategic Plan

3. How can an annual review of all tenured faculty be efficient? Isn't it a lot more work than a review every five years?

The proposed policy on Annual Performance Reviews is intended to be easier and more efficient, both for the unit and the reviewee. It seeks to make use of documents, committees, and review mechanisms that are already in operation (or should be), as provided in VII-4.00(A) UNIVERSITY OF MARYLAND POLICY ON MERIT PAY DISTRIBUTION. The Salary Committee may also serve as the Annual Review Committee and review faculty members' annual performance at the same time it is reviewing them for merit increases, thereby accomplishing two objectives through one review process.

Notification of the outcome can be made to each faculty member in the salary letter each year, or, since most faculty members will be at or above expectations, through a boiler-plate letter or check-off list.

4. Who sets the expectations for faculty performance?

Each academic unit must set its own standards and expectations, as they do for promotion and tenure. In most cases, faculty members already have an idea of what is expected of them in terms of scholarship, teaching, and service, and are performing well, but it is important to spell out expectations, and to make sure they are conveyed to all faculty members. The setting of expectations is not meant to be a “bean-counting” activity (expectations should not specify how many hours are to be spent on service or how many pages of research should be published), but it does provide a way to ensure that all faculty members know what is expected of them in the three areas under review, and to encourage continued productivity. It is unfair to judge performance if there are no accepted standards against which to judge it.

5. Why may expectations not be uniform, even within the unit?

Expectations should fit the situation and talents of the faculty member. In most cases, expectations will likely be the same or similar for all, but there are exceptions. For example, a person with significant administrative duties may have reduced expectations in the area of scholarship and teaching; a person on sabbatical may have enhanced expectations in scholarship and reduced expectations in teaching; a person nearing the end of a major grant may be accorded time from other activities to write a new grant proposal; a person who has just completed a major research project would be given an appropriate interval before being expected to produce new research; a person who has recently taught a large and demanding course may be assigned smaller classes or fewer courses; an illness or difficult family situation should be considered when setting the annual expectation of the person so affected. Many of these “expectations” are already current practice in the units, and it is a good idea to include them when the unit’s expectations are compiled.

In setting annual expectations, the unit should take account of its own needs and responsibilities, and the needs and skills of its faculty members. The aim is a productive faculty with each member pulling his/her own weight in the best way possible. Expectations should be equitable but not identical.

6. Does the faculty member have any say in the setting of expectations?

In most cases the setting of expectations will not be controversial, but if a faculty member feels that the expectations for him or her are unrealistic or unfair, or that there are extenuating

circumstances of which the unit head is unaware, the faculty member should speak with the unit head and together they should arrive at an agreed-upon set of expectations for the coming year.

7. What happens in the case of faculty with joint appointments?

As in the case of tenure and promotion, the secondary unit should be encouraged to supply information about expectations and about how well those expectations have been met. Ultimately, the tenure home is responsible for the Annual Performance Review.

8. What does “substantially below reasonable and equitable expectations” mean?

This is not a quantifiable term but it does indicate that performance, as measured against the unit’s agreed-upon standards, is obviously deficient, to a degree that is considered unacceptable if it were to continue. This does not pertain to an “off year” or to, say, below-average teaching evaluations (since there are, by definition, always people below average; although some attempts should be made to improve teaching).

“Substantially below reasonable and equitable expectations” pertains to the faculty member’s overall performance. It means that performance in all three areas is substandard; or, that performance in one area is so low that it is not offset by the performance in other areas.

9. Does the faculty member have any say in the development plan?

The development plan is the responsibility of the unit head, who may consult with the Annual Review Committee. The unit head should be encouraged to involve the faculty member in drafting it.

10. Does a faculty member have any recourse against proposed actions after a second negative Annual Performance Review, and especially after a negative review following a development plan if a salary reduction is recommended?

Decisions and actions resulting from this policy are grievable. See the Policies and Procedures Governing Faculty Grievances.

11. How many faculty members are likely to receive a reduction in salary under this policy? The estimate is no more than one or two faculty members in a given year in the entire university. Faculty members are given a minimum of three years to improve their performance before a reduction in salary could be recommended.

12. Is there a limit on the amount of a salary reduction? What happens to the money that is “saved” from such a reduction in salary?

Because there are likely to be so few cases of salary reduction, the amount is left to the discretion of the dean (or provost) responsible for implementing the recommendation. The amount should take into consideration the current value of the faculty member’s performance and his or her current salary.

The amount “saved” is likely to be so small that it did not seem worthwhile to include its disposal in the policy. One suggestion is that any funds that become available in this way be used to reward exceptional performance of other faculty members.

13. Is this policy a threat to the tenure system or to the tenure of individual faculty members?

No, if anything it offers a protection to the tenure system by ensuring and documenting that tenured faculty perform their duties at or beyond the level expected of them. This will show that very few of us are “dead wood.” In addition, it will also show that faculty can monitor their own performance and do not need outsiders to do so. The setting of performance standards and the review of faculty in terms of those standards should remain in the hands of the faculty.

Nor is this policy meant as a threat of suspension of or the withdrawal of tenure from an individual. Suspension and termination are covered in separate policies, and are triggered for causes other than those covered in this proposed policy. This policy does not contemplate the withdrawal of tenure from any faculty member.

14. Why is the policy not more specific in a number of instances?

The policy is intended to provide general principles and guidelines, not to be a manual of implementation procedures for every situation that may arise. It leaves room for our diverse units to implement the policy in ways compatible with their cultures and accepted modes of operation. This is the nature of policies.

Policy on Annual Performance Reviews of Tenured Faculty

Nearly all tenured faculty members perform their duties in the areas of scholarship, teaching, and service at or above the expected level. Annual Performance Reviews will aid faculty members and university administrators to document this accomplishment. Annual Performance Reviews may also serve to identify faculty performance that is consistently superlative, and to identify faculty members who are experiencing recurrent difficulties in meeting their expectations. This policy seeks to encourage the rewarding of superlative performance, and to promote steps for remedying weaknesses in performance. Finally, this policy provides a mechanism for addressing the very few cases of faculty performance that are severely and persistently below expectations.

This Policy on Annual Performance Reviews of Tenured Faculty replaces the Policy on Periodic Evaluation of Faculty Performance [II-1.20(A)].

1. Faculty members should have a clear understanding of their unit's expectations for them in scholarship, teaching, and service. These expectations may vary from unit to unit, from faculty member to faculty member, and over the career of an individual faculty member. Expectations should take into account the strengths and development needs of the faculty member and the needs of the department and university. The unit head should make sure that faculty members are informed of their expectations, and that the unit provides a setting conducive to meeting them.

Performance standards—the expectations in the areas of teaching, scholarship, and service—should be developed by the faculty and the chair within the unit. The standards should be consistent with university policies and practices. Performance standards should outline, in general terms, the types of activities included in each area, the approximate amount of weight given to each type of activity, and the types of documentation to be used to assess accomplishment in each area. It is recommended that this documentation include generally accepted data from the Faculty Activity Report (FAR), course evaluations by students, and the like.

Normally, faculty members will be expected to perform according to the unit's standards. If exceptions to standard expectations are granted, they should be made explicit in a written memorandum of understanding stating the nature of the exception, signed by the unit head and the faculty member.

2. All tenured faculty are to have an Annual Performance Review to document that they are meeting their unit's expectations of them, as described in the unit's standards of performance or in a faculty member's memorandum of understanding. The review will be conducted within the faculty member's tenure home, by the Annual Review Committee, and should be based on the documentation specified by the unit. Faculty members should be given an opportunity, if they so desire, to submit an explanation or clarification of their activities or contributions to supplement the other documentation.

It is expected that the Annual Performance Review will inform the review for merit pay distribution and in most cases will coincide with it (see University Policy on Merit Pay Distribution [VII-4.00(a)]); the elected Salary Committee would then also serve as the Annual Review Committee. If the academic unit so chooses, it may develop a separate procedure for Annual Performance Reviews, with a separate Annual Review Committee, so long as the separate committee is elected and is representative of the tenured faculty. This separate procedure must be approved by the unit's faculty in accordance with its Plan of Organization. The Annual Performance Review is the single-most important mechanism for assessing faculty performance and its significance goes beyond any financial compensation that may result from it. Therefore, the annual review of all tenured faculty should be conducted whether or not merit increases are available.

A review for promotion in rank may take the place of the Annual Performance Review.

The Annual Review Committee should, in all cases, review the data for the past year. Each unit should determine how many prior years are to be included in the review. One "slow" year should not trigger the conclusion that the faculty member's performance is substantially below expectations. Similarly, weakness in one area under review should not normally indicate that performance is substantially below expectations.

3. The Annual Review Committee gives the results of the reviews to the unit head, who, after noting his or her acceptance or non-acceptance of them, conveys them to individual faculty members. Every faculty member should be informed of the result of his or her Annual Performance Review, and should have an opportunity to respond to it.

4. A tenured faculty member whose performance in two consecutive Annual Performance Reviews has surpassed expectations in all areas by a wide margin, demonstrating extraordinary accomplishment, should be commended to the dean and the provost. The university should recognize and reward such sustained extraordinary faculty accomplishments either through existing awards and honors or through the development of new rewards, honors, privileges, or other forms of recognition.

5. If, in two consecutive Annual Performance Reviews, a faculty member's overall performance has been found by the Annual Review Committee to be substantially below reasonable and equitable expectations, and the unit head accepts this conclusion, the unit head must inform the faculty member of that finding. The notification should specify the deficiencies and propose a one-year development plan outlining goals for improvement, suggesting ways that the improvement may be accomplished, and specifying the benchmarks whereby improvement can be assessed. The development plan, to be signed by the unit head and the faculty member, may serve as a memorandum of understanding of expectations for the coming year.

The academic unit head, and/or a mentor appointed by the unit head in consultation with the faculty member, should work with the faculty member to improve

performance during the time the development plan is in effect. The development plan, any attachments, and evidence of progress towards meeting its goals should be included in the next Annual Performance Review.

6. If, in the Annual Performance Review following the establishment of the development plan, the Annual Review Committee finds that the faculty member's performance remains substantially below the expectations set for that faculty member, and that insufficient progress has been made to achieve the goals of the development plan, and if the unit head accepts this finding, the case will be brought to the attention of the dean (or provost, if the college is non-departmentalized), together with a recommendation for appropriate action proposed by the unit head. The notification to the dean (or provost) should include a report of the findings, specifying the deficiencies in performance. The faculty member will receive a copy of the notification, a report of findings, and the recommendation for appropriate action. The faculty member should be accorded an opportunity to respond, and any response becomes part of the file.

7. Recommendations for appropriate action after two consecutive reviews in which the faculty member is found to be substantially below expectations may include actions such as more intense efforts to remedy weaknesses in performance, re-assignment of the faculty member's duties, or the reduction of privileges (such as travel funds). In determining the recommendations for appropriate action, the unit head should consider the needs and responsibilities of the unit and the potential to ameliorate the faculty member's performance.

8. In a very small number of cases, when prior good-faith efforts to remedy performance have failed, and when other recommendations are deemed inappropriate or not considered likely to produce positive results, the recommendation may be a reduction of a faculty member's base salary, if the faculty member's performance has declined to such an extent as to no longer warrant the base salary that is attached to the position. The salary reduction may be permanent or for such time as the dean (or provost) believes appropriate.

Prior to implementing a salary reduction, in order to obtain an independent opinion that there are sufficient grounds for a salary reduction, the dean (or provost) shall appoint a three-member Special Review Committee composed of tenured faculty at or above the rank of the faculty member and knowledgeable of the faculty member's discipline, but not of the same unit as the person under review. The Special Review Committee shall consider the departmental report and may solicit such other information from the unit and the university as it may consider important. The committee shall also offer the faculty member an opportunity to respond in person and/or in writing to the departmental report and recommendations. The committee shall provide the dean (or provost) its written recommendation concerning a salary reduction, namely, whether and why it agrees or not with the recommendation for salary reduction and for the amount and duration of the reduction. The recommendation of the Special Review Committee is advisory to the dean. The decision of the dean (or provost), along with the recommendation of the Special Review Committee, shall be submitted to the provost (or

president) for approval. If approved, it shall be communicated to the faculty member, together with a copy of the Special Review Committee's recommendation.

MEMORANDUM

To: The Senate Executive Committee

From: Claire Moses, on behalf of the Academic Procedures and Standards Committee of the Senate

Subject: Arbitrary and Capricious Grading Procedures for Undergraduate Students

In December 2007, a proposal to change the university's policy on Arbitrary and Capricious Grading Procedures was sent to the Senate Executive Committee. This document was discussed by the SEC on December 13, 2007 (see minutes, attached). On September 22, 2008, the new APAS committee chair received a memorandum from Ken Holum with instructions to review the proposed changes, keeping in mind specific objections raised by the SEC. The APAS Committee has responded to this request and is prepared to submit a revised policy to the SEC. This memorandum is intended to inform the SEC of our discussions of the September 22, 2008 memorandum, the actions we took as a result of these discussions, and the rationale for our decisions.

1) What were the specific rationales for adding a faculty member from outside the Department and two students to the grievance committee.

The 2008 proposal retains the faculty from outside the Department, but reduces the number of students on the committee to 1, resulting in a committee of 5. We have decided that both changes to the 1990 policy are desirable. In the case of the outside faculty member, our thinking was that this individual lent the committee a higher degree of credibility by reducing the possibility that collegial friendships could sway the grievance committee's final decision. In the case of the addition of 1 student, the APAS committee felt strongly that such a revision was necessary to assure students that this grievance procedure included their voice in the deliberations. The committee noted that university policy in other—but similarly critical—areas include student committee members: on the Senate itself; on the Honor Council; and oftentimes on search and even tenure committees. The example of the Honor Council was arguably the most decisive in our discussion, since decisions that students take on Honor Council deliberations do in fact affect grades. That the university considers students responsible enough for the weighty responsibility of the Honors Council was deemed a significant argument in favor of student representation (now reduced to 1) on a grievance committee.

2-4) What was the rationale for granting the grievance committee...the power to award a passing grade? Should a committee, as opposed to a faculty member, have the power to award a grade? (And: More generally, should students, in a close case, be able to determine a passing grade for another student? Is grading not a faculty responsibility?)

The committee makes this proposal to deal with 2 situations: (1) The committee may determine that the best resolution is to award a student a "pass," and even have the instructor's agreement to that resolution. However, since this involves a change in the grading option for the

course, the instructor on his/her own cannot initiate this change. (2) The instructor may not agree to follow the grievance committee's direction. The first situation is not controversial, since the instructor's agreement to this way of changing the grade was obtained. The second situation is the more controversial.

What happens when a grievance committee determines that an instructor has engaged in arbitrary and capricious grading and directs the instructor to take some form of corrective action—but the instructor refuses to do so? It appears that the 2007 proposal attempted to deal with this by directing the award of a grade of “pass”; as the SEC pointed out, however, this means that someone other than the instructor is changing the student's grade. This is not approved in any university policy of which the APAS committee was aware.

The committee considered this issue in two respects: (1) are there circumstances in which the university would lift the protection it currently provides to all instructors to remain final arbiters of grades? And (2) If so, what procedures should be followed? To date, it appears that the university has deemed instructors' rights to evaluate their students sacrosanct. It is this very question that initiated the original request (from Kathy Beardsley in BSOS to Donna Hamilton to the SEC). Evidently, faculty who were found by a formal grievance procedure to have graded “arbitrarily and capriciously” simply refused the grievance committee's direction to do something to right this wrong. According to the 1990 policy (still the current policy), there was simply nothing that could be done under these circumstances—making of the grievance policy a sham. It is just such cases—the refusal of faculty to follow the grievance committee's direction—that had been brought to the attention of the Dean.

The APAS Committee believes strongly that faculty grading rights should not remain unlimited. Indeed, it is the very purpose of this policy to outline the circumstances under which this right might be restricted and the procedures for so doing. It is important to note that both the 1990 policy and the proposed revised policy describe arbitrary and capricious grading very stringently. Being a “tough grader” is NOT “arbitrary and capricious.” However, using the power to grade as a tool of sexual harassment or criteria based on the race (etc.) of the student are examples of arbitrary and capricious grading. Given the careful delineation of what constitutes improper grading described in this document, the APAS committee urges the SEC (and subsequently the full Senate) to recognize that safeguarding a faculty member's right to evaluate and grade students is not always in keeping with the rights afforded students by other university policies and even by state and national law and to take the necessary steps to protect students in their rights.

Indeed, the greatest portion of the APAS committee's discussion of this topic was spent in consideration of even greater latitude for changing a student's grade—for example, to a different letter grade—but decided against this. Our compromise was to point to the narrow criteria for defining arbitrary and capricious grading; to limit to a “pass” the extent to which a grade could be changed; and to clarify the procedure by which a student determined to be aggrieved could find redress.

In the 2007 document, final authority for implementation is placed on the department chair. In this document, final authority is with the dean of the college, in consultation with the chair. This follows university procedures for placing authority for changes in grades ultimately in the office of the dean.

Miscellaneous changes:

1) Following a statement by Sandy Mack, from the minutes of the SEC's December 13, 2007, meeting: changes assuring formal procedure rights to 2d-semester seniors was added.

2) Clarifications about the "grievance committee," which in some cases in the 2007 document was treated as a standing committee and in other places in the document as an ad hoc committee. In several cases, this led to the substitution of the department's director for undergraduate studies for the chair of the grievance committee.

3) Given that we never had any idea whether formal grievances were numerous or very rare, or whether there were many instances of instructors disregarding the grievance committee's findings (the complaint that was brought to the SEC), we have proposed that a record of all formal grievance proceedings be maintained in the Office of the dean of Undergraduate Studies.

All changes to the 2007 document (except corrections of trivial typos) appear in red.

Arbitrary and Capricious Grading Procedures for Undergraduate Students

General Comments

Jurisdiction over grade grievances lies within academic **units (hereafter departments)**. The University considers grades to be a matter of academic judgment and subject to challenge only on the following three grounds:

1. application of non-academic criteria, such as considerations of race, politics, religion, sexual orientation, sexual identity, disability, or other criteria that do not directly reflect a student's performance as related to course requirements;
2. sexual harassment;
3. improper academic procedures that unfairly affect a student's grade.

Proper academic procedures

1. Proper academic procedures require grading be based solely on the instructor's evaluation of how well a student's performance (project, paper, exam answers, or student participation) addresses a specific requirement. This evaluation can involve elements of recall and analysis of factual information, integration of material and concepts covered (in class, readings, or assignments), and application of material and concepts to new situations. As long as the evaluation is based on the relevance and quality of the answer (project, paper, exam answers, or student participation) to the question asked (assignment given), there is no basis for considering any such evaluations improper.

2. The course work of all students should be judged by the same standards, i.e., equivalent answers or work should get equivalent grades.

3. Instructors should articulate (preferably in writing) the bases on which grades will be assigned for a course. Course assignments and grading standards should not change substantially or unreasonably from the originally articulated basis.

Stage 1: Informal Grievance Procedures

A student who believes his or her final grade in a course is improper and the result of arbitrary and capricious grading must first discuss the issue with the instructor. If the instructor has left the university, is on approved leave, or cannot be reached after a reasonable effort, the student may contact the department's director of undergraduate studies or the department chair who can attempt to mediate the dispute informally.

If the grade grievance is resolved between the student and the instructor and results in a grade change, a change of grade form, signed by the instructor, the chair of the department, and the college dean should be submitted to the registrar's office.

If the student and the instructor are unable to reach agreement on the student's grade for the course, the student may file an appeal. **The department chair or director of undergraduate studies**

shall make available a copy of this policy and advise the student on the elements of a written appeal, but should not determine the outcome of the disagreement between instructor and student. The appeal must be made in writing to the department chair. If the chair is the course instructor, the appeal should be addressed to the dean of the college. Normally, the written appeal must be made within 30 working days (excluding Saturdays and Sundays) after the first day of instruction of the next semester (excluding winter and summer terms).

The department chair (or college dean in those cases where the chair is the instructor), in consultation with the department's director of undergraduate studies, will make a preliminary determination about the grievance, taking into account that a grievance based on the argument that one instructor's grading standards are stricter than another's; or on minor imprecisions in grading, will not be considered appropriate for consideration by a grievance committee.

Stage 2: Formal Grievance Procedures

If the department chair and the director of undergraduate studies believe a grievance should proceed to the formal level, the chair will appoint an ad hoc grievance committee to consider the appeal. This grievance committee will consist of 1) the director of undergraduate studies, who shall be a voting member and chair of the committee; 2) two additional tenured members of the department (not to include the instructor); 3) a tenured member of another department; 4) an undergraduate student. The student member of the committee will be appointed by the department's undergraduate association. If no such association exists, the department chair will appoint the undergraduate student. Normally, the student representative will be a third- or fourth-year major in the department.

In cases where multiple grievances are presented (e.g., more than one student grieving grades from the same course, or one student grieving grades from more than one course), a single grievance committee may review the cases with the student's or students' written consent (email is acceptable). Otherwise, each grievance must be reviewed by a separate grievance committee.

The grievance committee should reach a decision within 20 working days from the time the formal grievance is submitted to the department chair. In exceptional circumstances, the committee's meeting time may be extended for an additional 20 days, but in no case should it extend beyond the end of the semester in which a formal grievance procedure is initiated.

Procedures

The grievance committee will solicit the following information for its first meeting:

1. The student's written appeal;
2. the original work in question, if it exists;
3. a written response from the instructor;
4. a written response by both the student and the instructor to the other's position. If no response is presented, there must be documentation that each person had sufficient

opportunity to submit a rebuttal.

After discussion of the above material, the grievance committee will conduct a fact-finding meeting separately with the student and the instructor. Neither the student nor the instructor shall be accompanied by an advocate or representative. Each may present additional relevant information at the meeting. The meeting will not be open to the public. If either the student or the instructor is away from the university and unable to attend the meeting in person, she or he may participate by videoconferencing. The committee may also meet with the student and the instructor together, if it believes such a meeting would be desirable and useful, but such a joint meeting is not required.

Remedies

The grievance committee will deliberate privately following the fact-finding meeting. If a majority of the committee finds the allegation is supported by clear and convincing evidence, it shall determine an appropriate remedy from among the following options:

1. direct the instructor to grade the student's work anew, in accordance with the committee's findings; or
2. direct the instructor to administer a new final examination or paper for the course.

The grievance committee may also decide on a remedy that can be implemented only by the department chair or dean of the college. In such cases, the instructor's agreement should be sought but is not required. The department chair, or the dean of the college, may also implement one of the following remedies in a case where the instructor refuses to comply with the grievance committee's finding.

- 1) The student is withdrawn from the course (and tuition is reimbursed). This retroactive drop will not include a W on the student's record. The student may elect to take the course again with a different instructor. Or
- 2) The student is withdrawn from the course section of a course. Another section of the course with a designated faculty member (usually the department chair or the director of undergraduate studies) is placed on the semester schedule (retroactively) by request of the dean of the college to the Registrar's Office. The grading option for this new section will be pass/fail. A grade of C is submitted in which a P now shows up on the student's transcript. If the course requires a letter grade for graduation, the registrar shall be directed to accept the course with the passing grade or to allow the substitution of another course for the requirement. If appropriate the committee may also direct that a formal letter be placed in the student's file, explaining the reasons for the awarding of a P/ passing grade, if that has been the resolution.

The grievance committee chair will report its decision in writing, along with any minority view, to the department chair, the student, and the instructor. The discussions and conclusions of the grievance committee should be considered confidential by all members of the committee.

Second-Semester Seniors

Second semester seniors who believe they have been unfairly graded and need a higher grade in a course to graduate are encouraged to pursue the informal procedure immediately. **This recommendation does not remove such students' rights as set out in this document.**

Maintaining Records

The Office of the Dean for Undergraduate Studies shall serve as a repository for records of all formal grievance procedures. This record should include the original formal appeal, the grievance committee report, and a statement by the department chair of the resolution of the grievance committee's finding. The department chair is responsible for transmitting this information to the Office of the Dean of Undergraduate Studies.